

COLONY AND PROTECTORATE OF KENYA.

**Minutes of the Proceedings
of the Legislative Council
of Kenya Colony.**

**(Third Session)
1920.**

Held at Nairobi on the 29th November, 1920 to 29th March, 1921.

**Nairobi,
PRINTED BY THE GOVERNMENT PRINTER,
Kenya Colony.**

Minutes of the Proceedings of the Third Session of the Legislative Council, 1920.

FIRST DAY.

Held at Nairobi on the 29th November, 1920.

The Council assembled on the 29th November, 1920, at 10 a.m., HIS EXCELLENCY THE GOVERNOR (MAJOR-GENERAL SIR EDWARD NORTHEY, K.C.M.G., C.B.), presiding.

Present:—

THE HON. THE ACTING CHIEF SECRETARY (LT.-COL. W. K. NOTLEY, D.S.O.).
THE HON. THE ATTORNEY GENERAL (R. W. LYALL GRANT).
THE HON. THE ACTING TREASURER (H. H. RUSHTON).
THE HON. THE ACTING CHIEF NATIVE COMMISSIONER (LT.-COL. O. F. WATKINS, C.B.E., D.S.O.).
THE HON. THE ACTING PRINCIPAL MEDICAL OFFICER (DR. J. L. GILKS).
THE HON. THE GENERAL MANAGER, UGANDA RAILWAY (S. COUPER).
THE HON. THE COMMISSIONER OF LANDS (H. T. MARTIN).
THE HON. THE DIRECTOR OF AGRICULTURE (A. HOLM).
THE HON. THE DIRECTOR OF PUBLIC WORKS (W. MCGREGOR ROSS).
THE HON. THE CHIEF OF CUSTOMS (F. W. MAJOR, C.M.G., I.S.O.).
THE HON. THE SOLICITOR GENERAL (I. L. O. GOWER).
THE HON. SHEIKH ALI BIN SALIM, C.M.G., C.B.E.).
THE HON. THE CROWN COUNSEL (K. J. MUIR MACKENZIE).
THE HON. THE POSTMASTER GENERAL (J. T. GOSLING).
THE HON. THE DIRECTOR OF EDUCATION (J. R. ORR).
THE HON. SIR NORTHRUP McMILLAN, K.B.
THE HON. LT.-COL. S. H. CHARRINGTON, C.M.G., D.S.O.
THE HON. H. C. KIRK.
THE HON. E. A. PHELPS.
THE HON. K. H. RODWELL.
THE HON. L. COLLINGS WELLS.
THE HON. T. A. WOOD, M.B.E.
THE HON. V. V. PHADKE.

Absent:—

THE HON. R. B. COLE.
THE HON. A. C. HOEY.
THE HON. W. J. MOYNAGH.

Proclamation of Letters Patent passed under the Great Seal of the United Kingdom, constituting the Office of Governor and Commander-in-Chief of the Colony of Kenya and Providing for the Government thereof.

Proclamation of His Majesty the King's Commission appointing MAJOR-GENERAL SIR EDWARD NORTHEY, K.C.M.G., C.B., to be Governor and Commander-in-Chief of the Colony of Kenya.

Administration of Oaths to MAJOR-GENERAL SIR EDWARD NORTHEY, K.C.M.G., C.B., by His Honour the Chief Justice.

OATH OF ALLEGIANCE.

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

ROBERT WILLIAM LYALL GRANT (ATTORNEY GENERAL).
HERBERT HARVEY RUSHTON (ACTING TREASURER).
OSCAR FERRIS WATKINS (ACTING CHIEF NATIVE COMMISSIONER).
JOHN LANGTON GILKS (ACTING PRINCIPAL MEDICAL OFFICER).
WILLIAM MCGREGOR ROSS (DIRECTOR OF PUBLIC WORKS).
FRANCIS WILLIAM MAJOR (CHIEF OF CUSTOMS).

MINUTES OF MEETING.

THE HON. THE ACTING CHIEF SECRETARY moved that the Minutes of the Meeting of the Council held on the 3rd May to the 26th July, 1920, which had been circulated amongst Honourable Members, be taken as read and confirmed.

THE HON. THE GENERAL MANAGER, UGANDA RAILWAY, seconded.

The Question was put and carried.

The President delivered the following address:—

Honourable Members of Legislative Council, it is with a sense of great satisfaction that I take my place as President of this Honourable Council at the first session under the new constitution and as the first Governor and Commander-in-Chief of the Colony of Kenya. The announcement which I had the pleasure of making on my arrival in July has come to fruition by the publication of the Letters Patent passed under the Great Seal of the United Kingdom, constituting the Office of Governor and Commander-in-Chief, and providing for the Government of the Colony. Instructions passed under the Royal Sign Manual and Signet are also published. At the same time the Dominions of His Highness the Sultan of Zanzibar which have hitherto formed part of the East Africa Protectorate are now designated the Kenya Protectorate and provision has been made for the exercise of His Majesty's jurisdiction therein.

BUDGET.

It appears certain that the estimated revenue for the current year will not be obtained and the difficulty of the financial position has in consequence become acute. The Financial Year opened with an estimated excess of Liabilities over Assets of £247,595: the Budget was balanced on the assumption that Railway rates would be increased and the surcharge withdrawn: neither of these proposals has been carried out, owing to opposition from Uganda and the impossibility of increasing rates for Kenya alone to the extent necessary to preserve the revenue without causing a complete dislocation of trade, the Railway rates could not be increased: the Surcharge was retained as the only alternative. The net result is an anticipated deficit of £100,000 on Railway net Revenue. That is the item chiefly responsible for the dislocation of the Budget, but certain other items which I do not consider it necessary to enumerate increase the adverse balance for this financial year to about £180,000. It is therefore necessary to effect drastic economy and to restrict expenditure to the barest essentials. I fear that many of the new schemes which were provided for in the Estimates may have to be curtailed.

Apart from the difficult financial times which we, like the rest of the world, are going through as a result of the five years' war, causing dislocation of trade, instability of exchange, and high cost of living, the Colony has suffered direct financial loss to the extent of some £886,600 spent on the local Campaign, of which about £561,800 was expended in War Bonus. The consequence of this expenditure was that all available balances were exhausted, which accounts largely for the financial straits in which I found the Government when I arrived here at the beginning of last year.

I would remark also that on examining the financial history of the British East Africa Protectorate I find that in the early days of its childhood, the annual grant in Aid from Imperial Funds was done away with before much Capital Expenditure essential to the welfare of the Community had been incurred. Consequently we find ourselves to-day forced to find sums required for Government

Buildings, Offices, Houses for Officials, Tools and Plant, Roads and Bridges, out of Revenue, or out of Loans if we can get it; alternatively we must do without them altogether.

I am still endeavouring to obtain the decision that the War Expenditure, with other charges, and so called Protectorate Share is an unfair charge on Colonial Funds, and should in toto be paid out of Imperial Funds.

It will be a matter for debate in considering the Budget for next year, whether it is desirable to increase Revenue, if we may, by higher Import Duties, or by some other form of taxation. There are objections to higher Import Duties apart from the question of Treaties: the consumer must pay them, and they tend to increase and maintain the already high cost of living.

The Budget next year will be for nine months, from 1st April to 31st December; the Calendar and Financial Year will consequently coincide.

TREATIES.

There is a fair prospect of a modification in the Brussels and Berlin Acts before the commencement of next financial year. I trust that I shall be able to announce later that these Treaties have been altered to remove restrictions in the imposition of Customs Tariffs.

FINANCIAL CONTROL.

Honourable Members will recollect that a resolution was passed on the 12th June last when dealing with the Appropriation Bill in General Committee to the effect "That in the opinion of this Honourable Council, more particularly in view of the recent change in its constitution, expenditure of public funds should not be authorised without the sanction of this Honourable Council, which should, when possible, be previously obtained."

In forwarding this resolution to the Secretary of State I remarked that the opinion was held in this Country that if the Government was committed to expenditure without reference to the Colony, the value of local advice in such matters would be lost and the powers of control over expenditure, which have been vested in the Legislative Council, would be curtailed.

In reply, Lord Milner agreed that it was only by submission of expenditure to the Council for approval prior to the expenditure being incurred that the full benefit of the Council's advice was obtainable, and he signified his concurrence with the principle of the resolution, which is substantially a request that the provisions of Colonial Regulations No. 256 should be observed more literally in future than has sometimes been the case in the past.

At the same time His Lordship observed that there might be, as this Honourable Council would realize, cases which had to be decided on quickly either by the Governor or by the Secretary of State before the Legislative Council could be consulted and in which it was therefore necessary to ask for the approval of the Council after the event. His Lordship anticipates that such cases will neither be numerous nor such as to involve friction between the Executive and the Legislature.

PENSIONS.

On May 6th last, this Honourable Council passed a resolution by 10 Votes to 10 that all payments of sterling pensions to pensioners residing in East Africa should be at the rate of ten rupees to the pound.

This resolution followed the change in currency introduced into Kenya, and the Secretary of State, to whom the resolution was forwarded, agreed gen-

erally with its terms in as far as they affect future cases. The interests of pensioners who were before that date, drawing pension on the basis of Rs. 15/- to the Pound and of Officers who, before the announcement of the changes in the currency, had entered into certain contracts expressed in rupees in the expectation of drawing pension on that basis, are worthy of consideration, and a Motion standing in the name of the Honourable Chief Secretary will be put before Council that such pensions shall continue to be paid on that basis. The pensioners referred to in the second category are more particularly those who before retirement, entered into contracts which had the effect of limiting their choice of future residence, and the privilege of drawing pensions on the basis of 15 Florins to the Pound would, of course, be expressly limited to contracts of that kind. It would follow that the privilege would cease in the event of a pensioner changing his permanent residence, even to another country which uses the rupee or Florin.

I trust that Honourable Members will agree to support the Motion to which I have referred on a reconsideration of the cases of the very limited number of pensioners who are affected.

REUTER'S SERVICES.

In the current financial year Council approved provision for an increase in Reuter's cable services. I believe that this increased service has been appreciated. The service has been kept up to six thousand words per month during the last two months; this arrangement will continue till the end of the year. I shall have to ask the opinion of Council whether it is willing or not to have such a service continued after December 31st. I am not clear whether this continuance would necessitate an increased contribution but I have made inquiries on this point and hope to have details before discussion takes place.

BILLS.

Twenty-one Bills appear in the Order of the Day. Of these the Bill governing the imposition of a tax on income is of prime importance and urgency. I do not propose at this time to discuss the terms or reasons for the various measures which will be brought forward for consideration, but I should like to mention the Bill making provision for securing and maintaining health. The preparation of this Bill has been in contemplation for nearly nine years, and the drafting of a Bill on these lines approached finality early in 1918. It was then made the subject of enquiry by a Special Committee which never reported and in April of this year it was decided that the Bill should be re-drafted. The result of this re-drafting is the Bill which is to be introduced at this Session.

UASIN GISHU RAILWAY.

On July 5th I requested authority from the Secretary of State to proceed with a survey of the Uasin Gishu Railway from Kau Station on the Uganda Railway. A preliminary reconnaissance was carried out during that month and survey work actually commenced on August 1st at Mau Summit. For the first seven miles the alignment lies in easy ground and this section was quickly surveyed. After mile seven the country is more difficult and a traverse of 20 miles was made on an unsuccessful alignment which has now been abandoned. This has delayed progress and at the end of October the amount of field work done represented about fourteen miles of completed work. In addition to this work, some twenty miles of the 1915 survey from Nakuru towards Molo River has been located. More recent reports may

shortly be expected and I will make further announcements on the progress attained from time to time. It appears that with the parties at present working, a period of at least fifteen months must elapse before the survey is complete, and arrangements are therefore being made to reorganize and augment the parties with a view to more rapid progress. Insufficient information is as yet forthcoming to enable a decision to be taken between the Nakuru and Mau routes and until this decision is made I fear that construction cannot commence on any part of the line.

THIKA TRAMWAY EXTENSION.

Reconnaissances have been carried out on the line of the proposed extension of the Thika tramway. As far as Kambicho Falls east of Fort Hall, and a distance of approximately 86 miles from Nairobi, an extension can be effected with a minimum grade of 1½%. This renders a removal of the 3% grades in the present Thika line desirable. Beyond Kambicho extensive survey is required in difficult country and it is proposed to perform this after the completion of the Uasin Gishu Survey. The estimated cost of the extensions, excluding rolling stock, is £476,000 from Thika to Kambicho and £34,000 for improving the existing line between Nairobi and Thika. The line from Punda Milia to Kambicho runs through rather poor country and if it is found impracticable to take the Railway up to the West Kenya Plateau it will probably be better to make Punda Milia the terminal point. The estimated cost would thereby be reduced by £235,000.

An Economic Survey of the area was commenced last June when the Survey Committee toured the country to be traversed by the projected railway as far as Nanyuki; a certain amount of useful information has been collected but comparatively little reliable data is available regarding the actual and potential production and a further visit will have to be made before a final report can be presented.

KILINDINI PORT.

Honourable Members will recollect that in February, 1919, a Commission considered the administration of the Kilindini Port and recommended the appointment of a Port Manager for Kilindini and Mombasa Harbours with full control under the General Manager of the Uganda Railway. The Railway Department were to have power to acquire by purchase the present lighterage and floating plant or to sublet contracts to the lighterage Companies. Cargo brought by Dhows and similar craft would be worked at Mombasa, all other cargo being sent to Kilindini, except that, in exceptional cases, Mombasa might be used as an overflow port for Kilindini. The other recommendations related mainly to securing the most efficient use and the improvement of the facilities existing at the Port.

Criticisms of the scheme were received on the grounds that it interfered with the private lighterage business and it was found that the Companies refused to sell the craft in question. It was therefore necessary either to devise an alternative scheme or to leave the matter *in statu quo*. Negotiations took place during July, August, and September, 1919 between the various Departments concerned and the Shipping Companies and certain proposals were put forward which were submitted to the Chambers of Commerce at Mombasa and Nairobi. The former Chamber commented adversely while the latter were in general agreement subject to certain modifications. Modified proposals on these lines formed the subject of discussion between the Colonial Office, the Shipping Companies and myself when I was in England.

Before I left I received from the Union Castle Mail Steamship Company a memorandum embodying the proposals put forward in September, 1919, with certain amendments made in accordance with the suggestions of the Conference lines.

On arrival in Nairobi I appointed an Advisory Board to consider them. This Board reported on August 12th and I discussed with them their recommendations when I visited Mombasa the following week. Their recommendations were published in the Press on August 21st and I agreed to the provision of appointment of an Advisory Harbour Board on the lines they suggested.

This Board, under the Chairmanship of the Hon. Mr. Major, has done most valuable preliminary work in advising the Government on various important matters connected with the working of the Port. In forwarding the recommendations to the Secretary of State, I urged that His Lordship's decision might be given in time to enable the Harbour Board to commence work on the 1st January next and I am pleased to be able to announce that His Lordship has now signified his concurrence in the suggestion. Steps are now being taken to commence working the Ports on the lines recommended by the Advisory Board and the Secretary of State hopes to secure the services of a Port Manager of experience with practical knowledge and actual training in the work of one of the big home or colonial ports.

KILINDINI HARBOUR.

At the Meeting of this Honourable Council held on July 14th the development of Kilindini Harbour came forward for discussion; a resolution was passed that the deepwater pier scheme proposed by the Government should be proceeded with immediately and that no encouragement should be given to the so-called Mbaraki scheme. Honourable Members will be aware that further discussions of the relative merits of the two schemes took place in Nairobi and Mombasa on the arrival of Sir George Buchanan and several memoranda on the subject have since appeared in the Press. Since the debate on July 14th, I have been advised that the proposals originally put forward by the consulting Engineers for the construction of a solid wall should be reconsidered as being unnecessarily expensive. It has been urged that a ferro-concrete pile wharf for two large ships can be built with cranes and elevators complete for half a million pounds, that this will be sufficiently durable and will answer the same purpose as the solid wall estimated to cost a million pounds. I have represented these suggestions to the Secretary of State, and have requested His Lordship to ask firms to tender, alternatively on a form of specification cheaper than that of the solid wall.

No reply has yet been received from the Secretary of State but I trust that I shall hear from him shortly so that further discussion may take place if demanded, in the light of the further information available.

I may add that I asked the Port Advisory Board to advise me on the matters; their recommendations have been published, entirely favouring the Government proposals, and giving good reasons.

The Members of the Port Advisory Board represent the Shipping, Lighterage, and Business firms, and the Government Departments connected with the working of the Port. They are the men on the spot, deeply interested in the development and good working of the Port.

LOAN.

Copies of recent telegraphic correspondence with the Secretary of State on the question of the Loan, are laid on the Table. They are as follows.

"After very careful consideration in Council I recommend Loan should be £7,000,000 made up as follows:—

1. Plateau and Molo Valley Railways	...	2,000,000
2. Nyeri Railway	...	800,000
3. Rolling stock for new Railways	...	500,000
4. Kilidini Pier	...	1,000,000
5. Essential Government improvements present line	...	550,000
6. Additional Rolling stock for present line	...	300,000
7. Loan to Nairobi Municipality	...	100,000
8. Buildings	...	800,000
9. Roads	...	200,000
10. Deficit 1920-21	...	150,000
11. Balance to cover interest (three years)	...	600,000
		Total £7,000,000

Items three, five and six represent what the Railway will require by the time the Branch Railways are completed and are better provided for out of Loan money than Revenue. Interest on Items 1-6 and portion of last item chargeable to Railway remainder to revenue of Colony. I am satisfied that both Railway and Colony will be in position pay their proportions. Trust you will approve and instruct Crown Agents submit for consideration detailed proposals for raising loans which should be spread over a period of three years.

NORTHEY."

(Telegram to Colonial Office, 16th November, 1920).

"Your telegram 13th—General Loan Ordinance—Your despatches 7th and 17th September not received. Bill has been drafted on Nigerian Model as amended by your telegram November 15th.

(Telegram from Colonial Office, 20th November, 1920).

"November 20th. Matter most urgent. With reference to your telegram of 15th November. It has been ascertained that the Loan must be issued before the middle of December or postpone until June and that full amount cannot be in any case issued at once. Arrangements being made for issue of £4,000,000 December. If prospectus to be ready in time every priority must be given in Legislative Council for passing three Ordinances required and enactment of each must be reported by telegram giving numbers and dates (firstly) General Loan Ordinance see my Confidential despatch of 12th May and my telegram of 15th November. (Secondly) Specific Loan Ordinance, reference as above.

Schedule proposed is (1) in repayment of outstanding loans £1,200,000 (2) Uasin Gishu Railway (part of) £1,800,000 (3) Kilindini Harbour (part of) £500,000 (4) additional for Interest £500,000.

Total £4,000,000 Item 1 essential in order to avoid existence of debt with priority over fresh loan about to be issued. Exact amount under consideration with Treasury, thirdly Ordinance referred to in my telegram 13th November.

In the special circumstances it will be sufficient to pass Ordinance to be called the Trustee Investment in Kenya Government Securities Ordinance, 1920, enacting that (1) Government will pay out of funds in hands of Crown Agents any sum declared

by a Court of Justice in the United Kingdom to be payable in respect to Kenya Government Securities subject to appeal; (2) any Ordinance passed hereafter which appears to the Imperial Government to alter any of the provisions affecting Kenya Government Securities to the injury of the holder or to involve departure from original contract with regard to these securities will properly be disallowed. This is minimum required for obtaining advantage of Trustee Security.

Telegraph at once if in doubt on any point.

MILNER."

(Telegram from Colonial Office,
24th November, 1920).

"November 24th. With reference to my telegram of November 20th, date of issue of Loan, December '6th.

MILNER."

(Priority Cable to Colonial Office,
26th November, 1920).

"26th November. Your telegrams of November 20th and 24th. LOAN. Discussed with Executive Council to-day. Urge date of issue may be postponed till June. Following reasons:—Whole question with proposals for detailed allocation was coming up before Legislative Council next week for full consideration: this will be useless if matter already settled on lines indicated your telegrams, which will cause great dissatisfaction here.

Item 1. Strongly deprecate transfer old Loans to new necessitating payment higher interest if this course can possibly be avoided.

Item 2. Plateau Railway. Latest reports from Robertson indicate detailed survey Mau Route will take many months: if commencement construction not allowed till surveys completed very small cost will be incurred till towards end of next year, therefore borrowing of nearly two million now is quite unnecessary.

Item 3. Unlikely much expenditure on deep-water Pier before middle next year and I should like you await despatch on this matter: see also my cable of October 25th.

Item 4. Wish to avoid incurring interest on capital before capital can be used. Loss must occur if large portion unused capital has to be placed on deposit.

Capital Expenditure out of Loan urgently required during 1921 on Railway Rolling Stock, general improvement on Railway, Hospital and School Buildings, Official housing and Roads, for none of which works your proposals make provision.

For all these reasons and others too long to cable I beg postponement till June. By that time full details of requirements under Loan will have been agreed to between us by despatch. Meanwhile cannot Crown Agents advance us up to amount of about two million, including present overdraft, till Loan is raised in June.

Following information urgently required here, without which our final calculations cannot be made for presentation of case to Legislative Council. Kindly cable rate of interest to be paid. Rate of contribution to Sinking Fund and probable rate of interest on investments thereof. Date of final redemption and whether Loan will be issued at discount, if so, what.

Cannot commencement of contribution to Sinking Fund be postponed for some years until Loan Works become productive.

NORTHEY."

EDUCATION COMMISSION.

The recommendations of the Education Commission which were received a year ago have been considered and accepted with one exception. I am of opinion that the Chairman of the Board should be a man who can devote the whole of his time to Educational work. This could not be the case if the Chairman were either the Attorney General or any other senior official: I therefore came to the conclusion that the composition of the Commission in this respect required variation by the appointment of the Director of Education to be Chairman of the Board.

The first meeting of the Board of Education was held early in the month: the Board then met in an advisory capacity, in anticipation of the sanction of the Secretary of State, which has now been obtained. I regard this meeting as a most welcome advance towards the placing of educational facilities in this Colony on a sound basis.

This country, like all others, must expect to attain success in educational matters by means of experiment, and the special difficulties of race, scattered population and financial limitations may entail a long period of slow progress, half measures and initial mistakes.

The financial difficulties in giving full effect to the Commission's recommendations will be great, and the provision of schools and staff on the basis of establishing a school wherever there are at least twenty European or Indian children can only be attained by slow degrees.

In all such matters, the Board of Education will be of inestimable value in framing recommendations based on their experience and knowledge of the requirements of the various parts of the country as to how the limited funds set aside from time to time for the development of Educational facilities can best and most economically be utilized.

PROFITEERING COMMISSION.

The Report of the Profiteering Commission will be laid on the table. I fear that this Commission must be considered a failure. The Public were apathetic and very few witnesses appeared to give evidence. The only recommendation made is that the Rents Restriction Ordinance should be strengthened and that it be continued for three years. A similar recommendation was made by this Honourable Council at the last Session and the Attorney General is preparing an amending Bill.

The poor results attending the appointment of this Commission detracts in no respect from the credit due to the Commissioners who attempted to discover facts and formulate recommendations with totally insufficient support from the public, and I should like to thank them for their valuable work in trying circumstances.

PUNISHMENTS COMMISSION.

In response to the Motion carried by this Honourable Council on May 11th I have caused a Commission to be prepared for the purpose of investigating the existing system of punishments inflicted on native offenders, with a view to framing recommendations for effecting improvements therein and for the better prevention of crime. The Commissioners have not yet been appointed as I considered it desirable to await the return from leave of His Honour the Chief Justice, who has consented to act as Chairman, but I am approaching certain Honourable Members and others with a view to the formation of a strong and representative body of gentlemen competent to advise on such matters.

COMMISSIONS.

I have realised ever since my arrival in Kenya that one of the most important Departments of the Government, the Public Works Department, requires reorganization, and I understand that a Motion to the effect that investigation should take place was made at a Session early this year, but withdrawn owing to the absence on leave of the Honourable Director. I have approached certain gentlemen with a request that they would consent to sit on a Commission of inquiry to inquire into the execution of public works in the Colony and Protectorate and to make recommendations as to the scope of the activities of the Public Works Department and as to improvement in its methods and efficiency, and have pleasure in informing Honourable Members that these Gentlemen have consented to perform those duties. The Commission is now being drafted and I hope that investigations will commence at the end of the present Session.

SOLDIER SETTLEMENT SCHEME.

The conditions on which allottees under the Soldier Settlement Scheme have been revised and the prices attached to farms alienated under the scheme have been re-assessed, due regard being paid to actual sale-prices and the opinion of persons of local knowledge qualified to judge. In some cases of difficulty as many as three independent valuations have been made, in addition to evidence of this description.

The prices of all farms have been subject to a general reduction of 33 1/3rd per cent. when expressed in Florins, to counteract the effect of the change in currency, and no increases have been made in the revaluation.

The terms of payment have also been altered to permit allottees to adopt, if they desire, the alternative of paying the purchase price on the same terms as are enforced under the Crown Lands Ordinance, 1915.

Soldier Settlers will also be allowed to mortgage their farms prior to the fulfilment of the occupation conditions as soon as amending legislation, which is being prepared, has been passed.

As regards alienation of Crown Lands generally, it has been decided that such alienation shall for the present be approved only for special purposes, except in cases of certain lands already under consideration or promise for auction or exchange.

INDIAN POLICY.

Since the last Session of this Honourable Council I have been able to announce the policy that has been laid down by the Secretary of State in respect of the Indian Community in British East Africa. The most important features of that policy were the decisions that arrangements should be made for the election of two Indian Members of the Legislative Council and similar arrangements in connection with Municipal Councils; that grants of Agricultural land in the upland area of the Colony should not be made to Indians but that suitable areas should be selected in which Indians should be permitted to acquire agricultural land and that in the laying out of Townships separate areas should be allotted to different races, all being fairly treated.

The decisions on these points are most unpopular among Indians in Kenya and I greatly regret they should have evinced an uncompromising attitude in respect of them. Their spokesman professed to attach the utmost importance to the election of their Members, but the decision granting this privilege appears to have been received with indifference and apathy. The re-affirmation of the decision to disallow Asiatic competition in the limited area of

the Colony in which European Settlers can live does not appear to distress them any the less, although it is tempered by the promise of providing reasonable opportunity for Indian agricultural settlement in other parts of the country.

Although the policy of segregation in townships implies no kind of discrimination against the Indians and must be regarded as the right principle not only from the sanitary point of view, but also on grounds of social convenience, I have found that the Members of the Indian Community refuse to discuss its application.

The principle, having been approved, must stand, and they are conferring no benefit on the Community for which they speak nor on the generations that will follow by declining to give the Government their advice when the Townships are being separated; are being separated into the various race areas; their non-co-operation may render a comprehensive view of the points at issue possibly inaccurate and probably incomplete.

In some cases, such as Lumbwa, where the Indian Community have put up definite proposals for alterations in town planning, I have been able largely to accede to their demands. As an instance of the difficulties I am experiencing in helping the Indian Community in the fair treatment I desire to accord to them, I may mention that their Associations have objected most emphatically to my consulting the Indian Honourable Members of this Council as their representatives.

NATIVE LABOUR.

The further circular on native labour to which I alluded in my last address to Council has been published and publicity has also been given to a despatch from the Secretary of State, in which His Lordship reviews the position and clears up the doubts that have been expressed as to the general policy of His Majesty's Government and as to the intentions of this Government in the matter.

The native labour supply in Kenya is one of the most complex and difficult problems confronting the Government and it is only by the most persevering and vigilant attention that a satisfactory and permanent solution can be obtained. Our policy must aim at the advancement and well-being of the natives no less than at meeting the requirements of the Settlers.

LABOUR BUREAU.

In October last I was approached by the Convention of Associations with a request that I should appoint a Commission of Inquiry to investigate the formation of a Labour Bureau. I consider that the investigation of this matter is one of very great importance, as it will bring to light cases where the laws governing the relations between employers and servants require revision and may devise a practical organisation for the recruitment, control and care of labour. I therefore propose to appoint a Commission to make recommendations in regard to the necessity for a Labour Bureau, the form it should take, its powers and duties, and so forth, and I hope the proceedings may commence early next year. I trust that every assistance will be given to the Commission in providing evidence to aid them in forming conclusions of value to the Colony in this most important factor of economic progress.

NATIVE ADMINISTRATION.

The application of the reorganized system of administration has been examined in detail since the last Session and proposals have been forwarded to Committees and Associations for local consideration

showing the suggested distribution of staff. The non-native areas will be served by five Senior Commissioners, 19 Resident Commissioners, and 19 Assistant Resident Commissioners; the native areas by six Senior Commissioners, 32 District Commissioners, and 67 Assistant District Commissioners.

Officers who served under the direct control of the Chief Justice, in continuation of the arrangements hitherto in force for Mombasa and Nairobi will continue to be called Resident Magistrates.

The system can be applied without delay to certain areas where confusion is unlikely to arise, such as the purely native reserve districts and the purely settled districts such as Nakuru, Naivasha, Eldoret, Trans Nzoia and Laikipia, but in mixed areas such as Kyambu and Kericho it is not practicable for the present to divide the native from the non-native areas for purposes of administration and no steps will be taken to effect such a division until it is clearly proved that more beneficial results will be obtained by separation. The present system is probably the best that can be devised with the existing staff in localities of this description and there is no intention of duplicating the staff in mixed areas merely to conform with the principle of the scheme.

In the Thika area adjustments can be made to boundaries, which will secure a non-native district within a suitable boundary. This will, I hope, be done in the near future, but the necessity for erecting suitable buildings for the Officer in charge must cause delay in the application of the scheme to that area.

I hope that it will be possible to apply the scheme to areas devoid of complications on or about the 1st January next, but there is no intention of hurrying through its application to any area which is not yet ready for it.

The administration of the Coast area has formed the subject of investigation by a separate Committee and the proposals have been forwarded for consideration by local bodies at the Coast. Generally speaking, the proposals are that the Wanyika should be administered laterally from the Coast stations, rather than internally, North and South: this solution will, if accepted, admit of the Administration Officers living at more healthy stations, and will bring the lines of administration to coincide with the natural trade routes.

DISTRICT COMMITTEES.

I have been able to pay short visits since my return from England to some centres of European settlement and to meet the residents of those areas with the object of hearing their opinions on local matters and adjusting if possible any grievances under which they labour. At each Meeting I have endeavoured to explain the intentions I have in mind regarding District Committees who will collaborate with the Government and the officers responsible for the administration of the area in formulating local policy, in giving advice in town planning and road plans and in putting forward suggestions for the removal of disabilities that may affect them. I have found those whom I have met ready and anxious to take an interest in the work which a place on a District Committee entails, and I hope in the near future to have had an opportunity of visiting all centres in which the formation of a District Committee may be beneficial, to explain any doubts that exist in the minds of those affected and to help in the institution of such a body where none exists at present. I regard these representative bodies as a most valuable asset to the Colony and I desire to take this opportunity of expressing my thanks to all those gentlemen who have spared themselves no pains and trouble in promoting the welfare of the country they live in by their public-spirited assistance.

PETROL COMMITTEE.

On my return I found a very acute petrol shortage existing in the country causing a serious dislocation of industry. A Petrol Committee had already been formed and by its energies the small available supply of spirit, strictly rationed, lasted till the arrival of a new consignment.

With a view to relieving the shortage by finding further sources of supply I formed a Special Committee with the Right Honourable Lord Delamere as Chairman. This Committee made efforts to obtain petrol from Aden, India, Burma, Malay States, Straits Settlements, East Indies, Egypt, South Africa and America, but I regret to say without success; the world's supply at the present time being unequal to the demand. A consignment, however, reached this country in October which is now meeting our immediate needs.

Negotiations with the British Imperial Oil Company for a grant of land for the erection of a self-contained installation for dealing with petrol in bulk have reached an advanced stage—provision being also made to accommodate other applicants.

I trust that the attention which is now paid to the matter will prevent a similar crisis arising in future.

COCONUTS.

In accordance with an undertaking given at the last Session of this Honourable Council the Hon. Director of Agriculture has conferred with administrative officers at the Coast and with representatives interested in the Coconut industry for the purpose of discussing the application and administration of the Coconut Ordinances.

A synopsis of the questions discussed has already appeared in the Press and I think it is unnecessary here to recapitulate the recommendations made. The estimated annual cost of administering the Ordinance is some £4,000 and the Hon. Director of Agriculture believes that the cost would be reduced by about one-third after the first two years.

The Coconut Commission calculated that the bulk of the revenue to be derived would be obtained from the tax on palms tapped for tembo, but the conference considered that it was impossible to impose that tax and it follows that for the first five years at least the revenue derived from the various licence fees will fall far short of the expenditure necessitated. Except in respect of the planting operations of few European and other owners, this industry has reached a decadent stage through neglect. The natives are living on the results of the efforts of those who planted coconuts in the days of slavery. The industry requires stimulation and the possibility of procuring means to this end must be seriously considered in connection with the Budget for next year.

AGRICULTURE.

The Cleansing of Cattle Ordinance appears to have been well received among stockowners and I hope that it can be applied as soon as the Government has been able to arrange to obtain the money necessary to make loans for the erection of dips in certain needy cases.

The Statistics Ordinance has been applied and the first agricultural census is now being completed. The information contained therein cannot fail to be of the greatest interest and value to the country generally.

A representative Flax Association of East Africa has been formed, which has already proved of the greatest use and service in collaboration with the Hon. Director of Agriculture. A scheme is being prepared for the grading of Flax: this has been submitted to spinners and others interested in the

trade and the replies which are now coming in are entirely favourable to the introduction of the grading system proposed.

VETERINARY CONFERENCE.

During September an important conference took place at which the Veterinary experts of Tanganyika, Uganda and Kenya discussed the measures that should be enforced for the control and eradication of Bovine Pleuro-pneumonia and Rinderpest, with particular reference to the desirability of joint action between the Governments of the neighbouring territories. A short summary of their recommendations has appeared in the Press.

In their report the conference traced the history and described the nature of these diseases estimating the losses that may be anticipated and defining methods of control.

The practical suggestions which they make for exercising this control require large staffs and heavy expenditure. They estimate that, granted the facilities advocated, the losses from the two diseases could be reduced to an extremely small amount within two years of the organization being completed. The entire eradication of infection within ten years is contemplated and it must be admitted that such results would greatly outweigh the expenditure entailed. The necessary outlay, however, is not at present within the means of the Colony and I hope that it may be possible to devise a method which will eventually attain the desired end and at the same time be in accordance with the financial position of the Colony.

KIBOS SUGAR CONCESSION.

The area near Kibos which was put out to tender for the growing of sugar attracted several applicants of whom the Government selected Mr. G. R. Mayers as the most suitable. Work has already commenced on the area. I anticipate great developments in this industry.

CANNING.

Honourable Members are aware that the Government have been endeavouring to stimulate the cattle industry in Kenya by offering facilities for the establishment of Meat Canning and Freezing Works. Tenders were called for in August 1919, in respect of an area of 34,000 acres between Uiu and Sultan Hamud Station on the Uganda Railway postulating certain development and output conditions.

No tenders were received and negotiations are now being entered into with firms of repute, under conditions similar to those imposed when calling for tenders but with modifications in respect of purchase price of the area reserved. I trust that these negotiations will result in the establishment of a Canning and Freezing industry which will be of benefit to the economic welfare of the Colony.

MINING CONCESSION.

I have decided to grant a sole prospecting licence for Coal and Oil only over approximately 20,000 square miles in the coastal area to already approved applicants.

In view of the importance of safeguarding the interests of the local consumer should Coal or Oil be actually found, I am causing the proposed terms of the licence to be published for general information and I am inviting early criticism on them.

DEFENCE.

The proposals relating to the establishment of European Defence and Territorial forces in this Colony have not yet reached a stage of finality and

I regret that I am unable to make any definite pronouncement. They are still under consideration by the Overseas Defence Committee in England but I hope that an early decision may be arrived at.

JUBALAND.

It is possible that territory which now forms part of the Kenya Colony to the West and South of the River Juba may be ceded to Italy in return for her services in the Allied cause during the war, but no definite arrangements as to the cession have yet been made.

RAILWAY COMMISSIONER.

I have been informed by cable by the Secretary of State that Colonel Hammond, R.E., has been appointed Railway Commissioner but no further details of his instructions or itinerary have been received.

OCEAN FREIGHTS.

The present rates of ocean freights on produce from this Colony have been engaging attention and I have made representations with a view to soliciting the assistance of the Secretary of State in approaching the Shipping Companies. I understand that discussions have taken place between the Colonial Office and the Department of Overseas Trade and that it is probable that the question of East African Freights will be referred to the Imperial Shipping Companies.

THE NATIVE LIQUOR ORDINANCE, 1920.

THE HON. THE ACTING CHIEF NATIVE COMMISSIONER in pursuance of notice given introduced and moved the first reading of a Bill intitled "An Ordinance to Regulate the Sale of Native Intoxicating Liquors." He said the Bill which it was his duty to introduce to Council had been foreshadowed by Col. Ainsworth when he introduced the "Prevention of Drunkenness among the Wakamba Ordinance" of 1919. It was, he understood, based on South African models. He had consulted in its preparation the Report of the Committee of the Transvaal Liquor Laws, 1918, on drunkenness in the Western districts of Cape Province in 1918, and the Report of the Transvaal Liquor Control in 1908. He had also used various Municipal enactments, notably that of Durban.

Among natives drunkenness was of old regarded essentially as a privilege and prerogative of respectable old age. The young man whose duty it was to keep himself in trim for hunting and fighting, was sternly forbidden by tribal custom to indulge to excess in alcohol. This seemed to have been enforced in most tribes by a series of grades, of initiation of which the higher levied toll in tembo on the lower and it was only in later life that he was able to reach the grades where the consumers being few and the contributors being many strong drink was sufficiently plentiful to enable him to drink to excess.

With the establishment of control and Government, and the spread of Education, the control of these secret or sacred guilds had largely broken down. Elders now complained that young men refused to be initiated or to pay the customary dues and their refusal was in general supported by the Government and the Missionaries, but one of the evil effects had been that a young man no longer looked upon drunkenness as a luxury for which he might hope only when he attained to the dignity of Membership of the Legislative Council of his tribe, and drunkenness was much on the increase.

The Bill before Council was designed to substitute statutory for tribal penalties directed to the prevention of drunkenness and was more particu-

larly aimed at modern conditions under which natives in increasing numbers were settling in towns or squatting on farms under the Resident Natives Ordinance. Many of its provisions were at present applicable, and would be applied only to the more closely administered areas, and there was no intention of interfering at present with the existing control provided by the Native Authority Ordinance, 1912, and special Ordinances.

THE HON. THE ACTING CHIEF SECRETARY seconded

The Bill was read a first time.

THE HON. THE ACTING CHIEF NATIVE COMMISSIONER gave notice that he would move the second reading of the Bill at a later stage of the Session.

THE MOHAMMEDAN MARRIAGE AND SUCCESSION ORDINANCE, 1920.

THE HON. THE ATTORNEY GENERAL in pursuance of notice given, introduced and moved the first reading of a Bill intitled "An Ordinance to amend the Law relating to Divorce and Matrimonial Causes in the cases of Mohammedan Marriages and relating to Intestate Succession in certain cases."

He said the object of the Bill was to render Mohammedan Marriages valid in the Kenya Colony. They were at present valid in the Sultan's Dominions but they were not valid outside his Dominions.

THE HON. THE ACTING CHIEF NATIVE COMMISSIONER seconded.

The Bill was read a first time.

THE HON. THE ATTORNEY GENERAL gave notice that he would move the second reading of the Bill at a later stage of the Session.

THE NATIVE EXEMPTION ORDINANCE, 1920.

THE HON. THE ACTING CHIEF NATIVE COMMISSIONER in pursuance of notice given introduced and moved the first reading of a Bill intitled "An Ordinance to provide for certain persons being members of tribes living in the Colony of Kenya and the East Africa Protectorate obtaining relief from the operation of certain enactments wherein the term native is defined."

In support he said the Bill was designed to exempt from disabilities imposed by racial legislation those individuals who had proved themselves capable of rising superior to racial limitations. Exemptions had been carefully circumscribed to include only that very limited number whose social superiority was patent and acknowledged on the principle that a letter of exemption was of no value if the holder was so little known to the police that he had to be haled to the Police Station to establish the fact that he was not bound by the law which he was alleged to have broken.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The Bill was read a first time.

THE HON. THE ACTING CHIEF NATIVE COMMISSIONER gave notice that he would move the second reading of the Bill at a later stage of the Session.

ELECTRIC POWER AMENDMENT ORDINANCE, 1920.

THE HON. THE DIRECTOR OF PUBLIC WORKS in pursuance of notice given, introduced and moved the first reading of a Bill intitled "An Ordinance to amend the Electric Power Ordinance, 1919."

He said the major purpose in advancing the Bill was to exempt the local Nairobi Electric Light and Power Company from the provisions of the Electric Power Ordinance, 1919. Occasion was taken at the

same time to introduce minor modifications of the principal Ordinance with the object of facilitating the raising of capital for electric power development in this country and also of limiting the stringency of requirements under present legislation as to existing operators complying with prescribed standards.

Finally, occasion was also taken to repeal a short Ordinance No. 29 of 1919, the provisions of which were largely included in the Electric Power Ordinance at present in force.

THE HON. THE ATTORNEY GENERAL seconded.

The Bill was read a first time.

THE HON. THE DIRECTOR OF PUBLIC WORKS gave notice that he would move the second reading of the Bill at a later stage of the Session.

HIS EXCELLENCY said it might interest Honourable Members of Council with regard to the Electric Light in the Colony, to tell them that the Government was doing all it could to bring together any would-be purchasers with the present Electric Light Companies. He hoped that in the very early future every chance of an improvement in the Electric Lighting in Mombasa and Nairobi would be effected.

THE MANUFACTURE, SALE AND USE OF INDUSTRIAL ALCOHOL ORDINANCE, 1920.

THE HON. THE DIRECTOR OF PUBLIC WORKS in pursuance of notice given, introduced and moved the first reading of a Bill intitled "An Ordinance to provide for the manufacture, sale, and use of industrial alcohol."

He said the object of the Bill was to facilitate the production and use of duty-free spirit, for power purposes and for use in industry. In such a connection Excise considerations naturally arose, and elaborate provision was necessary for ensuring that all industrial spirit should be competently "denatured" or rendered unpotable, and that no spirit produced for industrial purposes could be diverted to other uses which would render it liable to duty.

Such safeguards having been provided, it was the intention of the Government to accord all possible facilities for the production and use of alcohol for industrial and manufacturing processes.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The Bill was read a first time.

THE HON. THE DIRECTOR OF PUBLIC WORKS gave notice that he would move the second reading of the Bill at a later stage of the Session.

THE DEFINITION OF THE TERM "NATIVE" ORDINANCE, 1920.

THE HON. THE ACTING CHIEF NATIVE COMMISSIONER in pursuance of notice given, introduced and moved the first reading of a Bill intitled "An Ordinance to define the term 'Native' and to apply the provisions of Law applicable to Natives to certain other persons."

In support, he said the object of the Bill was to remove certain doubts that had arisen regarding the application of certain laws to Somalis, Swahilis, Arabs and Baluchis, who were increasingly apt to claim that the term "Native" did not apply to them. It had, therefore, become necessary to state explicitly where it did apply to them and the effect of the Ordinance would presumably be to free them from the application of the word in laws in which it had not been explicitly applied.

The attention of Council was particularly invited to the Somali problem. This turbulent and lawless tribe was invading the settled areas in increasing numbers. Its members appeared to use their in-

telligence, which was undoubtedly superior to that of other Africans of the Colony, in evading the Police restrictions which were adequate for other tribes, and in constant litigation on every conceivable technicality. If it was decided by Council that the ordinary laws which applied to other Africans did not apply to Somalis it would probably be necessary to introduce special legislation dealing with the Somali question, particularly if the cession of Jubaland to the Italian Government resulted in a further influx of this tribe into British Territory.

THE HON. THE CROWN COUNSEL seconded.

The Bill was read a first time.

THE HON. THE ACTING CHIEF NATIVE COMMISSIONER gave notice that he would move the second reading of the Bill at a later stage of the Session.

THE CURRENCY NOTES ORDINANCE, 1920.

THE HON. THE ACTING TREASURER, in pursuance of notice given, introduced and moved the first reading of a Bill intitled "An Ordinance to provide for the issue of Currency Notes."

He said this was a Bill to provide for the issue of Currency Notes for East Africa by the East Africa Currency Board, London. Under the original Currency Order-in-Council of 1905 powers were conferred upon the local Currency Commissioners to issue Notes. The Currency Order-in-Council No. 2 of 1920 revoked all previous Currency Orders-in-Council, but while it constituted a new Currency Board and provided for the issue of coin, it made no provision for the issue of notes. The Bill introduced remedied the omission by providing for the issue of notes, a large supply of which had already arrived, but could not be issued until the Bill became law. The new issue of notes would very shortly be required in connection with the Uganda Cotton Crop and it was desirable therefore that the Bill be passed without delay.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The Bill was read a first time.

THE HON. THE ACTING TREASURER gave notice that he would move the second reading of the Bill at a later stage of the Session.

THE CRIMINAL PROCEDURE AMENDMENT ORDINANCE, 1920.

THE HON. THE ATTORNEY GENERAL, in pursuance of notice given, introduced and moved the first reading of a Bill intitled "An Ordinance to amend the Criminal Procedure Ordinance, 1913."

He said the Bill had been brought forward to carry out various suggestions which had been made by the late Chief Justice Sir Robert Hamilton arising out of his experience of the working of the Criminal Procedure Ordinance of 1913. There was also a section to carry into effect a suggestion of the Secretary of State to amend the 1918 Ordinance, which gave the Subordinate Courts power to pass sentence of death on natives. The Bill provided for the procedure.

THE HON. THE CROWN COUNSEL seconded.

The Bill was read a first time.

THE HON. THE ATTORNEY GENERAL gave notice that he would move the second reading of the Bill at a later stage of the Session.

THE NON-NATIVE POLL TAX (AMENDMENT) ORDINANCE, 1920.

THE HON. THE ATTORNEY GENERAL, in pursuance of notice given, introduced and moved the first reading of a Bill intitled "An Ordinance to make further provision for the payment of Poll Tax by Non-Natives."

The main object of the Ordinance, he said, was to give effect to an agreement which had been arrived at with Uganda, by which Non-Natives who had paid Poll Tax in one Colony or Protectorate would not have to pay it in the other.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The Bill was read a first time.

THE HON. THE ATTORNEY GENERAL gave notice that he would move the second reading of the Bill at a later stage of the Session.

THE PUBLIC HEALTH ORDINANCE, 1920.

THE HON. THE ACTING PRINCIPAL MEDICAL OFFICER, in pursuance of notice given, introduced and moved the first reading of a Bill intitled "An Ordinance to make provision for securing and maintaining health."

In support, he said the necessity for some general provision regarding public health had been frequently demonstrated in the past and the demand for such had become more insistent.

The provisions of the East Africa Townships Ordinance, 1903, gave wide powers to the Governor to issue rules dealing with the health of Townships, but at present there was no provision for dealing with matters relating to the Public Health outside Townships save that contained in the Infectious Diseases Ordinance, 1903, and its amendment of 1917. This Bill was designed to establish such provision.

Part 2 of the Bill provides for the constitution of a Central Board of Health analogous to the Ministry of Health in other countries, and the ultimate responsibility for the carrying out of the various provisions would rest with this Central body; the actual executive work being performed by the various local authorities and Medical Officers of Health.

Parts 3 and 4 dealt with the notification, prevention, and suppression of infectious diseases and special provisions regarding formidable epidemic diseases had been embodied. A very important division, Part 5, has been introduced giving wide powers for the control of venereal disease. These provisions followed South African legislation on the subject. As the Bill was drafted it applied generally to the whole Colony and Protectorate, but it was a matter for consideration as to whether powers should not be taken to apply those provisions to specific areas as necessity existed.

At the present moment the lack of staff and proper facilities in the way of special institutions would probably prevent the effective administration of this part of the Bill.

Part 6, which was designed to prevent the introduction of infectious diseases into the Colony, also closely followed South African Legislation and it was one of the most important of the newly introduced provisions, the lack of which in the past had been fraught with serious danger to the community.

Parts 7 and 8 dealt with leprosy and the prevention and spread of small pox, and were simply re-enactments of existing local ordinances.

Parts 9 to 13 inclusive were general and dealt with sanitary provisions, scavenging and cleaning, nuisances and offensive trades and the protection of foodstuffs, and gave wide powers to ensure as far as possible, the supply of pure and uncontaminated milk.

Part 14 dealt with the prevention and destruction of mosquitoes and these provisions were all important in a tropical country where a large majority of the diseases were insect borne. The brilliant results of vigorous anti-mosquito campaigns in other parts of the world emphasised the necessity for such legislation as was now put forward.

The segregation of races, which all sanitation experts considered desirable, was provided for in Part 15.

New provisions had been introduced for the conduct and regulation of cemeteries and the remainder of the Bill dealt with general and miscellaneous matters.

In conclusion, he added that the chief credit for the preparation of the Bill was due to his predecessor, Dr. Milne.

THE HON. THE SOLICITOR GENERAL seconded.

The Bill was read a first time.

THE HON. THE ACTING PRINCIPAL MEDICAL OFFICER gave notice that he would move the second reading of the Bill at a later stage of the Session.

THE BANK OF ENGLAND AND TREASURY CURRENCY NOTES REPEAL ORDINANCE, 1920.

THE HON. THE ACTING TREASURER in pursuance of notice given, introduced and moved the first reading of a Bill intitled "An Ordinance to Repeal the Bank of England and Treasury Currency Notes Ordinance, 1920."

The Bank of England and Treasury Currency Notes Ordinance of 1920 made Bank of England and Treasury Notes legal tender in East Africa in payment of any amount at the rate of Rs. 8/50 to the £ sterling. This Ordinance was passed at a time when the country had been very short of currency. There was now no shortage of currency. The standard coin was the Florin and the rate of exchange had been stabilized at Fls. 10/- to the £. Certain profits were derived from the issue of currency notes and on that ground as well as those before indicated it was desirable to repeal the Bank of England and Treasury Currency Notes Ordinance, 1920, so that our own notes should be used instead of English Notes. It was pointed out on introducing the Currency Notes Bill that supplies of East Africa Notes had arrived and could be issued as soon as that Bill was passed.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The Bill was read a first time.

THE HON. THE ACTING TREASURER gave notice that he would move the second reading of the Bill at a later stage of the Session.

THE POST OFFICE SAVINGS BANK (AMENDMENT) ORDINANCE, 1920.

THE HON. THE POSTMASTER GENERAL in pursuance of notice given introduced and moved the first reading of a Bill intitled "An Ordinance to amend the East Africa Post Office Savings Bank Ordinance, 1909."

He said it had been found that the provision in the 1909 Ordinance whereby dormant deposits were, after a lapse of 8 years, paid into the general revenues of the Colony was not nearly so favourable to the public as the Home practice. Under the Regulations of the British Post Office dormant deposits could be withdrawn by the depositor without regard to lapse of time since the last previous transaction. The Bill had been designed to bring the practice of the Post Office Savings Bank in the Kenya Colony into line with that of the British Post Office.

THE HON. THE DIRECTOR OF EDUCATION seconded.

The Bill was read a first time.

THE HON. THE POSTMASTER GENERAL gave notice that he would move the second reading of the Bill at a later stage of the Session.

THE REGISTRATION OF TITLES AMENDMENT ORDINANCE, 1920.

THE HON. THE ATTORNEY GENERAL in pursuance of notice given, introduced and moved the first reading of a Bill intitled "An Ordinance to amend the Registration of Titles Ordinance, 1919."

He said the object of this Bill was to substitute in the first schedule of the Principal Ordinance the word "Governor" for the words "Commissioner of Lands," the reason being that exception has been taken by laws to the existing schedule that the Governor alone under the Order-in-Council had the power to grant land.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The Bill was read a first time.

THE HON. THE ATTORNEY GENERAL gave notice that he would move the second reading of the Bill at a later stage of the Session.

THE PREVENTION OF CORRUPTION (AMENDMENT) ORDINANCE, 1920.

THE HON. THE CROWN COUNSEL in pursuance of notice given introduced and moved the first reading of a Bill intitled "An Ordinance to amend the law relating to the Prevention of Corruption."

He said the object of the Bill was the increase of penalties in cases where corruption occurred in connection the contracts with Governments or other public bodies.

The Prevention of Corruption Ordinance, 1920; had been based on the Prevention of Corruption Act, 1906. The Secretary of State had requested that they should pass amending legislation for bringing this Colony's legislation into line with the Prevention of Corruption Act, 1916. Where a gift was received by a servant of the Government or a public body from a person or agent of a person seeking to obtain a contract with Government or a Government body the onus was put upon the servant of the Government or public body to prove that the gift was not received corruptly.

The Bill followed the Prevention of Corruption (United Kingdom) Act of 1916, and was introduced at the request of the Secretary of State.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The Bill was read a first time.

THE HON. THE CROWN COUNSEL gave notice that he would move the second reading of the Bill at a later stage of the Session.

THE FORMER ENEMY ALIENS RESTRICTION (AMENDMENT) ORDINANCE, 1920.

THE HON. THE CROWN COUNSEL in pursuance of notice given, introduced and moved the first reading of a Bill intitled "An Ordinance to amend the Former Enemy Aliens Restriction Ordinance, 1919."

He said that the Bill had been introduced to carry out certain suggestions of the Secretary of State. They had been requested to defer new permanent legislation regarding aliens for a year and till then to continue the emergency legislation.

In order to secure uniformity throughout the Empire they had been requested to amend the definition of "Former Enemy Alien." The draft which was now substituted for the definition in the 1919 Ordinance followed Section 15 of the United Kingdom Aliens Restriction Act, 1919. The words "former enemy aliens" had been substituted for the word "person" in the Principal Ordinance. The word person was considered too vague.

THE HON. THE ACTING CHIEF SECRETARY seconded.

THE HON. THE CROWN COUNSEL gave notice that he would move the second reading of the Bill at a later stage of the Session.

THE TREATY OF PEACE (AMENDMENT) ORDINANCE, 1920.

THE HON. THE ATTORNEY GENERAL in pursuance of notice given introduced and moved the first reading of a Bill intitled "An Ordinance further relating to the Treaty of Peace."

He said the Ordinance was introduced to give effect locally to an amending Order-in-Council which had been passed to deal with the various subjects arising out of the Treaty of Peace, especially the question of Clearing Houses and the custody of enemy property.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The Bill was read a first time.

THE HON. THE ATTORNEY GENERAL gave notice that he would move the second reading of the Bill at a later stage of the Session.

THE TREATY OF PEACE (AUSTRIA) ORDINANCE, 1920.

THE HON. THE ATTORNEY GENERAL in pursuance of notice given introduced and moved the first reading of a Bill intitled "An Ordinance relating to the Treaty of Peace with Austria."

He said the reason the Bill was introduced was simply to carry into effect locally the provisions of the Treaty of Peace with Austria and it followed the same lines as the previous Order-in-Council dealing with Germany.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The Bill was read a first time.

THE HON. THE ATTORNEY GENERAL gave notice that he would move the second reading of the Bill at a later stage of the Session.

THE TREATY OF PEACE (BULGARIA) ORDINANCE, 1920.

THE HON. THE ATTORNEY GENERAL in pursuance of notice given, introduced and moved the first reading of a Bill intitled "An Ordinance relating to the Treaty of Peace with Bulgaria."

He said the reason the Bill was introduced was simply to carry into effect locally the provisions of an Order-in-Council carrying out the provisions of the Treaty of Peace with Bulgaria and it followed the same lines as the previous Order-in-Council dealing with Germany.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The Bill was read a first time.

THE HON. THE ATTORNEY GENERAL gave notice that he would move the second reading of the Bill at a later stage of the Session.

THE TREATY OF PEACE (AMENDMENT) ORDINANCE, 1920.

THE HON. THE ATTORNEY GENERAL in pursuance of notice given, introduced and moved the first reading of a Bill intitled "An Ordinance to amend the Treaty of Peace Ordinance, 1920."

He said this Ordinance was just a small amendment of the Ordinance which had been passed at the last Session. It had been introduced at the

request of the Secretary of State and the effect of it was to make provision for the establishment of a local Clearing House.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The Bill was read a first time.

THE HON. THE ATTORNEY GENERAL gave notice that he would move the second reading of the Bill at a later stage of the Session.

THE ENTERTAINMENTS TAX ORDINANCE, 1920.

THE HON. THE ACTING TREASURER in pursuance of notice given, introduced and moved the first reading of a Bill intitled "An Ordinance to Impose a Tax on Admission to Entertainments."

He said that the Bill was a Bill to tax luxury. It would raise little revenue at the present time—about £4,000 p.a., but he thought it would cost little or nothing to collect. The revenue would, however, grow with the country and it was necessary to regard not only the needs of the moment but the increasing needs of the future particularly the heavy capital charges on the loan it was proposed to raise which would commence to fall due for payment in three or four years time. Entertainment taxes were imposed in other countries. They were regarded as just and proper means of raising revenue and he knew of no circumstance which should cause a tax to be differently regarded here.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The Bill was read a first time.

THE HON. THE ACTING TREASURER gave notice that he would move the second reading of the Bill at a later stage of the Session.

SUSPENSION OF STANDING ORDERS.

THE HON. THE ACTING CHIEF SECRETARY introduced a special emergency certificate which was signed by His Excellency. He then moved that the Standing Orders be suspended in order that a Bill intitled "An Ordinance to Impose a Tax on Income," might be introduced and considered.

THE HON. THE ATTORNEY GENERAL seconded.

The question was put and carried.

THE INCOME TAX ORDINANCE, 1920.

THE HON. THE ACTING TREASURER in pursuance of notice given, introduced and moved the first reading of a Bill intitled "An Ordinance to Impose a Tax on Income."

In explanation he said that Hon. Members would be aware that a Bill had been introduced to impose a Tax on Income at the last Session. That Bill had passed all stages and had been sent to the Secretary of State who made one or two amendments and returned the Bill to be re-committed to Council. The Bill presented was the same as that presented to Council the last time with the few amendments made by the Secretary of State. Hon. Members would realise that it was an essential measure in the present stage of the country's financial affairs.

THE HON. THE ATTORNEY GENERAL seconded.

The Bill was read a first time.

THE HON. THE ACTING TREASURER gave notice that he would move the second reading of the Bill at a later stage of the Session.

THE INCOME TAX ORDINANCE, 1920.

THE HON. THE ACTING TREASURER moved that a Bill intituled "An Ordinance to Impose a Tax on Income," be read a second time.

THE HON. THE ATTORNEY GENERAL seconded.

The question was put and carried.

THE HON. THE ACTING TREASURER moved that Council resolve itself into a Committee to consider the provisions of the Bill.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE GOVERNOR, presiding.

In Committee.

The Bill was duly considered and the various amendments passed.

The Council resumed its sitting.

THE HON. THE ACTING TREASURER moved that the Bill as amended be reported to Council.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

THE HON. THE ACTING TREASURER gave notice that he would move the third reading of the Bill at a later stage of the Session.

HIS EXCELLENCY read the following telegrams to Hon. Members:—

"25th November. Your telegram 25th October (602) as regards Government site, consulting Engineers, in the light of experience elsewhere strongly of opinion that solid wall would be more economical than reinforced concrete pile wharf in view of extra cost of maintenance. The latter idea was considered fully by them in first instance and rejected. See no reason to alter decision or delay matter inviting alternative tenders. As regards Mbaraki site consulting Engineers are satisfied that it is inferior and that proposed manner of working open to serious objection. No objection to proposed debate provided that Loan Bill given priority and would be glad to have full report of by mail, but see no reason alter proposed provision of £500,000 in schedule for Kilindini. Hammond can be consulted on arrival and if you think desirable Fitzmaurice can be diverted on his return from East early next year to examine matter on spot.

MILNER."

In explanation His Excellency said the cable was in reply to one he had sent in response to a request made by a representative public meeting. It had been requested that the Harbour question at Kilindini be re-opened in Council as it has been urged, particularly by Sir George Buchanan, that the Council had come to a hasty decision at the previous Session. His Excellency did not agree with the latter statement but at the same time if any member did consider after the decisions made at last Session, the decisions of the Port Advisory Board, the cable read out above, and after having read the various communications in the press, that the matter should still be re-opened for debate it was quite open for that to be done.

"November 27th. With reference to your telegram of November 25th, no objection to postponement of loan but impossible to say what terms it will be obtainable next year. It

is understood that the Crown Agents can advance up to £1,000,000 till June, provided that a specific loan law is passed for any sum above amount to be advanced in order to serve as security. It will be necessary to pass general loan law also, but Ordinance need not be passed at present Session if inconvenient. Trustee Investment Ordinance can await receipt of approved model by mail. Crown Agents negotiations had pointed to 6% loan issued at 95, period 35 years, obtained. Allowing for expense of issue, this would have meant annual charge of £6-12-1 per cent. including provision for premium on redemption, but not including sinking fund contribution, which assuming postponement for 3 years and calculated on basis of 5% for whole remaining period, would have been £1-6-8 per cent. Longer period of postponement of sinking fund would have caused doubt of Colony's financial position as to payment of outstanding debts and there is no doubt existence of prior charge would have affected materially price of issue.

MILNER."

HIS EXCELLENCY said the proposals of the Secretary of State and the Crown Agents were to issue the loan on the 6th December of 4 million pounds and the gist of his answer was that between now and next June it would be more than improbable to have spent anything like 4 millions, whereas if they were eventually allowed everything they wanted out of loan funds they could spend about a million pounds by the middle of next year. This would allow the executive of the Government to put the full proposals for the loan before the Legislative Council which would have ample opportunity to consider and discuss them.

THE INCOME TAX ORDINANCE, 1920.

THE HON. THE ACTING TREASURER moved that a Bill intituled "An Ordinance to impose a tax on income," be read a third time and passed.

THE HON. THE ATTORNEY GENERAL seconded.

The question was put and carried.

The Bill was read a third time and passed.

SUSPENSION OF STANDING ORDERS.

THE HON. THE ACTING CHIEF SECRETARY moved that the Standing Orders be suspended in order to allow certain business to be proceeded with which was not in the Order of the Day.

THE HON. THE ATTORNEY GENERAL seconded.

The question was put and carried.

THE NATIVE LIQUOR ORDINANCE, 1920.

THE HON. THE ACTING CHIEF NATIVE COMMISSIONER moved that a Bill intituled "An Ordinance to regulate the sale of Native intoxicating liquors" be read a second time.

THE HON. THE ACTING CHIEF SECRETARY seconded.

THE HON. L. COLLINGS WELLS opposed the second reading. He wished to make it clear at the outset that he should not have withheld his support from any measure which dealt with the matter on bold and equitable lines, and which could be calculated to prevent or restrict native drinking, not only in non-native areas, but also in the native Reserves.

It was a matter of great regret to him that it had apparently not been found possible or desirable to introduce legislation to strengthen the hands of District Officers in dealing with the drink question among natives in the Reserves. Seeing that the

great bulk of drunkenness, and in consequence crime among natives in Kenya could be traced either directly or indirectly to the Reserves, the Bill, which either exempted or ignored, the Reserves, entirely missed its mark.

With the exception of a few of the larger townships, and one or two other areas, he was thankful to believe that native liquor shops hardly existed in Kenya. The supporters of the Bill, therefore, were at best attempting to apply to the country a measure which could only benefit a comparatively small section of the community. Again, even granted that native liquor shops did exist in a few townships, he declined to admit either that they were necessary, or that their existence conferred upon the native any peculiar benefit which a benevolent Government should either encourage or tolerate.

If it was possible in townships to licence and control native liquor shops, it was also possible to prohibit native drinking altogether, and it was this course which one recommended, rather than the somewhat weak-kneed policy of allowing the evil to continue, even though in a restricted form. Prevention was better than cure. With regard to the effect of the Bill in the country Districts, at present in most of these, few, if any, native liquor shops existed. To introduce legislation of this kind was to invite them in. Why should they legislate in advance. With a Bill of that kind on the Statute Book, no matter how much District Officers and Licensing Boards might hold out against granting licences, inevitably, sooner or later, the would-be native publican, armed with the Bill and backed by his lawyer, would force upon an unwilling country his native taverns or breweries.

He did not deny that native drinking was a very real evil, but he did say, if they could not tackle it boldly and thoroughly, then let the licensing rules which might be required be made local or municipal ones, for those townships where the native liquor shops existed—if the local inhabitants wanted them. They should not encourage native breweries, taverns, and other vested interests all over the country, where none existed. It might be advanced that the Bill did not differ in principle from the old Ordinance of 1915—that it was merely an improvement and elaboration thereof. This he disputed. Clause 15 introduced an entirely new principle. By it, the Bill, which was presumably intended to solve the native drink problem, actually exempted from its provisions the native in the Reserve, who was left to the Native Authority Ordinance, which in no way really prohibited drink, while the native in other areas, such as for instance a squatter on a European farm, was made subject to all its penalties and restrictions. The injustice was apparent. For while (under this clause) the squatter on a farm, in many districts the backbone of the labour supply, well controlled and orderly, might not be in possession of intoxicating liquor except on licenced premises, his brother over the border was free, subject to the limited control imposed on him under the Native Authority Ordinance, to manufacture, drink, barter, or sell tembo to his heart's content. It was not difficult to foresee the result of this. Either the native living on the European farm must leave, and go into the Reserve where he would be free from the restrictions and penalties of the Bill, or better still, go further afield up-country, into some forest reserve, where he would be free from all laws; or the farmer, to keep his labour, must put up a grog shop—the very thing they wanted to keep out of the country.

And so the Bill was unveiled as another instance of the deplorable policy which aimed at the separation of European and native interests in Kenya, and the splitting up of that partnership between white and black upon which the prosperity of the Colony so largely depended.

To summarise the position, the Bill said in effect, "They could not and must not prevent the native in the towns having his strong drink so they would have a Bill for all the townships and farms in the country, present and future, providing for nice little gin-palaces; (2) the native reserve is too big a subject for us to tackle, so they left that out; (3) one man, however, they could get at, the farmer. So they would prevent his tenants drinking at all, except on licenced premises, which they well knew were probably a day or two's march away from the farm.

Instead of that he would like to see Members of Council take the following line: Ever since 1907 they had had legislation to licence native liquor shops and as a partial result of those shops they saw some 18,000 registered natives in Nairobi today without employment of a regular nature, out of a total of 24,000. They wanted to prohibit native drinking of intoxicants in townships altogether, and although this might cause some little inconvenience to the harder drinkers among natives in the towns, they wanted to do it nevertheless because they believed it would be the right policy towards the native, and a fine weapon to help the Vagrancy Act that they were bringing in to try and rid Nairobi of its huge surplus native population; (2) then in the reserves tighten up the Native Authority Ordinance as much as possible, and treat (3) the natives on farms as one with natives in the surrounding Reserves, i.e., bring them under the Native Authority Ordinance.

If they really wanted to tackle the native drink evil, let them do it fearlessly and justly, and not tinker with it in a manner calculated rather to aggravate than minimise the evil, while dealing a backhanded blow at the farmer, the very class of settler who was most anxious of all to see native drinking suppressed.

THE HON. T. A. WOOD said he had great pleasure in supporting the last speaker. It had been quite new to him when he had been told that morning that the Bill was to apply only to townships. The Honourable Member who had introduced the Bill had said so definitely. He thought the best course would be to send the Bill back and let it be resubmitted on the lines suggested by the Honourable Member for Kyambu. He also wished very strongly to support the reference to Clause 15. It seemed to him entirely unfair to say that if a native wanted to drink he should be forced to obtain it on licenced premises. If this clause were applied to Europeans there would be very strong objection to it. If a man wanted to drink, why on earth could he not drink in his own house? He did not think they should introduce this measure of prohibition just then. Other measures were not very successful in other parts of the world, especially in America, where people were crying out to go back to the old order of things.

THE HON. E. A. PHELPS said he thought efforts had been made in Council before to stop drinking in the Reserves, and that they all wished for that end. Previously it took the form of restriction on the output of sugar; here it seemed to take the form of licenced premises. He was of opinion that the proper way was to make higher penalties for drunkenness. Native liquors were so easily made and were being made all through the Reserves that he did not think there was the least chance of the Bill having any force.

HIS EXCELLENCY asked the Honourable Member if he opposed the Bill in toto.

THE HON. E. A. PHELPS said he did not. He was in favour of the principle of the Bill.

THE HON. LIUT. COLONEL S. H. CHARRINGTON said he did not oppose the Bill in toto, and he regretted he could not give his support to the Hon-

ourable Member for Kyambu. He thought that although the Bill might fail in some parts it was better to make a start to control drinking among natives than to do nothing at all. He thought the Honourable Member from Kyambu was under a slight misapprehension with regard to no steps being taken in the native Reserves. In Section 14 there was no question about action being taken only outside the Reserve. Section 14 said:—"Any unlicensed person who shall manufacture for the purpose of sale or sell native intoxicating liquor and any licensed person who shall manufacture for the purpose or sale or sell native intoxicating liquor on premises other than those authorised by his licence shall upon conviction be liable to imprisonment for a term which may extend to 12 months or to a fine not exceeding Rs. 1,000 or both and forfeiture of any licence issued under this Ordinance."

In section 3 it said:—"The Governor-in-Council may from time to time by proclamation apply this Ordinance to any area in the Protectorate and upon such application this Ordinance shall come into full force and effect within the limits of such area."

Therefore it was within the power of the Governor to apply the Ordinance to the Native Reserves. He would like to see Section 15 amended. He would give his support to the Bill.

THE HON. THE ACTING CHIEF NATIVE COMMISSIONER, in reply, said he confessed he found it very hard to understand how liquor could be suppressed in the Native Reserves. The difference in the Reserves was that liquor entered into every form of native life. Liquor appeared at every ceremony of native life and he thought one might say that there was no native custom in which liquor did not enter in some form or another. By stopping altogether the liquor meant altering the whole social system of the native, and they had not got to the stage when they could alter the native social system, but he did not see why they should not legislate for the mass of natives who were crowding into townships and also for the natives who were squatting on farms. It seemed to him that if they did not legislate to control the acquisition of liquor by natives on farms they could not stop his getting drunk. The question was whether they would allow him to have as much drink as he wanted or put some sort of restraint upon him. He did not see how they could prevent the native having his drink. During the war the Authorities introduced a brewery for the brewing of native beer and its effect on the health of convalescent natives had been simply miraculous. There was a great amount of food in the drink and if a native had been accustomed to it all his life and if they did not allow him to have it under simple restraint he would go to considerable extremes to get it.

THE HON. L. COLLINGS WELLS asked the Hon. the Acting Chief Native Commissioner if he thought it was a good thing to institute native drinking shops on farms.

THE HON. THE ACTING CHIEF NATIVE COMMISSIONER in reply said he thought it was a matter for the Unofficial Members of Council to decide.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE GOVERNOR, presiding.

In Committee.

The First and Second Clauses of the Bill were discussed, when it was decided, owing to technicalities which required to be dealt with, that the Bill should be reported to Council with a view to its being remitted to a Special Committee.

The Council resumed its sitting.

THE HON. THE ACTING CHIEF NATIVE COMMISSIONER moved that the Bill be reported to Council.

THE HON. THE ATTORNEY GENERAL seconded.

THE HON. THE ACTING CHIEF NATIVE COMMISSIONER moved that the Bill be referred to a Special Committee consisting of the following:—

THE HON. THE ACTING CHIEF NATIVE COMMISSIONER (Chairman).

THE HON. THE DIRECTOR OF AGRICULTURE.

THE HON. L. COLLINGS WELLS.

THE HON. THE ATTORNEY GENERAL.

THE HON. T. A. WOOD.

The question was put and carried.

THE MOHAMEDAN MARRIAGE, DIVORCE AND SUCCESSION ORDINANCE, 1920.

THE HON. THE ATTORNEY GENERAL moved that a Bill intitled "An Ordinance to amend the law relating to divorce and matrimonial causes in the cases of Mohamedan marriages and relating to intestate succession in certain cases," be read a second time. As he explained when introducing the Bill, it had been brought forward for the purpose of legalising Mohamedan Marriages in the Colony. Mohamedan Marriages had always been legal in the Coast Belt as it was Mohamedan country. They were not legal in English Law and it had been held that Mohamedans coming to this country did not carry their own law with them. In Uganda an Act had for long been in force legalising and regulating these marriages and it was thought only fair to their numerous Mohamedan fellow subjects, both native and Indians, that their marriages should be recognised and that their rights of succession and their estates should be established.

THE HON. LIWALI ALI BIN SALIM then raised certain objections to the Ordinance to amend the law relating to divorce and matrimonial causes in the cases of Mohamedan marriages. He thought the Bill was going to be very complicated, and would interfere somewhat with religion. He might be a Mohamedan to-day, but if he changed his religion to Christian next day the result would be obvious. Many Arabs were changing their religion. As soon as they changed, their wives were in the position of divorced persons.

THE HON. THE ACTING CHIEF NATIVE COMMISSIONER much regretted to find himself in opposition to the Honourable Liwali Ali bin Salim, but he thought he ought to give the Council one instance of the disabilities they wanted to remove by the Ordinance. The other day a man came to him and told him he had divorced his wife with one "talak" as allowed by Mohamedan law. Then a month before the divorce was complete he went to the courts to try and get her back, and they could do nothing for him. The man then came to him and he had to explain to him that as matters stood there was no court outside the Sultan's Dominions which could give him any help at all. With regard to the other point raised by the Honourable Liwali. If he became Christian to-morrow he would have to divorce any wives he had by Mohamedan law and it would then be open for him to enter into a

Christian marriage. The Wanyika and Giriama had for many years been crying out against the disabilities imposed upon them by the Mohamedan Courts. At the present moment if a Wanyika woman was seduced by a Mohamedan and taken away her husband had got no remedy whatever. He was simply told the woman had become a Mohamedan and as a Mohamedan could not be the chattel of the pagan. He was, therefore, not entitled to any damages. It was to remove that state of affairs that Clauses 5 and 6 were introduced.

THE HON. K. H. RODWELL supported the Hon. Sheikh Ali bin Salim and moved that a Special Committee be appointed to consider the Bill.

HIS EXCELLENCY ruled the Honourable Member out of order in moving such a course then. He told him he should move such a course whilst Council was in Committee.

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

THE HON. K. H. RODWELL moved that Council resolve itself into a Committee to consider the provisions of the Bill.

THE HON. LIWALI ALI BIN SALIM seconded.

THE HON. K. H. RODWELL moved that a Special Committee be appointed to consider the provisions of the Bill.

THE HON. LIWALI ALI BIN SALIM seconded.

The question was put and carried.

THE HON. THE ACTING CHIEF SECRETARY moved that the Special Committee consist of the following:—

THE HON. THE ACTING CHIEF NATIVE COMMISSIONER.

THE HON. THE ATTORNEY GENERAL.

THE HON. LIWALI ALI BIN SALIM.

THE HON. K. H. RODWELL.

THE HON. SIR NORTHRUP McMILLAN.

The question was put and carried.

THE NATIVE EXEMPTION ORDINANCE, 1920.

THE HON. THE ACTING CHIEF NATIVE COMMISSIONER moved that a Bill intituled "An Ordinance to provide for certain persons being members of tribes living in the Colony of Kenya and the East Africa Protectorate obtaining relief from the operation of certain enactments wherein the term native is defined," be read a second time.

THE HON. THE ACTING CHIEF SECRETARY seconded.

THE HON. THE ACTING CHIEF NATIVE COMMISSIONER moved that Council resolve itself into a Committee to consider the provisions of the Bill.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE GOVERNOR presiding.

In Committee.

THE HON. THE ACTING CHIEF SECRETARY moved that Council stand adjourned till 9 a.m., November 30th, 1920.

THE HON. THE ATTORNEY GENERAL seconded.

COUNCIL ADJOURNED TILL 9 A.M. TUESDAY, 30TH
NOVEMBER, 1920.

SECOND DAY.

Held at Nairobi on Tuesday 30th November, 1920.

THE Council assembled on the 30th November at 9 a.m., HIS EXCELLENCY THE GOVERNOR (MAJOR-GENERAL SIR EDWARD NORTHEY, K.C.M.G., C.B.) presiding.

Absent:—

THE HON. A. C. HOEY.

THE HON. W. J. MOYNAGH.

THE HON. V. V. PHADKE.

THE HON. THE ACTING CHIEF NATIVE COMMISSIONER stated that at a Meeting held the previous evening they had discussed the Native Exemption Ordinance and that it had been decided to take this Ordinance after "The Definition of the term 'Native' Ordinance."

THE DEFINITION OF THE TERM "NATIVE" ORDINANCE, 1920.

THE HON. THE ACTING CHIEF NATIVE COMMISSIONER moved that a Bill intituled "An Ordinance to define the term 'Native' and to apply the provisions of Law applicable to Natives to certain other persons," be read a second time.

THE HON. THE ACTING CHIEF SECRETARY seconded.

THE HON. THE ACTING CHIEF NATIVE COMMISSIONER stated the real question was that there was to be no difference between the Somali who came from Jubaland or Aden. It was not possible for any court to differentiate between the two, and to say which had a tribal area.

HIS EXCELLENCY said the matter came up last year as to the question of differentiation between different classes or tribes of Somalis and he had been advised by Colonel Ainsworth that there should be no such difference. He had discussed the matter with Major Salkeld and others with great experience and he was satisfied that they were wrong in making any differentiation.

The question was put and carried.

THE HON. THE ACTING CHIEF NATIVE COMMISSIONER moved that Council resolve itself into a Committee to consider the provisions of the Bill.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE GOVERNOR, presiding.

In Committee.

Amendments were made to Clause 2.

The Council resumed its sitting.

THE HON. THE ACTING CHIEF NATIVE COMMISSIONER moved that progress be reported to Council.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

THE NATIVE EXEMPTION ORDINANCE, 1920.

THE HON. THE ACTING CHIEF NATIVE COMMISSIONER moved that a Bill intituled "An Ordinance to provide for certain persons being members of tribes living in the Colony of Kenya and the East Africa Protectorate obtaining relief from the operation of certain enactments wherein the term 'Native' is defined," be read a second time.

THE HON. THE ACTING CHIEF SECRETARY seconded.

THE HON. THE ACTING CHIEF NATIVE COMMISSIONER moved that Council resolve itself into a Committee to consider the provisions of the Bill.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE GOVERNOR, presiding.

In Committee.

Clause 2 was deleted and amendments made to Clauses 4, 6, 8, 9, 11, 13, 15 and 16 and to the schedule.

Council resumed its sitting.

THE HON. THE ACTING CHIEF NATIVE COMMISSIONER moved that the Bill as amended by reported to Council.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

THE HON. THE ACTING CHIEF NATIVE COMMISSIONER gave notice that he would move the third reading of the Bill at a later stage of the Session.

THE DEFINITION OF THE TERM "NATIVE" ORDINANCE, 1920.

THE HON. THE ACTING CHIEF NATIVE COMMISSIONER moved that Council resolve itself into a Committee to consider the provisions of a Bill intituled "An Ordinance to Define the term 'Native' and to apply the provisions of law applicable to Natives to certain other Persons."

THE HON. THE ACTING CHIEF SECRETARY seconded.

The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE GOVERNOR, presiding.

In Committee.

An amendment was made to the schedule.

Council resumed its sitting.

THE HON. THE ACTING CHIEF NATIVE COMMISSIONER moved that the Bill as amended be reported to Council.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

THE HON. THE ACTING CHIEF NATIVE COMMISSIONER gave notice that he would move the third reading of the Bill at a later stage of the Session.

THE ELECTRIC POWER (AMENDMENT) ORDINANCE, 1920.

THE HON. THE DIRECTOR OF PUBLIC WORKS moved that a Bill intitled "An Ordinance to amend the Electric Power Ordinance, 1919, be read a second time.

THE HON. THE ATTORNEY GENERAL seconded.

THE HON. T. A. WOOD opposed the Bill. He said he was quite aware of the reasons for it. He referred to Section 2 and the principle embodied in the clause. He understood that the amendment now before Council was necessary to comply with the law. If that was the case the only criticism he could give was by quoting what Charles Dickens quoted many years ago "The Law is a Hass." The whole tendency with regard the Nairobi Electric Light Company was to get them under the law. The object in exempting them appeared to be that the Company ran their business in such an unsatisfactory manner. Apparently the Company had had advance knowledge of the Bill as they had recently sent out a circular to their customers giving notice that they would be cut off if they did not do certain things. There was one particular item in their agreement and that was that the consumer shall be amenable to the Electricity law. He had told the Company they were getting exemption from the law and that they could not expect to have it both ways. The Bill referred to the Nairobi Electric Light Company only. He had thought the Mombasa and the Nairobi Companies were on the one plane. If the Nairobi Electric Light Company were to be exempted why was not the Mombasa Company made exempt as well. He mentioned that he was an interested party in the Company and therefore could not vote.

THE HON. K. H. RODWELL asked the Hon. the Director of Public Works why the Mombasa Electric Light Company were not included in the Bill. He said he was on the Council when the first Bill was introduced and hurried through. A few months later they were asked to pass an amendment to that Bill.

THE HON. THE DIRECTOR OF PUBLIC WORKS said the reason why the Mombasa Company was not referred to in the Bill was that no application had been received from the Mombasa Company to be exempted. The attention of the proprietor of the Mombasa Company had been drawn to the measure. The question as to why the Bill only referred to the Nairobi Company was that the business had been the subject of long negotiation at the Colonial Office, which considered the original concession to Mr. Hertzog, which had been transferred to the present Company. It had been decided that the Nairobi Company was entitled to continue in operation, if it so wished, upon the present terms until April the 7th, 1931.

HIS EXCELLENCY said that since the Electric Ordinance had been passed last year it had been discovered by the law officers that they could not in law force the Nairobi Company to come under the act. It was very much to be regretted but there it was and they could not get away from it.

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

THE HON. THE DIRECTOR OF PUBLIC WORKS moved that Council resolve itself into a Committee to consider the provisions of the Bill.

THE HON. THE ATTORNEY GENERAL seconded.

The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE GOVERNOR, presiding.

In Committee.

Clause 9 of the Bill was deleted.

The Council resumed its sitting.

THE HON. THE DIRECTOR OF PUBLIC WORKS moved that the Bill as amended be reported to Council.

THE HON. THE ATTORNEY GENERAL seconded.

The question was put and carried.

THE HON. THE DIRECTOR OF PUBLIC WORKS gave notice that he would move the third reading of the Bill at a later stage of the Session.

THE MANUFACTURE, SALE AND USE OF INDUSTRIAL ALCOHOL ORDINANCE, 1920.

THE HON. THE DIRECTOR OF PUBLIC WORKS moved that a Bill intitled "An Ordinance to provide for the Manufacture, Sale and Use of Industrial Alcohol," be read a second time.

THE HON. THE ACTING CHIEF SECRETARY seconded.

THE HON. THE CHIEF OF CUSTOMS said as the Bill stood it seemed to him that it did not provide for the manufacture, sale and use of industrial alcohol. It went further. The whole of the machinery had been provided for the manufacture of ordinary spirits but he did not think that was the intention of the Council. He did not propose to oppose the Bill on the second reading but he thought they should recognise that in effect the Bill was really a Bill which provided for the manufacture of denatured spirits. If they were going to have anything of this sort it would require the establishment of an Excise Department.

THE HON. THE POSTMASTER GENERAL supported the Hon. the Chief of Customs. At home British legislation had been framed to hamper the production of industrial alcohol.

THE HON. THE DIRECTOR OF PUBLIC WORKS said it was the case that the Bill did allow for the institution of distilleries and precautions had been inserted to ensure that their products should be denatured and traced through all the stages of production. It was the case also that the involved procedure which had been drafted to deal with the question of denatured alcohol needed careful consideration and he therefore moved that the Bill be referred to a Special Committee.

THE HON. THE ACTING CHIEF SECRETARY seconded.

THE HON. THE DIRECTOR OF PUBLIC WORKS moved that the Special Committee consist of the following:—

THE HON. THE CHIEF OF CUSTOMS.

THE HON. THE DIRECTOR OF AGRICULTURE.

THE HON. THE CROWN COUNSEL.

THE HON. T. A. WOOD.

THE HON. E. A. PHELPS.

THE HON. SIR NORTHROP McMILLAN, K.B.

THE HON. THE DIRECTOR OF PUBLIC WORKS as Chairman.

The question was put and carried.

THE CURRENCY NOTES ORDINANCE, 1920.

THE HON. THE ACTING TREASURER moved that a Bill intituled "An Ordinance to provide for the issue of Currency Notes," be read a second time.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

THE HON. THE ACTING TREASURER moved that Council resolve itself into a Committee to consider the provisions of the Bill.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE GOVERNOR, presiding.

In Committee.

Amendments were made to Clauses 7 and 8 of the Bill.

The Council resumed its sitting.

THE HON. THE ACTING TREASURER moved that the Bill as amended be reported to Council.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

THE HON. THE ACTING TREASURER gave notice that he would move the third reading of the Bill at a later stage of the Session.

THE NON-NATIVE POLL TAX (AMENDMENT) ORDINANCE, 1920.

THE HON. THE ATTORNEY GENERAL moved that a Bill intituled "An Ordinance to make further provision for the payment of Poll Tax by Non-Natives," be read a second time.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

THE HON. THE ATTORNEY GENERAL moved that Council resolve itself into a Committee to consider the provisions of the Bill.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE GOVERNOR, presiding.

In Committee.

Clauses 2, 3, 4 and 5 of the Bill were deleted.

*Council adjourned till 9 a.m., Wednesday,
the 1st of December, 1920.*

THIRD DAY.

Held at Nairobi on the 1st December, 1920.

THE Council assembled on the 1st December, 1920, at 9 a.m., HIS EXCELLENCY THE GOVERNOR (MAJOR-GENERAL SIR EDWARD NORTHY, K.C.M.G., C.B.) presiding.

Absent:—

THE HON. L. COLLINGS WELLS.
THE HON. A. C. HOEY.
THE HON. W. J. MOYNAGH.
THE HON. V. V. PHADKE.

REPORT FROM COMMISSION.

THE HON. THE CROWN COUNSEL on behalf of the Commission appointed to enquire into alleged Profiteering laid the Report of the Commission on the Table.

THE NON-NATIVE POLL TAX (AMENDMENT) ORDINANCE, 1920.

THE HON. THE ATTORNEY GENERAL moved that Council resolve itself into a Committee to consider the provisions of a Bill intituled "An Ordinance to make further provision for the payment of the Poll Tax by Non-Natives."

THE HON. THE ACTING CHIEF SECRETARY seconded.

The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE GOVERNOR, presiding.

In Committee.

New Clauses 2 and 4 were added to the Bill.

The Council resumed its sitting.

THE HON. THE ATTORNEY GENERAL moved that the Bill as amended be reported to Council.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

THE HON. THE ATTORNEY GENERAL gave notice that he would move the third reading of the Bill at a later stage of the Session.

THE PUBLIC HEALTH ORDINANCE, 1920.

THE HON. THE ACTING PRINCIPAL MEDICAL OFFICER moved that a Bill intituled "An Ordinance to make provision for Securing and Maintaining Health," be read a second time.

THE HON. THE ACTING CHIEF SECRETARY seconded.

THE HON. THE ACTING PRINCIPAL MEDICAL OFFICER moved that a Special Committee be appointed to consider the Bill consisting of the following:—

THE HON. THE ACTING PRINCIPAL MEDICAL OFFICER.

THE HON. THE SOLICITOR GENERAL.

THE HON. THE DIRECTOR OF PUBLIC WORKS.

THE HON. SIR NORTHRUP McMILLAN.

THE HON. T. A. WOOD, M.B.E.

THE HON. V. V. PHADKE.

The question was put and carried.

THE BANK OF ENGLAND AND TREASURY CURRENCY NOTES REPEAL ORDINANCE, 1920.

THE HON. THE ACTING TREASURER moved that a Bill intituled "An Ordinance to Repeal the Bank of England and Treasury Currency Notes Ordinance, 1920," be read a second time.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

THE HON. THE ACTING TREASURER moved that Council resolve itself into a Committee to consider the provisions of the Bill.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE GOVERNOR, presiding.

In Committee.

The Bill was read clause by clause but no amendments were made.

The Council resumed its sitting.

THE HON. THE ACTING TREASURER moved that the Bill be reported to Council.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

THE HON. THE ACTING TREASURER gave notice that he would move the third reading of the Bill at a later stage of the Session.

THE POST OFFICE SAVINGS BANK (AMENDMENT) ORDINANCE, 1920.

THE HON. THE POSTMASTER GENERAL moved that a Bill intituled "An Ordinance to amend the East Africa Post Office Savings Bank Ordinance, 1909," be read a second time.

THE HON. THE DIRECTOR OF EDUCATION seconded.

The question was put and carried.

THE HON. THE POSTMASTER GENERAL moved that Council resolve itself into a Committee to consider the provisions of the Bill.

THE HON. THE DIRECTOR OF EDUCATION seconded.

The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE GOVERNOR, presiding.

In Committee.

The Bill was read clause by clause but no amendments were made.

The Council resumed its sitting.

THE HON. THE POSTMASTER GENERAL moved that the Bill be reported to Council.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

THE HON. THE POSTMASTER GENERAL gave notice that he would move the third reading of the Bill at a later stage of the Session.

THE REGISTRATION OF TITLES (AMENDMENT) ORDINANCE, 1920.

THE HON. THE ATTORNEY GENERAL moved that a Bill intituled "An Ordinance to amend the Registration of Titles Ordinance, 1919," be read a second time.

THE HON. THE COMMISSIONER OF LANDS seconded.

The question was put and carried.

THE HON. THE ATTORNEY GENERAL moved that Council resolve itself into a Committee to consider the provisions of the Bill.

THE HON. THE COMMISSIONER OF LANDS seconded. The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE GOVERNOR, presiding.

In Committee.

Amendments were made to Clauses 2 and 3.

The Council resumed its sitting.

THE HON. THE ATTORNEY GENERAL moved that the Bill as amended be reported to Council.

THE HON. THE COMMISSIONER OF LANDS seconded.

The question was put and carried.

THE HON. THE ATTORNEY GENERAL gave notice that he would move the third reading of the Bill at a later stage of the Session.

THE PREVENTION OF CORRUPTION (AMENDMENT) ORDINANCE, 1920.

THE HON. THE CROWN COUNSEL moved that a Bill intituled "An Ordinance to amend the law relating to the Prevention of Corruption," be read a second time.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

THE HON. THE CROWN COUNSEL moved that Council resolve itself into a Committee to consider the provisions of the Bill.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE GOVERNOR, presiding.

In Committee.

Amendments were made to Clauses 2, 3, and 4.

The Council resumed its sitting.

THE HON. THE CROWN COUNSEL moved that progress be reported to Council.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

THE FORMER ALIENS RESTRICTION (AMENDMENT) ORDINANCE, 1920.

THE HON. THE CROWN COUNSEL moved that a Bill intituled "An Ordinance to amend the Former Enemy Aliens Restriction Ordinance, 1919," be read a second time.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

THE HON. THE CROWN COUNSEL moved that Council resolve itself into a Committee to consider the provisions of the Bill.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE GOVERNOR, presiding.

In Committee.

Amendments were made to Clauses 2 and 3.

The Council resumed its sitting.

THE HON. THE CROWN COUNSEL moved that the Bill as amended be reported to Council.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

THE HON. THE CROWN COUNSEL gave notice that he would move the third reading of the Bill at a later stage of the Session.

THE ENTERTAINMENT TAX ORDINANCE, 1920.

THE HON. THE ACTING TREASURER moved that a Bill intituled "An Ordinance to Impose a Tax on Admission to Entertainments," be read a second time.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

THE HON. THE ACTING TREASURER moved that Council resolve itself into a Committee to consider the provisions of the Bill.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE GOVERNOR, presiding.

In Committee.

Amendments were made to Clauses 3, 8, and 9.

The Council resumed its sitting.

THE HON. THE ACTING TREASURER moved that the Bill as amended be reported to Council.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

THE HON. THE ACTING TREASURER gave notice that he would move the third reading of the Bill at a later stage of the Session.

THE CRIMINAL PROCEDURE (AMENDMENT) ORDINANCE, 1920.

THE HON. THE ATTORNEY GENERAL moved that a Bill intituled "An Ordinance to amend the Criminal Procedure Ordinance, 1913," be read a second time.

He had already stated why the Bill had been introduced—to give effect to a number of suggestions made by Sir Robert Hamilton, the late Chief Justice in regard to certain amendments in the

Criminal law. The Bill had been drafted some time ago and he thought it would require some small amendments. He therefore moved that the Bill be submitted to a Select Committee to consider the various amendments. As the Bill was somewhat technical he suggested the Hon. the Crown Counsel should sit on the Committee and another member, General Charrington.

The question was then put that the Bill be submitted to a Special Committee consisting of the following:—

THE HON. THE ATTORNEY GENERAL *as Chairman.*

THE HON. THE CROWN COUNSEL.

THE HON. LT.-COL. S. H. CHARRINGTON.

The question was put and carried.

THE TREATY OF PEACE (AMENDMENT) ORDINANCE, 1920.

HIS EXCELLENCY said with regard to this Bill and the other Treaty Bills it was only necessary to have a quorum to pass them. As Hon. Members on the Unofficial side lived so far away he would not summon them again when the Bills were ready as they had to be altered slightly because special orders had been received which rather differed from the present ones and in the meantime it would be necessary to send them all to a Special Committee.

THE HON. THE ATTORNEY GENERAL supported what His Excellency said and moved the second reading of a Bill intitled "An Ordinance further relating to the Treaty of Peace."

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

THE HON. THE ATTORNEY GENERAL moved that the Bill be submitted to a Special Committee consisting of the following:—

THE HON. THE ATTORNEY GENERAL.

THE HON. THE SOLICITOR GENERAL.

THE HON. LT.-COL. S. H. CHARRINGTON.

The question was put and carried.

THE TREATY OF PEACE (AUSTRIA)

THE HON. THE ATTORNEY GENERAL moved that a Bill intitled "An Ordinance relating to the Treaty of Peace with Austria," be read a second time.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

THE HON. THE ATTORNEY GENERAL moved that the Bill be submitted to a Special Committee consisting of the following:—

THE HON. THE ATTORNEY GENERAL.

THE HON. THE SOLICITOR GENERAL.

THE HON. LT.-COL. S. H. CHARRINGTON.

The question was put and carried.

THE TREATY OF PEACE (BULGARIA) ORDINANCE, 1920.

THE HON. THE ATTORNEY GENERAL moved that a Bill intitled "An Ordinance relating to the Treaty of Peace with Bulgaria," be read a second time.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

THE HON. THE ATTORNEY GENERAL moved that the Bill be submitted to a Special Committee consisting of the following:—

THE HON. THE ATTORNEY GENERAL.

THE HON. THE SOLICITOR GENERAL.

THE HON. LT.-COL. S. H. CHARRINGTON.

The question was put and carried.

THE TREATY OF PEACE (AMENDMENT) ORDINANCE, 1920.

THE HON. THE ATTORNEY GENERAL moved that a Bill intitled "An Ordinance to amend the Treaty of Peace Ordinance, 1920," be read a second time.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

THE HON. THE ATTORNEY GENERAL moved that the Bill be referred to a Special Committee consisting of the following:—

THE HON. THE ATTORNEY GENERAL.

THE HON. THE SOLICITOR GENERAL.

THE HON. LT.-COL. S. H. CHARRINGTON.

The question was put and carried.

Council adjourned till 9 a.m., Friday.

FOURTH DAY.

Held at Nairobi on the 3rd day of December, 1920.

THE Council assembled on the 3rd December, 1920, at 9 a.m., HIS EXCELLENCY THE GOVERNOR (MAJOR-GENERAL SIR EDWARD NORTHEY, K.C.M.G., C.B.) presiding.

Absent :—

THE HON. THE SOLICITOR-GENERAL (I. L. O. GOWER.)

THE HON. V. V. PHADKE.

PAPERS LAID ON THE TABLE.

The following papers were laid on the table :—

- (a) File *re* Amani Institute, Tanganyika Territory—contribution toward upkeep of:
 (b) Summary of report of Veterinary Conference.

MOTIONS.

THE HON. THE ACTING CHIEF SECRETARY proposed the following Motion :—

“That all pensions payable by Government to pensioners resident in the Colony of Kenya or the East Africa Protectorate which are payable in Pounds sterling and were originally assessed and paid on the basis of fifteen rupees to the pound shall continue to be paid on that basis.”

In support of the Motion he thought he could not do better than to read His Excellency's remarks in his address to Council, which were as follows :—

“On May 6th last, this Honourable Council passed a resolution by 19 votes to 10 that all payments of sterling pensions to pensioners in East Africa should be at the rate of ten rupees to the pound.

“This resolution followed the change in currency introduced into Kenya, and the Secretary of State, to whom the resolution was forwarded, agreed generally with its terms in as far as they affect future cases. The interests of pensioners who were, before that date, drawing pension on the basis of Rs. 15/- to the Pound and of Officers who, before the announcement of the changes in the currency, had entered into certain contracts expressed in rupees in the expectation of drawing pension on that basis, are worthy of consideration, and a Motion standing in the name of the Honourable the Chief Secretary will be put before Council that such pensions shall continue to be paid on that basis. The pensioners referred to in the second category are more particularly those who, before retirement, entered into contracts which had the effect of limiting their choice of future residence and the privilege of drawing pension on the basis of 15 florins to the pound would, of course, be expressly limited to contracts of that kind. It would follow that the privilege would cease in the event of a pensioner changing his permanent residence, even to another country which uses the rupee or florin.”

Immediately after the passing of the previous resolution by Council the provisions were put into effect, with the natural result that protests were received from every pensioner whose pension had

been cut down. There were at present 7 pensioners only to whom the resolution would refer and the sum involved if paid out at Rs. 15/- to the Pound would be £1,437 per annum. The difference in paying Rs. 10/- or Rs. 15/- to the Pound would be £479.

THE HON. THE ATTORNEY GENERAL seconded.

THE HON. A. C. HOEY said he would like to support the Motion. When he had seconded the Motion at the last Council Meeting he thought, and so did all the other unofficial Members, that all salaries would be paid at Rs. 10/- to the £. Since then all salaries had been paid with a 50% increase bringing it up to Rs. 15/- to the £. As this was the case he suggested the pensioner should be treated in the same manner.

THE HON. K. H. RODWELL moved an amendment, which read as follows :—

“That in the opinion of this Honourable Council all Pensions payable in £ sterling and paid by Government to pensioners should, during the period in which they are resident in this Colony, be paid on the same basis, including local allowance which applies to Civil Servants on duty in the Colony.”

This would merely mean that if a man chose to reside in Kenya he would be paid pension on the same basis as an Official in the country. Civil Servants ought to be encouraged to settle in the country.

THE HON. T. A. WOOD asked the Honourable Mr. Rodwell if he wanted to synchronise the payment of pensions with the existing conditions of pay of Civil Servants and that when the present 50% local allowance over the actual amount ceased for Civil Servants in the Colony, the same would apply to pensions.

THE HON. K. H. RODWELL replied in the affirmative. When the pay of Civil Servants was reduced the pensions also would be reduced.

THE HON. THE DIRECTOR OF AGRICULTURE said he could not support the original Motion, but supported the amendment of the Honourable Member for Mombasa. He understood the Motion had been put into its present form especially having regard to the Resolution passed by Council at the last Session, but as the Honourable Member for Plateau South had pointed out he thought that when Honourable Members had voted in favour of the Rupee

at Rs. 10/- to the £ they did not fully appreciate the effect of the arrangement that might have been made later with regard to the local allowance. His objection to it was that it meant according different treatment to different pensioners resident in the country and he thought that as a Council they should avoid according differential treatment. He did not see any good reason why certain officers should be given this very considerable difference, inasmuch as they might have gone to pension a few months earlier than another officer who might go to pension a month or so later and come under the Rs. 10/- to the £. He thought payment of pensions should be established on a broader and sounder principle than that indicated in the Motion before Council and he supported the amendment put forward by the Honourable Member for Mombasa. He further pointed out that the Motion put forward by the Honourable the Acting Chief Secretary might be unnecessarily generous in some cases because it seemed to him to commit the Government to the payment of Rs. 15/- to the pound for a longer period than that to which it might be committed by the proposal of the Honourable Member for Mombasa. In that amendment it was clear that the position would be reviewed two years hence, the Secretary of State having decided that Civil Servants in the country would be paid at the rate of Rs. 15/- to the £ and if and when the cost of living was reduced and on documentary evidence being furnished that rate of payment of so many florins to the pound might be reduced. He did not anticipate that any Civil Servant to whom that principle was applied would object. He hoped that although in some ways the passing of the amendment might appear rather inconsistent with the Resolution, which had been previously passed by Council having regard to the circumstances under which that resolution had been passed, he hoped that Council would not hesitate to put the matter right immediately.

THE HON. THE ACTING CHIEF NATIVE COMMISSIONER said it seemed to him that the Honourable Director of Agriculture appeared to have lost sight of the fact that the pensions drawn by the late pensioners were based on a lower rate of pay and probably in most cases the pension which would be drawn would not be as high as a pension of an Officer leaving the service later on. He supported the Motion put forward by the Hon. the Acting Chief Secretary.

THE HON. SIR NORTHROP McMILLAN supported the Hon. Member for Mombasa. He would like to see the principle of Rs. 15/- to the £ done away with. He was in sympathy with the pensioners who had taken their pensions before these conditions materialised, but at the same time he considered the majority of the world was exactly in the same condition as the pensioners. He would like to see the amendment carried so long as the pensioners were resident in the country.

HIS EXCELLENCY said the Motion before Council had been put as a result of direct instructions from the Secretary for State. He thought it was possible that in giving the instructions the Secretary of State overlooked the point which had been brought out. If and when at any future time the 50% local allowance should be reduced there was no reason why the 50% should not be reduced in the case of pensioners.

THE HON. THE ACTING CHIEF SECRETARY said with His Excellency's permission he would withdraw his Motion. He was entirely in favour of the amendment. The Motion had been brought up on instructions from the Secretary of State as a result of the Motion which had been passed at the last Council Meeting.

HIS EXCELLENCY informed Members that the Motion standing before Council was the one in the name of the Honourable Mr. Rodwell.

THE HON. E. A. PHELPS asked that before the Motion was put he would like to know whether, provided it was carried, the Motion was retrospective.

HIS EXCELLENCY informed the Honourable Member that if the Motion was carried it would be retrospective to the 1st April, 1920.

THE MOTION WAS THEN PUT TO THE VOTE AND CARRIED UNANIMOUSLY.

THE HON. THE ACTING TREASURER proposed the following Motion:—

"That this Honourable Council approve of certain expenditure during the year 1920-21 which it has become necessary to incur and for which no provision has been made in the Estimates as detailed in the Statement of Special Warrants, which is laid on the table."

THE HON. THE ACTING CHIEF SECRETARY seconded.

THE HON. THE DIRECTOR OF AGRICULTURE moved that Council resolve itself into a Committee to consider the Statement of Special Warrants.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE GOVERNOR, presiding.

In Committee.

The Statement of Special Warrants was considered item by item, but no amendment was made.

The Council resumed its sitting.

The Motion was put to the Vote and carried.

THE HON. THE COMMISSIONER OF LANDS proposed the following Motion:—

"That in view of the opinions expressed by Honourable Members in the last Session of Council with regard to the desirability of introducing some form of taxation based on the unearned incremental value of land, a Committee of this Honourable Council be appointed to inquire into and report on the question of how such a tax may most fairly and profitably be imposed."

He said that the Select Committee of Council appointed to enquire into the Land Tax had been a very large Committee which had unanimously approved the principle of some form of taxation on the rising values of land and when the Committee had reported to Council there had been a similar unanimity approving the principle. The only doubt which had arisen had been as to what particular form such taxation should take.

THE HON. THE DIRECTOR OF AGRICULTURE seconded the Motion.

THE HON. THE TREASURER supported the Motion and said that at a time when the Government was faced with the raising of Revenue, the need of which would increase in the next few years, he thought it was very desirable that any means of raising Revenue should be exploited.

THE HON. T. A. WOOD strongly opposed the Motion. Members of Council were very busy men and one of the principal complaints raised by them was not the time they spent on the Council itself but on various Special Committees. The question of Land Taxation had been gone into very fully at Home and they had some very good evidence against it. The Chancellor of the Exchequer (Mr. Austin Chamberlain) withdrew a similar Bill on the

grounds that it produced nothing at all and was not likely to. The Honourable The Treasurer supported it because he wanted to get money anyhow, but he felt sure he was voicing the opinion of a good many Members present that they did not want to waste their time going over old ground. He thought land values to-day were considerably inflated and that they had reached their apex and were coming down.

THE HON. LIEUT. COLONEL S. H. CHARRINGTON could not support the Motion. He understood the Honourable the Commissioner of Lands was bringing forward a Motion showing how the money it was hoped would be raised by this tax was going to be employed.

THE HON. THE DIRECTOR OF PUBLIC WORKS said one of the very highest authorities on land values, Sir Edgar Harper, had accorded him a long interview on the subject when he was at home and had given him certain items of advice which he was in a position to transmit to any Member interested. It had been said that land values had reached their apex and were on the decline. That might or might not be the case; he was not in a position to make a prophecy. If unearned profits were being made from land values, it was only proper that the unearned portion of the profits should be taxed.

THE HON. K. H. RODWELL spoke against the Motion saying he thought it would frighten capital away from the country. They had a tax on undeveloped land and also a tax on Income, which was quite sufficient.

THE HON. W. J. MOYNAGH said he was one of the strongest supporters of the tax, but he thought the present moment was the wrong time to bring it into being. He suggested it be postponed for six months. He believed himself that prices had reached their highest point and that in a few months they would fall. He therefore moved that the matter be postponed for a further six months.

THE HON. A. C. HOEY also opposed the Motion. At the last meeting of Council a Select Committee had been appointed to go into the question of land taxation. The first question which had been raised referred to unearned increment. They had all agreed it was not the proper time to bring it into operation. The report of the Committee had dealt with beneficially occupied land. They were taxing the land quite sufficiently at the present moment and were driving capital away.

THE HON. SIR NORTHRUP McMILLAN supported the Honourable T. A. Wood and said the unearned tax was the wrong tax for this country.

THE HON. THE DIRECTOR OF AGRICULTURE said he was sorry to hear the pessimistic views of Members on the other side of the House. Such views expressed by responsible men were likely to do the Colony great harm. It had been said that the proposal was a waste of time, but he urged consideration by a Special Committee before it went before Government, which would save time. With regard to the lowering of the values of land, no tax could be imposed when the value of land went down. If the land went down in value then the tax would be smaller. He would inform the Honourable Member for Plateau South that several Members expressed their concurrence with the recommendation made during the course of the discussion last Session that a tax of this kind should be brought in, but now they were bringing in contrary views and blocking progress by opposing the Motion.

THE HON. T. A. WOOD seconded the Hon. W. J. Moynagh's amendment.

THE HON. THE COMMISSIONER OF LANDS asked the mover of the Motion if he would slightly alter his amendment by adding that a Committee be appointed now with instructions for it to report in six months time. They would then have ample time to go into the whole question.

THE HON. R. B. COLE opposed the Motion. It had been stated on the other side of the House that they were all in agreement. What had been agreed to was that it was not yet the time to introduce the measure and he still thought it was not yet the time for it and in spite of the Honourable Member's proposal that it should be postponed for six months he proposed that it be postponed indefinitely.

HIS EXCELLENCY informed Honourable Members that there was a despatch coming out on the question and in it he would be told to form a Committee.

THE HON. W. J. MOYNAGH withdrew his amendment.

THE HON. T. A. WOOD agreed to the withdrawal. The Motion as in the Order of the Day was then put and carried by 13 to 12 votes.

THE HON. THE COMMISSIONER OF LANDS moved that the Committee consist of the following:—

THE HON. THE COMMISSIONER OF LANDS as Chairman.

THE HON. THE DIRECTOR OF AGRICULTURE.

THE HON. W. J. MOYNAGH.

THE HON. THE DIRECTOR OF PUBLIC WORKS.

THE HON. L. COLLINGS WELLS.

THE HON. T. A. WOOD.

THE HON. SIR NORTHRUP McMILLAN.

The question was put and carried.

THE HON. THE GENERAL MANAGER, UGANDA RAILWAY moved that the Standing Orders be suspended in order that the following Motion might be introduced:—

"That in the opinion of this Honourable Council increased facilities for the handling of export cargo and for the safe-guarding of all cargo at the port of Kilindini are necessary. Resolved that a sum of £10,840 be provided out of savings from the Railway Vote."

THE HON. THE ACTING CHIEF SECRETARY seconded.

HIS EXCELLENCY said that before putting the Motion for the suspension of Standing Orders he would like to give Honourable Members some information why the Motion had been suggested. On August 21st the Port Advisory Board discussed three important matters affecting the Port at Kilindini. These were:—

(a) The greater security to the Public and the Revenue by enclosing in a better manner the Customs premises where loose goods have to be left lying about.

(b) The provision of improved temporary facilities for dealing with Export cargo, and

(c) The possibility of improving the curve of the line running between the baggage shed and the Electric Power Hut, with a view to relieving the present inconvenience caused by the dead-end wharf.

(a) The plan laid on the table showed the boundaries of the Customs enclosure suggested by the Board, who also recommended a division of the proposed new road from the end of the private godowns. Two entrances would be provided to avoid congestion, reserved respectively for passenger and goods traffic. Vehicular goods traffic could thus be prohibited in the evening without hindrance to passengers. The cost of meeting these proposals was estimated at £2,800.

(b) It was proposed that a new export shed was to be constructed on the piece of land recently reclaimed. The two unused piers at Shimanzi which were used for working coal during the War were to be taken up and rebuilt in a manner suitable for export work in front of this shed. Some of

the Mombasa Trolley Lines could be transferred to the new pier and relaid there to form the main means of transport from the new export shed along the pier to the lighters, the cargo being loaded from the pier by means of shuttles. The cost of these proposals was estimated at £7,650.

(c) The Board inspected the line and came to the conclusion that the curve could not be improved without interference with the work of the new pier and without heavy expenditure. They therefore suggested the use of small four-wheeled engines for shunting work, the cost of which would be saved in a short time by speeding up the working of the Pier. They considered the present dead end wharf to be a serious hindrance to the quick handling of cargo, but as taking the trucks round the curve would cause delay owing to the distances, and obstruction owing to the line running through the construction yard of the new deep water pier, they suggested that a turntable be erected opposite the sidings from the stacking ground. It has not yet been possible to meet this recommendation, for use of the turntable would impede traffic over the level crossings, and would increase the risk of accidents; the turntable would cost approximately £2,600; it would be unnecessarily expensive to instal a hydraulic power or electricity system solely to work the turntable, and working by hand would be too slow. The General Manager of the Railway found that with slight alterations to the road and locomotives, the present "Shunters" could take the curve. The necessity for ordering new locomotives therefore disappeared, but a satisfactory method of eliminating the disadvantages of the dead end wharf had not yet been found.

In addition to the foregoing the Board suggested that the ramp running the whole length of the shed front, when the cargo is landed from the cranes, should be levelled. This could be done for £250.

With a view to protecting cargo in wet weather, the top sections of the front of the sheds which were recently removed should be replaced at a cost of £130. The measures that had been advocated and received sanction were estimated to cost £10,840.

The question that the Standing Orders be suspended in order that the Motion might be introduced was put and carried.

THE HON. THE GENERAL MANAGER, UGANDA RAILWAY proposed the following Motion:—

"That in the opinion of this Honourable Council increased facilities for the handling of export cargo and for the safeguarding of all cargo at the port of Kilindini are necessary. Resolved that a sum of £10,840 be provided out of savings from the Railway Vote."

In support the Honourable General Manager said it was hardly necessary for him to add anything more except that he would be pleased to explain the scheme to any Honourable Member. Having a separate export shed would enable the export and import cargo to be handled at the same time. No extra money was required from the finances of the Colony as he was certain he had the savings to meet the expenditure required. On account of the introduction of oil fuel in engines he found that he was not using the same amount of coal as he expected to.

HIS EXCELLENCY added that the Honourable the Chief of Customs was Chairman of the Port Advisory Board and he did not think in the interests of the country they could be sufficiently grateful to them for the advice they had given.

THE HON. THE CHIEF OF CUSTOMS said he wished to support the Motion in the strongest way possible. The Port Advisory Board in taking up their duties found a very impossible state of affairs down at Kilindini. The congestion was so great that it was

almost impossible to despatch ships quickly and to clear cargo. The proposals made by the Board would, he hoped, to a very great extent alleviate the present impossible situation. Steps had been taken by the Railway to improve the line by which trucks could be shunted, which is also a step which must help matters. The present position was still unsatisfactory. The shed accommodation was not sufficient and unfortunately the wharf did not lend itself to improvement. The putting of a road outside the pier was absolutely necessary, as there was no security whatever under the present arrangements. If it could be found possible to extend the present import sheds by the addition of at least one more it would still help matters further, but the Board did not put that recommendation forward at the present time because they realised the lack of money. The other day two steamers arrived while another was being loaded. The result was that one of the ship's cargo, 2,000 tons, had to be towed round to Mombasa and discharged there. This emphasised the necessity for improving the accommodation at the earliest date possible.

HIS EXCELLENCY said that in order to give Members an opportunity of studying the question better and looking at the map he would adjourn Council for a quarter of an hour. He would also lay on the table a cable from the Colonial Office regarding the new postal stamps which had just been received.

He also stated that he had agreed for the present to the extra item of £125 per annum for the increased Reuter's service.

After the adjournment the Motion was put and carried unanimously.

THE CURRENCY NOTES ORDINANCE, 1920.

THE HON. THE ACTING TREASURER moved that a Bill intituled "An Ordinance to provide for the issue of Currency Notes," be read a third time and passed.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

The Bill was read a third time and passed.

THE NATIVE EXEMPTION ORDINANCE, 1920.

THE HON. THE ACTING CHIEF NATIVE COMMISSIONER moved that Council resolve itself into a Committee to consider a small amendment to the Ordinance intituled "An Ordinance to provide for certain persons being Members of Tribes living in the Colony and Protectorate of Kenya obtaining relief from the operation of certain enactments wherein the term Native is defined."

THE HON. THE ACTING CHIEF SECRETARY seconded.

THE COUNCIL resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE GOVERNOR, presiding.

In Committee.

An amendment to Section 9 (3) was agreed to.

The Council resumed its sitting.

THE HON. THE ACTING CHIEF NATIVE COMMISSIONER moved that the Bill as amended be reported to Council and that it be read a third time and passed.

THE HON. THE ACTING CHIEF SECRETARY seconded.

THE HON. L. COLLINGS WELLS regretted that he must oppose the third reading although he was in sympathy with it. He opposed it on account of

the amendment which had been introduced prior to the second reading. Though he feared he might be in the minority of one he wanted to register his dissent to the Bill.

The question that the Bill be read a third time and passed was put and carried, The Hon. L. Collings Wells dissenting.

THE DEFINITION OF THE TERM "NATIVE" ORDINANCE, 1920.

THE HON. THE ACTING CHIEF NATIVE COMMISSIONER moved that a Bill intituled "An Ordinance to define the term 'Native' and to apply the provisions of law applicable to Natives to certain other persons," be read a third time and passed.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

The Bill was read a third time and passed.

THE ELECTRIC POWER (AMENDMENT) ORDINANCE, 1920.

THE HON. THE DIRECTOR OF PUBLIC WORKS moved that a Bill intituled "An Ordinance to amend the Electric Power Ordinance, 1919," be read a third time and passed.

At the risk of employing the time of Council he said he would like to offer some remarks on the situation which was involved by Council's decision to delete the last clauses. As was well known the object of the Bill was to exempt the Nairobi Company from the whole of the provisions of the Electric Power Ordinance. The last clause referred to a small temporary Ordinance No. 29 of 1919. This was identical with Sect on 117 of the Principal Ordinance and if it were not repealed, Government would be acting up to the letter but not to the spirit of its engagement with the Nairobi Company which was to exempt them entirely from the provisions of the Principal Ordinance. At the same time he did not think that the Company should object as the small Ordinance would have no application to them unless they were making serious default.

HIS EXCELLENCY said it was necessary to retain that small Ordinance referred to as a safeguard for the public but it would only be used as a last resort.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

The Bill was read a third time and passed.

THE NON-NATIVE POLL TAX (AMENDMENT) ORDINANCE, 1920.

THE HON. THE ATTORNEY GENERAL moved that a Bill intituled "An Ordinance to make further provision for the payment of Poll Tax by Non-Natives" be read a third time and passed.

Before the Bill was read he wished to point out a purely verbal amendment to Clause 2. The word "Viz." should, he thought, be left out as it was unusual, and also in the last line of the same clause before the word "duration" the word "in" should be inserted.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

The Bill was read a third time and passed.

THE POST OFFICE SAVINGS BANK (AMENDMENT) ORDINANCE, 1920.

THE HON. THE POSTMASTER GENERAL moved that a Bill intituled "An Ordinance to amend the East Africa Post Office Savings Bank Ordinance, 1909," be read a third time and passed.

THE HON. THE DIRECTOR OF EDUCATION seconded.

The question was put and carried.

The Bill was read a third time and passed.

THE FORMER ENEMY ALIENS RESTRICTION AMENDMENT ORDINANCE, 1920.

THE HON. THE CROWN COUNSEL moved that a Bill intituled "An Ordinance to amend the former Enemy Aliens Restriction Ordinance, 1919," be read a third time and passed.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

The Bill was read a third time and passed.

THE ENTERTAINMENTS TAX ORDINANCE, 1920.

THE HON. THE ACTING TREASURER moved that a Bill intituled "An Ordinance to impose a Tax on admission to Entertainments," be read a third time and passed.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

The Bill was read a third time and passed.

THE BANK OF ENGLAND AND TREASURY CURRENCY NOTES REPEAL ORDINANCE, 1920.

THE HON. THE ACTING TREASURER moved that a Bill intituled "An Ordinance to repeal the Bank of England and Treasury Currency Notes Ordinance, 1920," be read a third time and passed.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

The Bill was read a third time and passed.

THE REGISTRATION OF TITLES (AMENDMENT) ORDINANCE, 1920.

THE HON. THE ATTORNEY GENERAL moved that a Bill intituled "An Ordinance to amend the Registration of Titles Ordinance, 1919," be read a third time and passed.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

The Bill was read a third time and passed.

REPORTS FROM SPECIAL COMMITTEES.

THE MOHAMMEDAN MARRIAGE, DIVORCE AND SUCCESSION ORDINANCE.

THE HON. THE ATTORNEY GENERAL, Chairman of the Special Committee appointed to report and make recommendations on the Mohamedan Marriage, Divorce and Succession Ordinance, 1920, presented the report to Council and asked permission to read the report.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

(The Report was then read by the Chairman).

THE HON. THE ATTORNEY GENERAL moved that Council resolve itself into a Committee to consider the clauses of the Bill.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE GOVERNOR, presiding.

In Committee.

The Council resumed its sitting.

THE HON. THE ATTORNEY GENERAL moved that the Bill as amended be reported to Council.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

THE HON. THE ATTORNEY GENERAL gave notice that he would move the third reading of the Bill at a later stage of the Session.

THE CRIMINAL PROCEDURE AMENDMENT ORDINANCE, 1920.

THE HON. THE ATTORNEY GENERAL, Chairman of the Special Committee appointed to report and make recommendations on the Criminal Procedure Amendment Ordinance, 1920, presented to Report to Council and asked permission to read the Report.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

(The Report was then read by the Chairman.)

THE HON. THE ATTORNEY GENERAL moved that Council resolve itself into a Committee to consider the Report and provisions of the Bill.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE GOVERNOR, presiding.

In Committee.

Amendments were made to Clauses 3, 5 and 6.

The Council resumed its sitting.

THE HON. THE ATTORNEY GENERAL moved that the Bill as amended be reported to Council.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

THE HON. THE ATTORNEY GENERAL gave notice that he would move the third reading of the Bill at a later stage of the Session.

THE PREVENTION OF CORRUPTION
AMENDMENT ORDINANCE, 1920.

THE HON. THE CROWN COUNSEL moved that a Bill intituled "An Ordinance to amend the Law relating to the Prevention of Corruption," be read a second time.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

THE HON. THE CROWN COUNSEL moved that Council resolve itself into a Committee to consider the provisions of the Bill.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE GOVERNOR, presiding.

In Committee.

Amendments to Clauses 4 and 10 of the Bill were made.

The Council resumed its sitting.

THE HON. THE CROWN COUNSEL moved that the Bill as amended be reported to Council.

THE HON. THE ACTING CHIEF SECRETARY seconded.

THE HON. THE CROWN COUNSEL gave notice that he would move the third reading of the Bill at a later stage of the Session.

HIS EXCELLENCY said that this finished the business in the Order of the Day. Of those Bills which they had been considering only one which had to pass through the second or third reading or both might, he thought, be debatable and which elected Members might like to be present for, and that was the Intoxicating Liquors Bill, which he proposed to leave till Council met again in the middle of January. With regard to other Bills he did not think there was anything debatable and he proposed to pass them during the next fortnight with a local quorum, if Honourable Members were agreeable. He did not think it was necessary to call those Members who lived far away to come again till the 17th January.

THE HON. THE ATTORNEY GENERAL moved that the Standing Orders be suspended to enable three Bills intituled "An Ordinance to amend the Law relating to Divorce and Matrimonial Causes in the cases of Mohamedan Marriages and relating to intestate succession in certain cases"; "An Ordinance to amend the Criminal Procedure Ordinance, 1913"; and "An Ordinance to amend the Law relating to the Prevention of Corruption" respectively, to be read a third time and passed.

THE HON. THE CROWN COUNSEL seconded.

The question was put and carried.

THE MOHAMMEDAN MARRIAGE, DIVORCE,
AND SUCCESSION ORDINANCE, 1920.

THE HON. THE ATTORNEY GENERAL moved that a Bill intituled "An Ordinance to amend the Law relating to Divorce and Matrimonial Causes in the cases of Mohammedan Marriages and relating to intestate succession in certain cases," be read a third time and passed.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

The Bill was read a third time and passed.

THE CRIMINAL PROCEDURE AMENDMENT
ORDINANCE, 1920.

THE HON. THE ATTORNEY GENERAL moved that a Bill intituled "An Ordinance to amend the Criminal Procedure Ordinance, 1913," be read a third time and passed.

THE HON. THE CROWN COUNSEL seconded.

The question was put and carried.

The Bill was read a third time and passed.

THE PREVENTION OF CORRUPTION
AMENDMENT ORDINANCE, 1920.

THE HON. THE CROWN COUNSEL moved that a Bill intituled "An Ordinance to amend the Law relating to the Prevention of Corruption," be read a third time and passed.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

The Bill was read a third time and passed.

Council adjourned till 10 a.m. the 17th January,
1921.

FIFTH DAY.

Held at Nairobi on the 17th day of January, 1921.

THE Council assembled on the 17th day of January at 10 a.m., HIS EXCELLENCY THE GOVERNOR (MAJOR-GENERAL SIR EDWARD NORTHEY, K.C.M.G., C.B.) presiding.

Absent :—

THE HON. SHEIKH ALI BIN SALIM, C.M.G., C.B.E.

THE HON. L. COLLINGS WELLS.

THE HON. THE ATTORNEY-GENERAL (R. W. LYALL-GRANT.)

THE HON. V. V. PHADKE.

THE HON. THE TREASURER (H. H. RUSHTON.)

ADMINISTRATION OF OATH.

The President administered the Oath to the Hon. William John Dawson, Elected Member for the Rift Valley Area.

COMMUNICATION FROM THE CHAIR.

HIS EXCELLENCY said that at the previous Session of Council he had remarked at great length on outstanding matters. The work immediately before Honourable Council was as stated in the Order of the Day. He regretted that financial measures of great importance and the Budget for next year and the proposals for the loan which was about to be raised would not be ready before the beginning of next week. Opportunity would be given for full debate on the loan proposals in order that his official recommendations might be made to the Secretary of State. The Public Health Bill was not quite ready but he hoped it would be ready in the course of the next few days. The General Loans Ordinance, the Income Tax Amendment Ordinance, and the Appropriation Bill, etc., would be considered next week. He had received instructions from the Secretary of State to prepare a Bill for the provision of Pensions for Widows and Orphans and this Bill would be prepared as soon as possible for submission to Council.

QUESTIONS.

THE HON. R. B. COLE asked the following question :—

“Have any steps been taken to demarcate outspans in the Native Reserves on the main roads?”

THE HON. THE DIRECTOR OF AGRICULTURE replied as follows :—

“The Acting Chief Veterinary Officer has at present under consideration a scheme for the provision of outspans throughout the Colony.

“In the particular case of the Thika-Nyeri Road outspans, to be excised from the Kenya Native Reserve, have been earmarked provisionally, pending a report on the compensation involved in respect of native cultivation.

“I would add that the general question of outspans will be discussed by the Land Tenure Commission, now sitting.”

THE HON. R. B. COLE asked the following question :—

“Has the necessary warrant for expenditure been given to the local Executive Engineer for the West Kenya Rumuruti Road passed at the last Session?”

THE HON. DIRECTOR OF PUBLIC WORKS replied as follows :—

“The answer to the Honourable Member's question is in the affirmative.”

THE HON. R. B. COLE, with regard to the first question, pointed out that the dry weather was just beginning and unless the work referred to was marked out quickly the rainy season would be upon them.

THE HON. THE DIRECTOR OF AGRICULTURE said he would note the request made by the Honourable Member.

THE HON. A. C. HOEY asked the following question :—

- (1) “What grants of land have been made to Soldier Settler Syndicates in the vicinity of Kipkareen River (which forms part of the western boundary of Uasin Gishu) since January 1st, 1919?”
- (2) “If grants have been made, was such land publicly advertised as being available for allotment prior to alienation?”
- (3) “Is it a fact that recently a grant of some 7,000 acres of land—free of stand premia—has been sanctioned in the vicinity of Kipkareen? If so, will the Honourable Commissioner of Lands please give fullest details?”
- (4) “Whether there is any more land available for settlement in this area, and also if there is any land surveyed for alienation but not yet given out adjoining the Nandi Reserve. If so, will the Honourable Commissioner of Lands have a map laid on the table of the House showing areas concerned?”

THE HON. THE COMMISSIONER OF LANDS replied as follows :—

- (1) “The grants made in this area since January 1st, 1919, are shown in detail in the map to be laid upon the table.
- (2) “No Syndicate areas were advertised as were the individual farms of which maps were published at the time of the soldier settlement allotment since it was not within the knowledge of the Government at the time what areas were suitable and available. Soldier settler syndicates were in the first place informed very approximately where it might be possible to find land. Reconnaissance surveys were then made in the different localities—Soldier Syndicates were shown the results of these reconnaissances—were given a choice of localities and finally fitted in according to their choice and to the requirements of equitable survey.

- (3) "An area of 7,402 acres, of which the Soldier Settlement Syndicates had been given the choice, but was not taken up, was granted to Mr. P. L. Uys in the Kipkarren area. This grant was made by the Imperial Government for political services rendered to the Empire by Mr. Uys. If the Honourable Member desires further particulars of these services I will ask His Excellency's permission to lay a detailed summary on the table in a few days' time.

"For the particulars of the actual grant of land I would refer the Honourable Member to the map to be laid upon the table.

- (4) (a) "There are still 8,500 acres available for selection in this area.

- (b) "Adjoining the Nandi Reserve (now called New Nandi Allotment) 32 "A" farms of about 160 acres each have been surveyed, and of these 25 have been allotted to Soldier Settlers (under the "A" class) who drew in the lottery unsatisfactory "A" farms in West Kenya and Laikipia. Another 30 "A" farms are being surveyed (coloured red on plan) to satisfy the remaining "A" soldier settlers who are entitled to an exchange.

"In New Nandi Allotment area there still remains about 39,000 acres, which are being cut up into farms of from 300 to 1,000 acres each.

"I beg to lay the map illustrating the above replies on the Table."

HIS EXCELLENCY said he would like to add that with regard to No. (3) he took the entire responsibility. On his arrival in the country in 1919 he had found a very large file of correspondence which had been going on for 41 years between the Honourable Mr. Uys and the Government. He had found that Mr. Uys had been suffering a deep sense of injustice in that certain definite promises given to him by the Imperial Government had not been carried out. He recommended to the Secretary of State that these promises should be fulfilled and when asked if the balance of land due to this gentleman was approved he could find it in Kenya, he had said "yes." On his return to the country last year he instructed the Commissioner of Lands to arrange for the transfer of land valued at £4,000 should be given to Mr. Uys. It had been on his very strong recommendation to the Secretary of State that the allotment of the land in question had been approved.

THE HON. W. J. MOYNAGH said the position was that the Legislative Council knew nothing at all about the transaction. It seemed rather a difficult proposition for Council that matters such as the one under consideration were never referred to the Council. He knew the feeling of the country was very strong against anyone having the power to give out land. Other people had been given more definite promises which had never been fulfilled, who had far more claim to the 7,000 acres than Mr. Uys. He submitted that the matter should have been put before the Council before the land was given.

THE HON. THE COMMISSIONER OF LANDS said that if it was the custom of law in this country that grants of land should be referred to the Legislative Council it was an entire change of law and custom. When it was a question of individual grants of land they had always previously been settled by the Governor-in-Council.

THE HON. W. J. MOYNAGH in explanation challenged the statement made by the Honourable Commissioner of Lands. One never knew whether Sir Ernest Shackleton would come along and claim 7,000 acres for discovering the South Pole.

THE HON. A. C. HOBY had listened to the debate with great interest and would like to go further into the matter and ask for details, with a view to moving a formal motion at a later stage of the Session.

THE HON. THE COMMISSIONER OF LANDS asked what the further details asked for were.

HIS EXCELLENCY said he understood from what the Honourable Member said that he would put forward a Motion which would ask for the details wanted.

THE HON. K. H. RODWELL asked whether the Imperial Government would refund the £4,000 to the Colony.

HIS EXCELLENCY replied that the answer was in the negative.

THE FINANCIAL YEAR ORDINANCE, 1921.

THE HON. THE ATTORNEY GENERAL in pursuance of notice given, introduced and moved the first reading of a Bill intitled "An Ordinance to establish and define the Financial Year."

"On introducing the Bill he remarked that the object was to make the Financial Year coincide with the Calendar Year. The Bill was introduced at the request of the Treasurer for financial reasons. The next financial period for which estimates had been proposed was 1st April to 31st December, 1921. After this date the Financial Year would coincide with the Calendar Year if the Bill became law, and the Bill also sought in addition to take the necessary steps to make the change applicable to all Ordinances in force prior to the coming into operation of the Bill.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The Bill was read a first time.

THE HON. THE ATTORNEY GENERAL gave notice that he would move the second reading of the Bill at a later stage of the Session.

THE AGRICULTURAL PRODUCTS EXPORT ORDINANCE, 1921.

THE HON. THE DIRECTOR OF AGRICULTURE introduced and moved the first reading of a Bill intitled "An Ordinance to provide for the Grading and Inspection of Agricultural Produce to be exported by sea and generally for the better regulation of the preparation and manufacture of same."

In moving the first reading the Honourable the Director of Agriculture said that the objects and intentions of the Bill were to foster and stimulate trade in agricultural products; to secure uniformity in the grading and in the quality of produce exported and to ensure delivery to its destination in sound condition.

The reason why it was necessary to protect the interests of the agricultural industry by legislative action along the lines of the Bill was that in its absence products of inferior quality would be exported and discredit would be brought upon the Colony's production with the result that its trade would suffer and the value of its products of good quality would be depreciated. He proposed to defer until the second reading stage a further consideration of the principles underlying the operation of the Bill.

THE HON. THE COMMISSIONER OF CUSTOMS seconded.

The Bill was read a first time.

THE HON. THE DIRECTOR OF AGRICULTURE gave notice that he would move the second reading of the Bill at a later stage of the Session.

THE CENSUS ORDINANCE, 1921.

THE HON. THE ATTORNEY GENERAL in pursuance of notice given introduced and moved the first reading of a Bill intituled "An Ordinance to take a Census of the Non-Native Population of the Colony of Kenya and the East Africa Protectorate."

The Bill was introduced as the result of instructions issued by the Secretary of State to the effect that it had been decided to take a Census of the Empire and the date fixed was the 24th April, 1921. The application of the Census (Great Britain) Act, 1910, to the condition prevailing in the Colony and Protectorate appeared to be the most convenient way to take the Census of the Non-Native population. The Colony was accordingly subdivided by the sub-division of administrative districts into enumeration districts. Enumerators were to be appointed to districts and collect the necessary schedules to be filled in by the occupiers of premises in their districts. The Census of the native population was to be arranged for administratively.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The Bill was read a first time.

THE HON. THE ATTORNEY GENERAL gave notice that he would move the second reading of the Bill at a later stage of the Session.

THE CUSTOMS TARIFF AMENDMENT
(No. 2) ORDINANCE, 1921.

THE HON. THE COMMISSIONER OF CUSTOMS in pursuance of notice given, introduced and moved the first reading of a Bill intituled "An Ordinance to further amend the Customs Ordinance, 1920."

The object of the Bill was set forth in Clause 2. With regard to drugs and medicines. This had been a matter which had been under consideration for some time. An application had been made by the Missionaries to be allowed to bring in their drugs and medicines free of duty. It had been found difficult to legislate for one particular section but after considerable correspondence it had been decided that drugs and medicines be imported free of Duty and the Bill had been introduced to provide for that. With regard to the other amendment, the addition of the word "boxes." This was to meet an application that had been made to admit "sluts" which were brought in for the packing of produce. These boxes were principally imported for the packing of rubber. It was not contemplated that either of these exceptions would affect the Revenue to any large extent.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The Bill was read a first time.

THE HON. THE COMMISSIONER OF CUSTOMS gave notice that he would move the second reading of the Bill at a later stage of the Session.

THE PREVENTION OF CRUELTY TO ANIMALS
AMENDMENT ORDINANCE, 1921.

THE HON. THE ACTING CHIEF SECRETARY in pursuance of notice given, introduced and moved the first reading of a Bill intituled "An Ordinance to amend the Prevention of Cruelty to Animals Ordinance, 1918."

The object of the Bill was to extend the scope by which His Excellency could make rules under the Ordinance and to appoint a local Inspector of the Society for the Prevention of Cruelty to Animals to take charge of any animal which he found suffering and unfit for work owing to ill treatment. The amendments were in accordance with the practice established in the United Kingdom.

THE HON. THE ACTING SOLICITOR GENERAL seconded.

The Bill was read a first time.

THE HON. THE ACTING CHIEF SECRETARY gave notice that he would move the second reading of the Bill at a later stage of the Session.

THE RENT (WAR RESTRICTION AMEND-
MENT) ORDINANCE, 1921.

THE HON. THE ACTING SOLICITOR GENERAL in pursuance of notice given, introduced and moved the first reading of a Bill intituled "An Ordinance to amend the Rent (War Restriction) Ordinance, 1918."

The Bill was introduced as the result of a Motion proposed by the Honourable Mr. C. M. Dalal, Member for the Indian Community at the Coast, and carried by Council at a previous Session, and a recommendation made by the Commission appointed to enquire into profiteering.

The chief changes introduced were:—

(1) The extension of the operation of the Principal Ordinance until the end of the year 1923—instead of for 6 months after the termination of the war.

(2) The slight raising of the rent of houses which were subject to the provisions of the Principal Ordinance. Houses rented over Rs. 1,200 were not formerly under the Ordinance. The figure was raised to £150.

(3) Tightening and amending of Section 5 of the Principal Ordinance. Landlords had been in the habit of evading this Section by obtaining an order for ejection on the grounds that the house was required by themselves or an employee, putting in a nominee for a month, and then reletting it at a higher rent to another tenant. Sections 3 and 4 of the Bill sought to remedy the evil.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The Bill was read a first time.

THE HON. THE SOLICITOR GENERAL gave notice that he would move the second reading of the Bill at a later stage of the Session.

THE APPROPRIATION ORDINANCE, 1920,
AMENDMENT ORDINANCE, 1921.

THE HON. THE SOLICITOR GENERAL in pursuance of notice given introduced and moved the first reading of a Bill intituled "An Ordinance to amend the Appropriation Ordinance, 1920."

This amending Bill was introduced as a result of a despatch received from the Secretary of State pointing out that the Appropriation Ordinance, 1920, as passed by the Council in August, 1920, by charging the revenues of the East Africa Protectorate with the expenditure in effect, owing to the change made by Order-in-Council of the East Africa Protectorate into a Colony, charged the Protectorate of Kenya, as it now was, with the whole expenditure. The amending Bill set this right by verbal amendment charged the Kenya Colony and Protectorate with the Expenditure.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The Bill was read a first time.

THE HON. THE ACTING SOLICITOR GENERAL gave notice that he would move the second reading of the Bill at a later stage of the Session.

THE POLICE (AMENDMENT) ORDINANCE,
1921.

THE PRISONS (AMENDMENT ORDINANCE),
1921.

THE HON. THE ACTING CHIEF SECRETARY said that with His Excellency's permission he proposed that the two Bills, "The Police (Amendment) Ordinance, 1921," and "The Prisons (Amendment) Ordinance, 1921," should be withdrawn owing to a mistake made by him. Instructions had been given by the Secretary of State that the draft legislation should be sent to him first. He moved that the two Bills be postponed and taken at a later Session.

THE HON. THE ACTING SOLICITOR GENERAL seconded.

The question was put and carried and the two Bills withdrawn.

THE DESIGNATION OF OFFICERS
ORDINANCE, 1921.

THE HON. THE ACTING CHIEF SECRETARY in pursuance of notice given introduced and moved the first reading of a Bill intituled "An Ordinance to amend the Law relating to the Designation of Officers."

The objects of the Bill were to give effect to instructions of the Secretary of State that, with the regrading of Administrative Officers the officials formerly known as Provincial Commissioners would be known as Senior Commissioners. Secondly, to provide for officers posted in Native Reserves and those posted in non-native Reserves, thereby giving effect to the principle which had been recommended by the Labour Commission in 1913 and which had been approved by the Secretary of State.

THE HON. THE ACTING SOLICITOR GENERAL seconded.

The Bill was read a first time.

THE HON. THE ACTING CHIEF SECRETARY gave notice that he would move the second reading of the Bill at a later stage of the Session.

REPORT FROM SPECIAL COMMITTEE.

THE NATIVE LIQUOR ORDINANCE, 1921.

THE HON. THE ACTING CHIEF NATIVE COMMISSIONER, Chairman of the Special Committee appointed to report and make recommendations on the Native Liquor Ordinance, 1921, presented the Report to Council and asked permission to read same.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

The Report was then read by the Chairman, who also read the report of a Committee appointed by the Town Council of Johannesburg on a similar measure in South Africa, which, he said, answered many of the questions which had been raised on the proposed Ordinance for Kenya.

THE HON. THE ACTING CHIEF NATIVE COMMISSIONER moved that Council resolve itself into a Committee to consider the provisions of the Bill.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE GOVERNOR, presiding.

In Committee.

The Bill was read Clause by Clause and amendments made to Clauses 1 to 23.

Council adjourned till 9 a.m. Tuesday, 18th January, 1921.

SIXTH DAY.

Held at Nairobi on the 18th day of January, 1921.

THE Council assembled on the 18th day of January at 9 a.m., HIS EXCELLENCY THE GOVERNOR (MAJOR-GENERAL SIR EDWARD NORTHEY, K.C.M.G., C.B.) presiding.

Absent:—

THE HON. SHEIKH ALI BIN SALIM, C.M.G., C.B.E.

THE HON. L. COLLINGS WELLS.

THE HON. THE ACTING TREASURER (H. H. RUSHTON.)

THE NATIVE LIQUOR ORDINANCE, 1921.

THE HON. THE ACTING CHIEF NATIVE COMMISSIONER moved that Council resolve itself into a Committee to further consider the clauses of a Bill intituled "An Ordinance to regulate the sale of Native Intoxicating Liquors."

THE HON. THE ACTING CHIEF SECRETARY seconded.

The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE GOVERNOR, presiding.

In Committee.

Amendments were made to Clauses 26 to 31.

The Council resumed its sitting.

THE HON. THE ACTING CHIEF NATIVE COMMISSIONER moved that the Bill as amended be reported to Council.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

THE HON. THE ACTING CHIEF NATIVE COMMISSIONER gave notice that he would move the Third Reading of the Bill at a later stage of the Session.

REPORT FROM SPECIAL COMMITTEE.

THE INDUSTRIAL ALCOHOL ORDINANCE.

THE HON. THE DIRECTOR OF PUBLIC WORKS, Chairman of the Special Committee appointed to report and make recommendations on a Bill intituled "An Ordinance to provide for the Manufacture, Sale and Use of Industrial Alcohol," presented the Report to Council and asked permission to read same.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

The Report was then read by the Chairman and laid on the Table.

THE HON. THE DIRECTOR OF PUBLIC WORKS moved that Council resolve itself into a Committee to consider the amendments to the Bill.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE GOVERNOR, presiding.

In Committee.

The Bill was read Clause by Clause and certain amendments were made.

The Council resumed its sitting.

THE HON. THE DIRECTOR OF PUBLIC WORKS moved that the Bill as amended be reported to Council.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

THE HON. THE DIRECTOR OF PUBLIC WORKS gave notice that he would move the third reading of the Bill at a later stage of the Session.

THE FINANCIAL YEAR ORDINANCE, 1921.

THE HON. THE ACTING SOLICITOR GENERAL moved that a Bill intituled "An Ordinance to establish and define the Financial year," be read a second time.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

THE HON. THE ACTING SOLICITOR GENERAL moved that Council resolve itself into Committee to consider the provisions of the Bill.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE GOVERNOR, presiding.

In Committee.

The Bill was read Clause by Clause, when certain minor amendments were made.

The Council resumed its sitting.

THE HON. THE ACTING SOLICITOR GENERAL moved that the Bill as amended be reported to Council.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

THE HON. THE ACTING SOLICITOR GENERAL gave notice that he would move the third reading of the Bill at a later stage of the Session.

THE AGRICULTURAL PRODUCTS EXPORT ORDINANCE, 1921.

THE HON. THE DIRECTOR OF AGRICULTURE moved that a Bill intituled "An Ordinance to provide for the grading and inspection of Agricultural Produce to be exported by sea and generally for the better regulation of the preparation and manufacture of same," be read a second time.

In moving the second reading he craved the indulgence of the House in occupying more than a few minutes in explaining the points concerning the principles and administration of the Bill, because he feared that a good deal of misunderstanding existed in some quarters.

The Bill might be regarded as comprehensive in its character and it provided for the grading and inspection and in some cases the conditions of manufacture of agricultural products to be exported overseas. He stated that it was modelled on the South African Act of 1917, which had proved successful, and he had no reason to suppose the same experience would not be found in this country.

The main principle governing the administration of the Bill was that before any particular product was brought under the Ordinance the Government had to be satisfied it would be to the advantage of the producers to make regulations dealing with the conditions under which each particular product might be exported. Section 3 of the Bill had particular reference thereto. In fact, the position would be that until Government was satisfied that the Ordinance could be administered in respect of a particular product and that particular product could then be graded and inspected, and the needs justified that particular product it would continue to be exported in the ordinary way. He did not want Honourable Members to assume that as soon as effect was given to the Bill all exported products had to be inspected and graded. It was impracticable to stipulate in an Ordinance of this kind the different grades under which each kind of produce might be exported. It had been suggested to him that the Ordinance was incomplete because it did not provide for these conditions and requirements. He submitted that each product would require its own set of rules with regard to grading, packing, etc., and a great deal of work had to be done before rules could be drawn up governing the grading and inspection of any particular agricultural product. They had to consider all the different interests concerned in the matter before they could attempt to draw up any rules. They had to consult the interests of the producers, the interests of the shippers and traders, and the interests of the manufacturer, and also the interests of the consumer. After they had brought all these different interests into line and after ascertaining their views and requirements then it would be possible to draw up rules which would be satisfactory to the industry. In the absence of rules it was quite impossible for grading and inspection regulations to work smoothly and satisfactorily. In the case of some products he explained that the grading would be performed by the grader and inspector, but in other cases the grading might be required to be done by the exporter and the brands printed on the packages, which had then to be passed or rectified, in accordance with the regulations, by the Inspector.

He pointed out that it was a guiding principle of official grading that wherever possible it should be done at the Port and immediately prior to shipment, otherwise there was some risk that the grading might be tampered with before shipment, and consideration had to be given to the Inspector who issued his certificate.

The Ordinance also provided for the conditions under which meat and dairy produce might be produced for export. It might be said that there was no need to provide for this sort of thing at the present stage of the country's development; though these products might not be exported now it was better to have an Ordinance to cover the needs and requirements of other grading when an export trade developed in the future.

It would be agreed that the main and present need was to provide for the grading and inspection of export maize and beans. Information had recently been received that serious damage had been caused to East African Trade in these products through shipments having arrived at their destination badly infested with weevils. During 1920 from official reports received from the Honourable the Chief of Customs he found that something like

200,000 bags of Maize were exported in 1920 and about 20,000 to 25,000 bags of beans were exported. He was sorry to say that since the Bill had been drafted the conditions had somewhat changed in respect of the trade of these exports. There had been a heavy drop in prices and owing to the very high cost of marketing, trade had practically ceased in these products. He did not think because of that they would be justified in holding up the measure and he thought that they would do well to provide the necessary machinery for the grading and inspection of these and other products as soon as the trade was revived. In his judgment of the position in this country weevil infestation was a serious problem which they had to tackle in respect of the export trade in grain, and very careful control would require to be exercised. Until the beginning of the war the only known practical method was fumigation, with the use of carbon bisulphide, but the Royal Wheat Commission in handling immense supplies of wheat during the war which had been badly infested with weevils devised a practical means of handling grain by passing it through a heating process and rendering it innocuous to weevil infestation. The grain had to be heated to a temperature of 135 degrees F., and not only were the weevils destroyed, but the eggs left behind in the corn were also destroyed, whilst the germinating power of the maize was not affected. The fumigating method, unfortunately, did not destroy all the weevils in the grain. They would have before long to face some capital expenditure in providing for such a means in respect of the heating process.

In respect of Flax, the matter had received very careful consideration on the part of the Flax Association and himself and after lengthy discussion it had been decided that for the time being flax exported from this country should be graded, but that it should be for the present under a permissive system of grading.

With respect to other products, Coffee for example, the Honourable the Director of Agriculture explained that it did not lend itself to treatment in the ordinary way under grading regulations. With regard to Sisal, he did not think it would be very difficult to devise a uniform grading system in respect of application to the Sisal industry in this country, but the need was not very urgent as Sisal was produced on a large scale by a small number of producers. With regard to Copra, he had not very direct information at the moment, though he thought something might have to be done to it at a later stage.

He was prepared to admit that difficulties would doubtless be experienced in securing the smooth working of the Ordinance until such time as the trade in graded products was constant and the volume of trade could be gauged with some degree of accuracy. This they had got to face in any case but whether they had got to face it then or two or three years hence, whenever a Bill of the kind was put into operation it would be experienced.

He stated that provision had been made in the Estimates for the appointment of one grader and Inspector. He hoped that one officer would be able to deal with the grading and inspection of maize and beans exported during the next financial year and he might check the certificates in respect of the flax graded at mills in the interior during that same period.

The Ordinance provided for charges to be levied for the grading and inspection, a sum calculated to cover the cost so that the cost was not borne by the tax payer, but was met by those who benefited by the grading. The Bill had been before the country for more than a month and had formed the subject of discussion and consideration for a number of years in this country and the only criticism the Bill had received had been from the Associated Chamber

of Commerce. He regretted very much he was unable to follow the wisdom of their request that services of this kind should be dealt with in two separate Ordinances, one dealing with grading and the other with inspection. He submitted that the two services were inseparable. They could not have grading without inspection and in certain cases it was a matter of inspecting the grades. It might be said as a first step they ought to provide for the inspection of grain and leave grading alone. He doubted very much whether it would be worth while taking that step and that step alone. It might be necessary to inspect every single individual bag of grain to ascertain the infestation of weevil and that being so they might at the same time do the grading as well. The other points raised by the Associated Chambers of Commerce could be suitably dealt with by the Special Committee, which he hoped would be appointed.

In conclusion, he expressed the hope that the Ordinance would receive the unanimous support of the Council on the second reading.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

THE HON. THE DIRECTOR OF AGRICULTURE moved that a Special Committee consisting of the following be appointed to consider the Bill.

THE HON. THE DIRECTOR OF AGRICULTURE (Chairman).

THE HON. THE CHIEF OF CUSTOMS.

THE HON. THE ACTING SOLICITOR GENERAL.

THE HON. T. A. WOOD, M.B.E.

THE HON. A. C. HOEV.

THE HON. W. J. DAWSON.

THE HON. K. H. RODWELL.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

THE CENSUS ORDINANCE, 1921.

THE HON. THE ATTORNEY GENERAL moved that a Bill intituled "An Ordinance to take a Census of the Non-Native Population of the Colony of Kenya and the East Africa Protectorate," be read a second time.

The objects of the Bill had been fully explained at the first reading. The Ordinance was confined to Non-natives as it had been considered impossible to have a satisfactory census of natives, otherwise it conformed more or less generally with the Act which had been prepared in England for the census which was to be carried out on the 7th April. The Census was to be carried out simultaneously all over the Empire, and the Ordinance before them was for carrying it out locally.

THE HON. THE ACTING CHIEF SECRETARY seconded.

THE HON. THE ATTORNEY GENERAL moved that Council resolve itself into a Committee to consider the provisions of the Bill.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE GOVERNOR, presiding.

In Committee.

The Bill was read Clause by Clause, when certain minor amendments were made.

Council resumed its Sitting.

THE HON. THE ATTORNEY GENERAL moved that the Bill as amended be reported to Council.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

THE HON. THE ATTORNEY GENERAL gave notice that he would move the third reading of the Bill at a later stage of the Session.

THE CUSTOMS TARIFF AMENDMENT (No. 2) ORDINANCE, 1921.

THE HON. THE CHIEF OF CUSTOMS moved that a Bill intituled "An Ordinance to further amend the Customs Tariff Ordinance, 1909," be read a second time.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

THE HON. THE CHIEF OF CUSTOMS moved that Council resolve itself into a Committee to consider the provisions of the Bill.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE GOVERNOR, presiding.

In Committee.

The Bill was read clause by clause when certain minor amendments were made.

The Council resumed its sitting.

THE HON. THE CHIEF OF CUSTOMS moved that the Bill as amended be reported to Council.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

THE HON. THE CHIEF OF CUSTOMS gave notice that he would move the third reading of the Bill at a later stage of the Session.

SUSPENSION OF STANDING ORDERS.

THE HON. THE ACTING CHIEF SECRETARY moved that Standing Orders be suspended to enable Council to sit to consider the Treaty of Peace Bills as shown on the Order of the Day.

THE HON. THE ATTORNEY GENERAL seconded.

The question was put and carried.

REPORT FROM SELECT COMMITTEE.

THE HON. THE ATTORNEY GENERAL, Chairman of the Select Committee appointed to consider the Treaty of Peace Bills, presented the Report to Council and asked permission to read same.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

The Report was then read by the Chairman and laid on the Table.

THE HON. THE ATTORNEY GENERAL then moved, with the leave of his seconder, that the Treaty of Peace Bills already introduced relating to the Treaty of Peace 'An Ordinance to amend the Treaty of Peace Ordinance, 1920,' 'An Ordinance further relating to the Treaty of Peace,' 'An Ordinance relating to the Treaty of Peace with Austria,' and 'An Ordinance relating to the Treaty of Peace with Bulgaria,' be withdrawn.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

CERTIFICATE OF EMERGENCY.

HIS EXCELLENCY read and signed a certificate of emergency to enable the new Treaty of Peace Bills to be introduced.

THE LOCAL CLEARING OFFICE ESTABLISHMENT ORDINANCE, 1921.

THE HON. THE ATTORNEY GENERAL in pursuance of notice given, introduced and moved the first reading of a Bill intituled "An Ordinance to provide for the Establishment of a Local Clearing Office for the Collection and Payment of Enemy Debts."

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

The Bill was read a first time.

THE HON. THE ATTORNEY GENERAL gave notice that he would move the second reading of the Bill at a later stage of the Session.

THE LOCAL CLEARING OFFICE (AUSTRIAN) ESTABLISHMENT ORDINANCE, 1921.

THE HON. THE ATTORNEY GENERAL in pursuance of notice given, introduced and moved the first reading of a Bill intituled "An Ordinance to provide for the Collection and Payment of Bulgarian Enemy Debts."

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

The Bill was read a first time.

THE HON. THE ATTORNEY GENERAL gave notice that he would move the second reading of the Bill at a later stage of the Session.

THE LOCAL CLEARING OFFICE (BULGARIAN) ESTABLISHMENT ORDINANCE, 1921.

THE HON. THE ATTORNEY GENERAL in pursuance of notice given, introduced and moved the first reading of a Bill intituled "An Ordinance to provide for the Collection and Payment of Bulgarian Enemy Debts."

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

The Bill was read a first time.

THE HON. THE ATTORNEY GENERAL gave notice that he would move the second reading of the Bill at a later stage of the Session.

SUSPENSION OF STANDING ORDERS.

THE HON. THE ATTORNEY GENERAL moved the suspension of Standing Orders to enable the second reading of the Bills just introduced to be proceeded with.

THE HON. THE ACTING CHIEF SECRETARY seconded.

THE LOCAL CLEARING OFFICE ESTABLISHMENT ORDINANCE, 1921.

THE HON. THE ATTORNEY GENERAL moved that a Bill intituled "An Ordinance to provide for the Establishment of a Local Clearing Office for the Collection and Payment of Enemy Debts," be read a second time.

THE HON. THE ACTING CHIEF SECRETARY seconded.

THE HON. THE ATTORNEY GENERAL moved that Council resolve itself into a Committee to consider the provisions of the Bill.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE GOVERNOR, presiding.

In Committee.

The Bill was read clause by clause when certain minor amendments were made.

The Council resumed its sitting.

THE HON. THE ATTORNEY GENERAL moved that the Bill as amended be reported to Council.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

THE HON. THE ATTORNEY GENERAL gave notice that he would move the third reading of the Bill at a later stage in the Session.

THE LOCAL CLEARING OFFICE (AUSTRIAN) ESTABLISHMENT ORDINANCE, 1921.

THE HON. THE ATTORNEY GENERAL moved that a Bill intituled "An Ordinance to provide for the Collection and Payment of Austrian Enemy Debts," be read a second time.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

THE HON. THE ATTORNEY GENERAL moved that Council resolve itself into a Committee to consider the provisions of the Bill.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE GOVERNOR, presiding.

In Committee.

The Bill was read clause by clause and no amendments were made.

The Council resumed its sitting.

THE HON. THE ATTORNEY GENERAL moved that the Bill be reported to Council.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

THE HON. THE ATTORNEY GENERAL gave notice that he would move the third reading of the Bill at a later stage of the Session.

THE LOCAL CLEARING OFFICE (BULGARIAN) ESTABLISHMENT ORDINANCE, 1921.

THE HON. THE ATTORNEY GENERAL moved that a Bill intituled "An Ordinance to provide for the Collection and Payment of Bulgarian Enemy Debts," be read a second time.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

THE HON. THE ATTORNEY GENERAL moved that Council resolve itself into a Committee to consider the provisions of the Bill.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE GOVERNOR, presiding.

In Committee.

The Bill was read clause by clause no amendments being made.

The Council resumed its sitting.

THE HON. THE ATTORNEY GENERAL moved that the Bill be reported to Council.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

THE HON. THE ATTORNEY GENERAL gave notice that he would move the third reading of the Bill at a later stage of the Session.

SUSPENSION OF STANDING ORDERS.

THE HON. THE ATTORNEY GENERAL moved that the Standing Orders be suspended in order that the third reading of these Bills might be proceeded with.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

THE LOCAL CLEARING OFFICE ESTABLISHMENT ORDINANCE, 1921.

THE HON. THE ATTORNEY GENERAL moved that a Bill intituled "An Ordinance to provide for the Establishment of a Local Clearing Office for the Collection and Payment of Enemy Debts," be read a third time and passed.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

The Bill was read a third time and passed.

THE LOCAL CLEARING OFFICE (AUSTRIAN) ESTABLISHMENT ORDINANCE, 1921.

THE HON. THE ATTORNEY GENERAL moved that a Bill intituled "An Ordinance to provide for the Collection and Payment of Austrian Enemy Debts," be read a third time and passed.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

The Bill was read a third time and passed.

THE LOCAL CLEARING OFFICE (BULGARIAN) ESTABLISHMENT ORDINANCE, 1921.

THE HON. THE ATTORNEY GENERAL moved that a Bill intituled "An Ordinance to provide for the Collection and Payment of Bulgarian Enemy Debts," be read a third time and passed.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

The Bill was read a third time and passed.

*Council adjourned till 9 a.m., Wednesday,
19th January, 1921.*

SEVENTH DAY.

Held at Nairobi on the 19th day of January, 1921.

The Council assembled on the 19th day of January at 9 a.m., HIS EXCELLENCY THE GOVERNOR (MAJOR-GENERAL SIR EDWARD NORTHEY, K.C.M.G., C.B.), presiding.

Absent:—

THE HON. SHEIKH ALI BIN SALIM, C.M.G., C.B.E.
THE HON. L. COLLINGS WELLS.
THE HON. THE ACTING TREASURER (H. H. RUSHTON).

MOTIONS.

THE HON. THE ACTING CHIEF SECRETARY moved the following Resolution:—

"That this Honourable Council approves of the grant of an allowance of one thousand Florins to Mr. E. Bird, Chief Clerk to His Excellency the Governor, in respect of additional duties performed by him in the absence of a personal staff to Sir Charles Bowring during the absence of His Excellency the Governor from the Colony in the year 1919-1920."

Speaking to the Resolution the Honourable the Acting Chief Secretary said that while His Excellency was at Home the Administrative Staff of the Protectorate had been very short and it was impossible to detail officers for the personal staff of Sir Charles Bowring who had acted as Governor. In consequence Mr. Bird, Chief Clerk to His Excellency, had a large number of additional duties to perform. The proposal to make him this allowance had been referred to the Secretary of State, who had approved of it subject to the Motion now before Council being approved.

HIS EXCELLENCY said that it might have been urged that if the Governor was at Home he did not need his Private Secretary. It was a fact that had he not had that accident he would have had to go Home as there were many important matters he had to discuss with the Secretary of State and also while at Home he had been very busy at the Colonial Office and required a Private Secretary. He knew that Mr. Bird, in addition to the work of Chief Clerk, really did the work of Private Secretary here.

THE HON. THE ATTORNEY GENERAL seconded.

The Motion was put to the vote and carried unanimously.

THE INDUSTRIAL ALCOHOL ORDINANCE, 1921.

THE HON. THE DIRECTOR OF PUBLIC WORKS moved that a Bill intituled "An Ordinance to provide for the manufacture, sale and use of industrial alcohol," be read a third time and passed.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

The Bill was read a third time and passed.

THE FINANCIAL YEAR ORDINANCE, 1921.

THE HON. THE ATTORNEY GENERAL moved that a Bill intituled "An Ordinance to establish and define the Financial Year," be read a third time and passed.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

The Bill was read a third time and passed.

THE CENSUS ORDINANCE, 1921.

THE HON. THE ATTORNEY GENERAL moved that a Bill intituled "An Ordinance to take a census of the Non-Native population of the Colony of Kenya and the East Africa Protectorate," be read a third time and passed.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

The Bill was read a third time and passed.

THE CUSTOMS TARIFF AMENDMENT (NO. 2) ORDINANCE, 1921.

THE HON. THE CHIEF OF CUSTOMS moved that a Bill intituled "An Ordinance to further amend the Customs Tariff Ordinance, 1909," be read a third time and passed.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

The Bill was read a third time and passed.

HIS EXCELLENCY informed Honourable Members that the previous afternoon, on a Certificate of Emergency and the Suspension of Standing Orders the Treaty Bills had been passed through all their Readings.

THE PREVENTION OF CRUELTY TO ANIMALS AMENDMENT ORDINANCE, 1921.

THE HON. THE ACTING CHIEF SECRETARY moved that a Bill intituled "An Ordinance to amend the Prevention of Cruelty to Animals Ordinance, 1921," be read a second time.

He again explained the objects of the Bill, which were twofold, one to extend His Excellency's powers for making rules under the Ordinance, and, secondly, to empower a duly appointed Inspector of the Society for Prevention of Cruelty to Animals to have powers which were usually granted to such inspectors in the United Kingdom.

THE HON. THE ATTORNEY GENERAL seconded.

The question was put and carried.

THE HON. THE ACTING CHIEF SECRETARY moved that Council resolve itself into a Committee to consider the provisions of the Bill.

THE HON. THE ATTORNEY GENERAL seconded.

The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE GOVERNOR, presiding.

In Committee.

The Bill was read Clause by Clause, when the penalties provided for in Clause 3 were increased to a fine of Florins 500 and imprisonment for a period of nine months.

The Council resumed its sitting.

THE HON. THE ACTING CHIEF SECRETARY moved that the Bill as amended be reported to Council.

THE HON. THE ATTORNEY GENERAL seconded.

The question was put and carried.

THE HON. THE ACTING CHIEF SECRETARY gave notice that he would move the third reading of the Bill at a later stage of the Session.

THE RENT (WAR RESTRICTION AMENDMENT) ORDINANCE, 1921.

THE HON. THE ATTORNEY GENERAL moved that a Bill intituled "An Ordinance to amend the Rent (War Restriction) Ordinance, 1918," be read a second time.

He said the Honourable the Acting Solicitor General had already introduced the Bill and explained its purport. It was the result of a Motion proposed by the Honourable Member for the Indian Community at the Coast and carried by the House at a previous Session, and also it resulted from a recommendation made by the Profiteering Commission. The Ordinance had been amended by its extension from 6 months after the termination of War till the end of the year 1923 and the houses to which it was applicable had been increased by the inclusion of houses up to a rental of £150 a year. There were further penalties on Landlords for letting houses in contravention of the Ordinance.

THE HON. THE ACTING CHIEF SECRETARY seconded.

THE HON. W. J. MOYNAGH asked the Honourable the Attorney General what would be the effect if the Bill became law with regard to those people who had already raised their rent. The trouble was that Landlords had raised their rent from Rs. 50/- to Rs. 150/- and the damage had been done.

THE HON. THE ATTORNEY GENERAL in reply to the Honourable Member said it appeared that the Landlords he referred to had broken the law and should be proceeded against.

THE HON. W. J. MOYNAGH said what he meant to say was that the landlords had raised their rents from Rs. 85/- upwards. He had used the sum of Rs. 50/- figuratively.

THE HON. THE ATTORNEY GENERAL said it put a very different aspect on the case.

THE HON. W. J. MOYNAGH said the point he wanted to bring out was that the damage had already been done and rents had been raised. If the Bill became law would it be applied retrospectively.

THE HON. THE ATTORNEY GENERAL informed the Honourable Member that there was no provision in the Bill for retrospective action.

The question was put and carried.

THE HON. THE ATTORNEY GENERAL moved that Council resolve itself into a Committee to consider the provisions of the Bill.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE GOVERNOR, presiding.

In Committee.

The Bill was read Clause by Clause, when amendments were made to Clauses 1 and 2, a new Clause 3 was inserted and amendments made to Clause 4.

The Council resumed its sitting.

THE HON. THE ATTORNEY GENERAL moved that progress be reported to Council.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

THE APPROPRIATION ORDINANCE, 1920,
AMENDMENT ORDINANCE, 1921.

THE HON. THE ACTING SOLICITOR GENERAL moved that a Bill intituled "An Ordinance to amend the Appropriation Ordinance, 1920," be read a second time.

He had already explained to the House that the object of the Bill was merely to put right a verbal mistake owing to the Order-in-Council not having arrived in time.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

THE HON. THE ACTING SOLICITOR GENERAL moved that Council resolve itself into a Committee to consider the provisions of the Bill.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE GOVERNOR, presiding.

In Committee.

The Bill was read Clause by Clause, when amendments were made to Clauses 1, 2 and 3.

The Council resumed its sitting.

THE HON. THE ACTING SOLICITOR GENERAL moved that the Bill as amended be reported to Council.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

THE HON. THE ACTING SOLICITOR GENERAL gave notice that he would move the third reading of the Bill at a later stage of the Session.

THE DESIGNATION OF OFFICERS
ORDINANCE, 1921.

THE HON. THE ACTING CHIEF SECRETARY moved that a Bill intituled "An Ordinance to amend the law relating to the Designation of Officers," be read a second time.

In proposing the first reading of the Bill he had outlined the objects. Firstly, they were to allow for the change of designation in Chief Secretary and Assistant Chief Secretary. Secondly, the Bill provided for the change in the designation of the senior Administrative Officers. At the present moment they were called Provincial Commissioners but under the Bill they were to be called Senior Commissioners. Thirdly, the Bill provided for Administrative changes between the native and non-native areas. The designation of officers in the native areas would be the same as at present, but in the non-native areas they would be called Resident Commissioners. These proposals had been made by the Labour Commission in 1913 and had been approved by the Secretary of State for the Colonies.

THE HON. THE ATTORNEY GENERAL seconded.

The question was put and carried.

THE HON. THE ACTING CHIEF SECRETARY moved that Council resolve itself into a Committee to consider the provisions of the Bill.

THE HON. THE ATTORNEY GENERAL seconded.

The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE GOVERNOR, presiding.

In Committee.

The Bill was read clause by clause when minor amendments were made to Clauses 1 and 2, a new Clause 4 was added and minor amendments were made to Clauses 5 and 6.

The Council resumed its sitting.

THE HON. THE ACTING CHIEF SECRETARY moved that the Bill as amended be reported to Council.

THE HON. THE ATTORNEY GENERAL seconded.

The question was put and carried.

THE HON. THE ACTING CHIEF SECRETARY gave notice that he would move the third reading of the Bill at a later stage of the Session.

THE INTERPRETATION AND GENERAL
CLAUSES (AMENDMENT) ORDINANCE,
1921.

THE HON. THE ATTORNEY GENERAL moved the suspension of Standing Orders in order to consider a Bill intituled "An Ordinance to amend the Interpretation and General Clauses Ordinance, 1912," for which His Excellency had signed a certificate of emergency.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

THE HON. THE ATTORNEY GENERAL in pursuance of notice given, introduced and moved the first reading of a Bill intituled "An Ordinance to amend the Interpretation and General Clauses Ordinance, 1912."

He said a number of Bills had been passed at the last Session of Council which purported to be enacted by the Legislative Council of the Colony and Protectorate of Kenya. It had been pointed out by the Secretary of State that the Legislative Council, by letters patent, was appointed Legislative Council of the Colony only although it was empowered to legislate for matters with regard to the Protectorate. The correct designation of the Legislative Council was the Legislative Council of the Colony of Kenya. No special provision appeared to have been made in those previous Bills applying them to the Protectorate. It was proposed to get over the difficulty by passing this amendment to the original Ordinance which automatically made Bills apply to the Colony and the Protectorate.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

The Bill was read a first time.

THE HON. THE ATTORNEY GENERAL gave notice that he would move the second reading of the Bill at a later stage of the Session.

THE INTERPRETATION AND GENERAL
CLAUSES (AMENDMENT) ORDINANCE,
1921.

THE HON. THE ATTORNEY GENERAL moved that a Bill intituled "An Ordinance to amend the Interpretation and General Clauses Ordinance, 1912," be read a second time.

THE HON. THE ACTING CHIEF SECRETARY seconded.

THE HON. THE ATTORNEY GENERAL moved that Council resolve itself into a Committee to consider the provisions of the Bill.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE GOVERNOR, presiding.

In Committee.

The Bill was read clause by clause but was not altered.

The Council resumed its sitting.

THE HON. THE ATTORNEY GENERAL moved that the Bill be reported to Council.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

THE HON. THE ATTORNEY GENERAL gave notice that he would move the third reading of the Bill at a later stage of the Session.

THE INTERPRETATION AND GENERAL
CLAUSES (AMENDMENT) ORDINANCE,
1921.

THE HON. THE ATTORNEY GENERAL moved that a Bill intituled "An Ordinance to amend the Interpretation and General Clauses Ordinance, 1912," be read a third time and passed.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

The Bill was read a third time and passed.

SUSPENSION OF STANDING ORDERS.

THE HON. THE COMMISSIONER OF LANDS moved that the Standing Orders be suspended in order that a Bill intituled "An Ordinance to make provision for the Settlement of Discharged Soldiers on Crown Lands and for other incidental purposes," might be introduced and considered.

THE HON. THE ATTORNEY GENERAL seconded.

The question was put and carried.

HIS EXCELLENCY signed the certificate of emergency.

THE CROWN LANDS (DISCHARGED SOLDIERS SETTLEMENT) ORDINANCE, 1921.

THE HON. THE COMMISSIONER OF LANDS in pursuance of notice given, introduced and moved the first reading of a Bill intituled "An Ordinance to make provisions for the Settlement of Discharged Soldiers on Crown Lands and for other incidental purposes."

In support he said there were a number of amendments which took very small space but were of considerable importance and the Government considered it desirable to put them all into one Ordinance. There was the question of payment; commencement of times of payment; date when first instalment became due; mortgages to be allowed; the Governor to be given usual power of exemption in particular cases which he had under the principal Ordinance in Section 6 of the Ordinance of 1915. All these amendments had not been put in the form of amendments but in the form of a new Bill. He thought it was more convenient to have a new Bill altogether instead of a Bill amending other Bills. The Hon. the Attorney General had also thought it was better to amend the Title by bringing it more into line with the principal Ordinance.

THE HON. THE ATTORNEY GENERAL seconded.

The question was put and carried.

The Bill was read a first time.

THE CROWN LANDS (DISCHARGED SOLDIERS SETTLEMENT) ORDINANCE, 1921.

THE HON. THE COMMISSIONER OF LANDS moved that a Bill intituled "An Ordinance to make provision for the Settlement of Discharged Soldiers on Crown Lands and for other incidental purposes," be read a second time.

THE HON. THE ATTORNEY GENERAL seconded.

The question was put and carried.

THE HON. THE COMMISSIONER OF LANDS moved that Council resolve itself into a Committee to consider the provisions of the Bill.

THE HON. THE ATTORNEY GENERAL seconded.

The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE GOVERNOR, presiding.

In Committee.

The Bill was read clause by clause when minor amendments were made in Clause 8.

The Council resumed its sitting.

THE HON. THE COMMISSIONER OF LANDS moved that the Bill as amended be reported to Council.

THE HON. THE ATTORNEY GENERAL seconded.

The question was put and carried.

THE HON. THE COMMISSIONER OF LAND gave notice that he would move the third reading of the Bill at a later stage of the Session.

THE CROWN LANDS (DISCHARGED SOLDIERS SETTLEMENT) ORDINANCE, 1921.

THE HON. THE COMMISSIONER OF LANDS moved that a Bill intituled "An Ordinance to make provision for the Settlement of Discharged Soldiers on Crown Lands and for other incidental purposes," be read a third time and passed.

THE HON. THE ATTORNEY GENERAL seconded.

The question was put and carried.

The Bill was read a third time and passed.

Council adjourned till 9 a.m., Thursday, 20th January, 1921.

EIGHTH DAY.

Held at Nairobi on the 20th day of January, 1921.

The Council assembled on the 20th day of January at 9 a.m., HIS EXCELLENCY THE GOVERNOR (MAJOR-GENERAL SIR EDWARD NORTHY, K.C.M.G., C.B.), presiding.

Absent:—

THE HON. SHEIKH ALI BIN SALIM, C.M.G., C.B.E.

THE HON. L. COLINGS WELLS.

THE HON. THE ACTING TREASURER (H. H. RUSHTON).

THE HON. THE GENERAL MANAGER, UGANDA RAILWAY (S. COOPER).

MOTIONS.

THE HON. THE COMMISSIONER OF LANDS moved the following Motion:—

"I beg leave to lay on the Table of the Honourable Council the following papers concerning the Land Tax Ordinance 1920, viz:—

"A statement by the Attorney General of the objects and reasons for the enactment.

"His Excellency the Governor's despatch of the 21st September, 1920, forwarding copies of this Bill as passed the third reading.

"The Secretary of State's despatch of 26th November, 1920, criticising the measure, and to move that:

"As the Secretary of State for the Colonies has been unable to recommend that His Majesty's assent be given to the Ordinance passed by this Honourable Council relating to the Imposition, Assessment, and Collection of Land Tax, the Council do now debate what further action, if any, it is desirable should be taken in the matter."

In support the Honourable the Commissioner of Lands said he would like to open the debate by a few remarks on the issues involved. In the middle of last year Council passed a measure providing for a tax on undeveloped land. The Bill had been passed by no bare majority, but with a few dissentients only on the official side of the House, the ground of dissent being that the Bill as it had been finally passed had lost the revenue producing character of its original form. He thought he had been one of the dissentients, in full Council, while, as Chairman of the Select Committee, had been in a minority of one for the same reason. In both the Select Committee and in full Council and particularly in the Committee which consisted almost entirely of elected Members, they had discussed very fully indeed all the practical difficulties, and they recognised there were such difficulties, in levying an undeveloped land tax, e.g., the question of Local Assessment Boards, the graduation of the Tax, the giving of sufficient notice so as to give every land owner a fair chance to get started, and, of course, the general and most important question, whether in the opinion of them all, practical farmers and business men on one side of the House, and Government Officials on the other side, conditions in this country were such that the tax was justified. Their conclusions had been embodied in the law they had passed. Further, in the correspondence laid on the table, Council would find no suggestion that the Government were not a party to, and a supporter of the Bill, but would find very definite evidence to the contrary.

He referred to the Secretary of State's despatch refusing assent to the Bill, and made a summary of the reasons given for the refusal. They were,

briefly, the possible objection and difficulties he had already referred to, viz., the non-revenue producing character of the Bill, the possible hardship to the new settlers, and the measure of incidence on the old, the question of assessment by local boards, and so on.

An analysis of these objections showed that there was one difficulty on which they might naturally expect correction in any opinion held locally, i.e., the financial difficulty, since the question of what taxation was imposed here was presumably of importance in the problem of finding security for loans raised at Home. But the other objections raised by the Colonial Office seemed to amount to little more than a difference of opinion on certain local conditions, the possibility of such and such a farmer being unjustly taxed, the need of the country for such a tax, and the reliability of local bodies. If the Home Government had stopped the Bill on the grounds of the first objection, the question of revenue, he for one would not have been particularly surprised. But that was not the main objection raised, and he found it most difficult to understand on what ground and on what information, and from what reliable and representative individuals or bodies the opinion of the House was overridden on matters on which it would seem difficult to express any opinion at all, without the local knowledge possessed by persons being in the country. He, therefore, put it to the House that a very important principle was involved in the rejection of the Bill, since that rejection appeared to be based solely on the ground that the judgment of the House on purely local matters was not to be trusted. In his judgment they should back their considered opinion and urge upon the Secretary of State the desirability of his support of the Bill.

In the Bill they had taken upon themselves not privileges and easements, but hard work for the public and the servants of the public alike, and he submitted that what they were content with they were also competent to take upon their shoulders.

THE HON. A. C. HOEY seconded the Motion.

THE HON. THE ACTING CHIEF SECRETARY said it appeared to him that a considerable amount of time would be saved if the whole question was referred to the Committee which was sitting to deal with the question of unearned increments on land values. The Secretary of State in sending back the Bill had definitely stated that he would be unable to accept it in any case in its existing form and if they took that as the basis on which to work they would get forward more quickly than if they discussed it in detail then. In view of this he formally moved that the matter be referred to a Special Committee of the House.

THE HON. A. C. HOEY said he was hardly in agreement with the proposal of the Honourable the Acting Chief Secretary because the Committee which sat on the Bill was entirely a different Com-

mittee to that which sat on unearned increments. He would far sooner see the Bill referred back to the original Committee.

THE HON. LT. COL. S. H. CHARRINGTON wished thoroughly to support the Motion put forward by the Honourable the Commissioner of Lands. The tax had been gone into very carefully by a Special Committee. They had foreseen all difficulties and he thought they had allowed for them, and, as the Honourable the Commissioner of Lands stated, it had been passed in Council with very few dissentients. He would like to refer to some of the remarks made in criticism by the Secretary of State. If they took paragraph 3 of the despatch, the Secretary of State said, "Returns are to be furnished by all landowners every year without any exception, apparently the Indian owner of half an acre is to be required to furnish a return equally with the Company owning 100,000 acres. The work of sending out, collecting, and examining the prescribed forms must involve a great amount of labour, a large increase of staff, and heavy expense, if the work is to be properly done," and yet they had applied the same machinery which was to have been applied to the land tax as originally proposed. He maintained that the machinery required for the undeveloped land tax would be infinitely less than that required for a land tax throughout the country.

In paragraph 4 the Secretary of State continues, "Under the Ordinance as now drafted the tax will only apply to a small proportion of landowners." In his (the speaker's) opinion the machinery required to collect tax from a very small proportion of landowners was less than that required for a land tax throughout the country. He submitted the criticism to the ground.

On page 3 of the despatch it was stated, "Further, in the case of an owner of several estates, all the estates are to be grouped together for the purpose of the Ordinance, so that the big landowner who has developed one estate highly, can leave one or two others wholly undeveloped." In paragraph 6, section (2) of the Land Tax as amended by the Special Committee they read the following:— "Provided that, etc....." He would suggest that when Bills were sent Home they should be read and digested before they were criticised.

A little further on in the despatch they read:— "I doubt whether the present time is opportune for legislation of this kind when, owing to the high costs of production and scarcity of labour, the difficulties of developments are serious." That applied to every parcel of land that was alienated under the Crown Lands Ordinance. That was no criticism on the Bill. He submitted to Council that no good reason had been put forward by the Secretary of State in throwing out the Bill which had been passed by the Council. There was no point of Imperial Policy involved. If such had been the case they would bow to the decision. He thought the real reason why the Bill had been thrown out was contained in the last paragraph, where the Secretary of State says "that the amount of benefit to be derived from it is so small compared with the expense and trouble involved, and the friction, irritation and sense of injustice likely to be caused." He thought this applied to certain big landowners in this country who had obtained large areas of land in the past and who now objected to being taxed. He suggested that as they had already gone into the subject very fully and most carefully there was no use in taking further action. He for one would refuse to sit on the Committee again to discuss a matter they had already discussed and given a considered opinion on.

THE HON. W. J. MOYNAGH asked the Honourable the Acting Chief Secretary if he would accept a small amendment to his motion. There were many many items which would have to be debated again if it went to another Committee. He moved that

the Bill be recommitted to the old Committee. It seemed to him that the Secretary of State in saying that "I should not feel justified in giving my assent, at any rate in its present form," did not actually mean that he would not give his assent to the Bill altogether. He thought that if they changed the Bill to its proper title and made a few small minor amendments the Secretary of State would have no objection whatever.

THE HON. THE ACTING CHIEF SECRETARY agreed with the suggestion.

THE HON. R. B. COLE said that as one of the original Committee he could not agree with the suggestion of the Honourable the Acting Chief Secretary. They had gone into the whole thing very carefully and the only possible disagreement was the loss of revenue on it and as far as he could see that was not the main objection to the Bill.

Personally, he would prefer not to sit on the Committee. He suggested the Bill be withdrawn *in toto*.

THE HON. THE DIRECTOR OF AGRICULTURE thought that all would agree that the official Members of the Council found themselves in a difficult position in criticising a despatch from the Secretary of State. He did not, therefore, propose to offer any criticism on the despatch. He rose in the first place to move what would be an amendment to the Honourable the Acting Chief Secretary's Motion "That the Despatch No. 1714 be referred for consideration and Report to a Special Committee consisting of the Members of the Special Committee of 1920, together with those forming the Committee on the Increased Increments Tax." He suggested that no useful purpose would be served by Council discussing the Despatch in detail and it would be better to have a considered statement from a Special Committee, and if that was done Council would have an opportunity of further going into the matter at a later stage. He suggested to the Honourable the Acting Chief Secretary that he might be disposed to accept his amendment for the reason that a little fresh blood in the composition of the Committee would be a good thing. By doing this the Secretary of State could not then take the attitude that they had given the same opinion that the original Special Committee had given.

He expressed the hope that Honourable Members on the other side of the House who had indicated that they would not be disposed to serve on the Committee would reconsider their opinion and serve in the interests of the country on the Committee. He would like to say in general terms that, interested and concerned as he was in the Agricultural Industry, he did feel that something ought to be done to see that the land which was locked up should be brought into profitable development and he regarded the Land Tax Ordinance as passed by Council as a measure not only of raising revenue, but as one which would secure development in the country. It seemed to him rather pitiful that the position in this country was that a large number of worthy men crying out for land and there was insufficient land available for alienation to them. At the same time certain individuals and concerns were locking up land in this country and preventing it being developed by these worthy men. He hoped that the Committee which he hoped would be appointed by Council would be able to obtain information in respect of locked up land which was not available when the Land Tax Committee sat. He found that there was a total area of 5½ million acres of land alienated to European occupation in the country. He found further that of that 5½ million acres alienated there was only in occupation just over 3 million acres, leaving a very considerable balance of unoccupied alienated land, and of

that 3 million acres of land occupied there was only about 172,000 acres of cultivated land and something like 200,000 head of stock. He did not wish to criticise the despatch of the Secretary of State, but with some of the arguments advanced he found himself in disagreement. He thought the Council would be well advised to appoint the Committee he suggested.

HIS EXCELLENCY said he would certainly like to see the proposal put forward by the last speaker supported. In the despatch the Secretary of State made it quite clear there was a loophole and if they reconsidered the Bill and good reasons made out the Bill could be put up again and he thought himself, that far more good would accrue from the proposed Committee reconsidering the Bill than from further debate in Council on the matter then. At the same time he wished to make it quite clear he did not wish to stop any discussion.

THE HON. T. A. WOOD seconded the motion put forward by the HON. THE DIRECTOR OF AGRICULTURE.

THE HON. THE COMMISSIONER OF LANDS in closing the debate said he thought the proposal put forward by the HON. THE DIRECTOR OF AGRICULTURE to be the best course to pursue and he therefore would not say much more. The principle involved was the unwillingness of the SECRETARY OF STATE to accept the Bill, which had been passed mainly on a judgment of purely local conditions. He did not suggest any Committee himself because he had been very anxious to get the feeling of the House on the subject.

HIS EXCELLENCY remarked that before putting the proposals he would like to point out that with regard to such Bills as the one under discussion the advisers of the SECRETARY OF STATE had vast experience which they had not. They had great experience in the working of such Bills, the drafting, and their applications as Acts. He thought they should bear in mind that the people at Home might look at such matters with a larger aspect and greater experience than they had.

THE HON. THE ACTING CHIEF SECRETARY then moved that the matter be referred to a Special Committee consisting of the following for consideration and such action as that Committee might seem desirable:—

THE HON. THE COMMISSIONER OF LANDS AS CHAIRMAN.

THE HON. THE DIRECTOR OF PUBLIC WORKS.

THE HON. THE DIRECTOR OF AGRICULTURE.

THE HON. T. A. WOOD, M.B.E.

THE HON. W. J. MOYNAGH.

THE HON. SIR N. McMILLAN, K.B.

THE HON. THE ATTORNEY GENERAL.

THE HON. A. C. HOEY.

THE HON. THE DIRECTOR OF EDUCATION.

THE HON. R. B. COLE.

THE HON. LT. COL. S. H. CHARRINGTON, C.M.G., D.S.O.

THE HON. THE TREASURER.

THE HON. W. J. MOYNAGH suggested the name of the Honourable W. J. Dawson instead of himself as he would be away.

The suggestion was accepted and the Honourable W. J. Dawson substituted for the Honourable W. J. Moynagh.

THE HON. THE DIRECTOR OF AGRICULTURE seconded.

The question was put and carried, the Hon. Members for the Coast and West Kenya dissenting.

THE PREVENTION OF CRUELTY TO ANIMALS AMENDMENT ORDINANCE, 1921.

THE HON. THE ACTING CHIEF SECRETARY moved that a Bill intituled "An Ordinance to amend the Prevention of Cruelty to Animals Ordinance, 1913," be read a third time and passed.

THE HON. THE ATTORNEY GENERAL seconded.

The question was put and carried.

The Bill was read a third time and passed.

THE RENT (WAR RESTRICTION AMENDMENT) ORDINANCE, 1921.

THE HON. THE ATTORNEY GENERAL moved that Council resolve itself into a Committee to further consider the provisions of a Bill intituled "An Ordinance to amend the Rent (War Restriction) Ordinance, 1919."

THE HON. THE ACTING CHIEF SECRETARY seconded.

The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE GOVERNOR, presiding.

In Committee.

The Bill was further considered, when amendments were made to Clauses 5 and 6.

The Council resumed its sitting.

THE HON. THE ATTORNEY GENERAL moved that the Bill as amended be reported to Council.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

THE HON. THE ATTORNEY GENERAL gave notice that he would move the third reading of the Bill at a later stage of the Session.

THE APPROPRIATION ORDINANCE, 1920, AMENDMENT ORDINANCE, 1921.

THE HON. THE ACTING SOLICITOR GENERAL moved that a Bill intituled "An Ordinance to amend the Appropriation Ordinance, 1920," be read a third time and passed.

THE HON. THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

The Bill was read a third time and passed.

THE DESIGNATION OF OFFICERS ORDINANCE, 1921.

THE HON. THE ACTING CHIEF SECRETARY moved that a Bill intituled "An Ordinance to amend the Law relating to the Designation of Officers," be read a third time and passed.

THE HON. THE ATTORNEY GENERAL seconded.

The question was put and carried.

The Bill was read a third time and passed.

REPORT FROM SPECIAL COMMITTEE.

THE PUBLIC HEALTH ORDINANCE, 1920.

THE HON. THE PRINCIPAL MEDICAL OFFICER, Chairman of the Special Committee appointed to report and make recommendations on the Public Health Ordinance, 1920, presented the Report to Council and asked permission to read same.

THE HON. THE ACTING COLONIAL SECRETARY seconded.

The question was then put and carried.

The Report was then read by the Chairman.

THE HON. THE PRINCIPAL MEDICAL OFFICER moved that Council resolve itself into a Committee to consider the amendments put forward.

THE HON. THE ACTING COLONIAL seconded.

The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE GOVERNOR, presiding.

In Committee.

The reading of the Bill clause by clause was commenced when the question of penalties was raised and it was decided to report progress and settle the point in Council.

The Council resumed its sitting.

THE HON. THE PRINCIPAL MEDICAL OFFICER moved that progress be reported.

THE HON. THE ACTING COLONIAL SECRETARY seconded.

The question was put and carried.

THE HON. T. A. WOOD said the question regarding the punishments in the Public Health Bill had been left in abeyance for consideration by the Council. The opinion of the Select Committee had been divided and they had agreed not to put the question to the vote. It was essential in his opinion that Council should decide the principle in advance because if on the one hand they agreed to leave it as it stood in the Bill it might be necessary to amend section 212 at a later stage and again produce the same arguments. If on the other hand Members by a majority were in agreement that special offences should be specially dealt with as they appeared in detail in the Bill and the general penalty clause should be the ordinary one to cover offences which were not specially dealt with, it was necessary to take particular note of it and provide sufficient penalties. It appeared to him to present a problem that would require some little thought before a final decision had been arrived at.

HIS EXCELLENCY said he could not quite see why the question of penalties could not be considered under the Bill.

THE HON. T. A. WOOD explained that it was because in the proposed amendments there was no reference. He presumed that could be amended. He wished to draw attention to this point so that it would not be overlooked.

THE HON. W. J. MOYNAGH said he wished to make a remark about penalties right through the Bill. He trusted that in the Bill they would be more reasonable and make the punishment fit the crime.

THE HON. THE PRINCIPAL MEDICAL OFFICER said the only penalty which could be inflicted for some serious offence was a fine a £20.

HIS EXCELLENCY asked if the Special Committee did not wish to come to a decision as to the special penalties which should be inflicted in regard to this law.

THE HON. THE PRINCIPAL MEDICAL OFFICER replied in the affirmative.

THE HON. V. V. PHADKE said the difficulty, to put it clearly, arose with regard to the punishment for a certain offence which was already made punishable in respect of certain of them which were thought to be heinous. It was thought in a case when the offence was of such a serious nature as to endanger the public health the general law would be insufficient to deal with it.

As far as Municipal offices were concerned the penalty of £20 was considered as sufficient.

THE HON. THE PRINCIPAL MEDICAL OFFICER moved that Council resolve itself into a Committee to further consider the provisions of this Bill.

THE HON. THE ACTING COLONIAL SECRETARY seconded.

Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE GOVERNOR presiding.

In Committee.

The Bill (Clauses 1 to 75) was read clause by clause when amendments chiefly as recommended by the Select Committee were made.

Council adjourned till 9 a.m., Friday 21st January, 1921.

NINTH DAY.

Held at Nairobi on the 21st day of January, 1921.

The Council assembled on the 21st day of January at 9 a.m., HIS EXCELLENCY THE GOVERNOR (MAJOR-GENERAL SIR EDWARD NORTHEY, K.C.M.G., C.B.), presiding.

Absent:—

THE HON. SHEIKH ALI EIN SALIM, C.M.G., C.B.E.

THE HON. L. COLLINGS WELLS.

THE HON. THE ACTING TREASURER (H. H. RUSHTON).

THE HON. THE GENERAL MANAGER, UGANDA RAILWAY (S. COUPER).

THE HON. V. V. PHADKE.

MOTIONS.

THE HON. A. C. HOEY proposed the following Motion:—

"That in the opinion of this Honourable Council the Land Tenure Commission shall consider the desirability of amending the Crown Lands Ordinance so as to prevent the alienation of any Crown Land exceeding £1,000 in value without previous sanction from this Honourable Council."

In speaking to his Motion the mover said he had proposed the Motion in order to draw special attention to the Crown Lands Ordinance 1915 section 6 subsection (1) which read "The Governor in addition to, but without limiting any other right, power or authority vested in him under this Ordinance may:—

(1) Subject to the provisions of any Order-in-Council or to any general or special instructions of the Secretary of State, grant lease or otherwise alienate in His Majesty's behalf any Crown Lands for any purpose and on any terms and conditions as he may think fit."

He presumed that it was under this section that the recent grant which had already been the subject of a Question in the House had been made to Mr. Uys, and he could not help thinking that a very dangerous precedent had been established whereby the country was about to lose control to some extent over its capital assets. With regard to the principle concerned he maintained that one of the fundamental principles of the Legislative Council was the control of local finance, and with local finance he considered must be included its capital assets. Under the section quoted this could not be the case. It would be impossible for the Legislative Council to control its capital assets if the Secretary of State could issue instructions to His Excellency to make any grant without first obtaining the sanction of this Honourable House. The recent grant brought it home to him that it was absolutely necessary for the amending of the section quoted in the Crown Lands Ordinance. As regards the grant referred to be understood that in recognition of services rendered in South Africa many years ago by Mr. Uys' relations that a definite pledge had been given by the Imperial Government for a grant of land. A portion of that grant had been satisfied in South Africa, leaving a balance still to be liquidated. After many years the matter was again brought up with the result that a portion of this country's assets was given away to liquidate a liability in which this country was not concerned. The liability had been in South Africa and although the matter might be viewed in an Imperial light he considered that if land in this country

was going to be given away to satisfy a claim originating in another part of the Empire then this country had a right to demand that the equivalent should be reimbursed to it.

He could not help thinking that the time had come when there should be greater care and scrutiny over the alienation of land in this country. With very great deference to the Secretary of State and to His Excellency he considered the approval of this Honourable Council should be obtained before grants of land be made. He believed that by confirming grants valued over and above a certain amount after they had received the approval of the Honourable the Commissioner of Lands and the Executive Council, would be a far more satisfactory method to all concerned. He did not wish that by such a procedure the time of this Honourable Council should be taken up over minor grants. That he thought could be very well dealt with outside the Council but when it came to land over a certain area he did think the time had come when the consent of that Honourable Council should be obtained before the definite alienation was made. An alternative course was to appoint a Land Board and to invest them with power to deal with such questions but the great drawback was that they would never get the publicity which was the great desire throughout the whole country. The Land Board meetings would not be public and he believed the right method was to bring such claims before that Honourable Council. He did think that, seeing that practically all the land of this country was already disposed of, it was essential that they should guard very carefully the land they had left. There might be special claims put forward by the Secretary of State with instructions to His Excellency to make a grant but he thought it absolutely essential that the Legislative Council should first sanction that grant before any decision was made.

THE HON. THE COMMISSIONER OF LANDS said he did not think anyone would take exception to the Motion. As Chairman of the Land Tenure Commission he said that that body had already spent a good deal of time in considering the question of the alienation of land.

HIS EXCELLENCY thought if the Honourable Commissioner of Lands was about to make a reply it would be better if he waited till all Honourable Members had spoken.

THE HON. K. H. RODWELL seconded the Motion.

HIS EXCELLENCY said he was not quite clear as to what the Motion was intended to be.

THE HON. A. C. HOEY in reply said his intention was that if this Motion passed the Legislative Council it would act as a direct instruction to the Land Tenure Commission to work on.

HIS EXCELLENCY said he noticed in the leading article in the newspapers that it was said his attitude towards these matters had been intolerant. Honourable Members would agree with him that this was not the case. With regard to the remark that practically all the land in the country had been disposed of, he did not think that was true. In fact there was a very large acreage of land that had been proposed by him and already agreed to by the Executive Council which might be put aside for transfer to Indians. There was an enormous acreage of land still vacant.

THE HON. W. J. MOYNAGH said he thought His Excellency had rather misunderstood the Motion. The action taken had been in the public interest. It seemed to him that the time had arrived when that Honourable Council should be the final arbiters as to who should have land and who should not. Personally as far as the grant of land to Mr. Uys was concerned he had no quarrel. He believed that it was made after consideration and His Excellency thought it was a good thing to fulfil an obligation made by other people, but he thought the Council would agree that they could not get rid of their assets wholesale, otherwise it would be impossible to get financiers at Home to help them. He did not think that it was the wish from his part of the town that the measure should be thought to be in any way a rebuke for what had been done. The feeling was that that Honourable Council should have the final say in the disposal of land.

THE HON. W. J. DAWSON referred to the unanimous feeling of the country. The feeling in the case in question had been very strong owing to a great extent to a thought in the people's minds that this grant had been specially put through by the Home people. His Excellency had taken a lot of their arguments away by stating the other day that he was personally responsible for the grant. He thought they should enter a protest against the Press saying His Excellency had been intolerant to these matters. He thought the country should know of his behaviour in connection with this grant. The country felt that it had reached that stage when it was expected to pay its own way. In plain words, if the country was expected to pay its own way then the Legislative Council should be responsible for the alienating of the country's assets. There had been times before the Legislative Council had been constituted when very big grants of land were made and these grants had made a very great difference to the country as it existed that day. There was the fear of uncertainty. There was the fear that if the principle was allowed to go on it might give place in the future to grants of very large tracts of land, and they, as a Council, did want to know exactly where they were.

HIS EXCELLENCY said he thought all Members on the Government side were in sympathy with the Motion before the House. Probably the only real point at issue would be as to the amount. Executive Council sat every week and there was hardly a week that passed without some small or big question on this subject cropping up. Very often decisions had to be made quickly. It would not be easy to refer every case to the Legislative Council. He hoped the Commissioner of Lands would be able to give them some idea as to what amount should be fixed. The Motion would indicate the feelings of Council on the matter and he thought the idea was that they should await the report of the Land Tenure Commission.

THE HON. THE DIRECTOR OF PUBLIC WORKS concurred in the statement His Excellency had made. The Motion probably had the sympathy of all the Government Members. He personally was in full accord with the speech of the Honourable Mr. A. C. Hoey, and the Motion as it stood was not objectionable. His Department was concerned in the alienation of another class of public property, viz., water, and under the draft Water Ordinance, which would define procedure in alienating this type of property, applicants who wished to have a portion of this public property would apply and their requests would be published. That procedure was based on the practice of many well-informed and advanced countries of the Empire. He believed it would enable Members requirements to be met if that course were adopted in this case also. Any Member having a distinct objection to any grant could write his objection and doubtless that objection would be brought before Council. The executive business of the Government should be left to the Executive Council and not the Legislative Council. The powers of the Executive Council could not be transferred to the Legislative Council.

THE HON. E. A. PHELPS supported the Motion. He said the last speaker had raised a point with which he was not sufficiently acquainted but he did feel that that Honourable Council was entrusted with the charge of the country's finance and that it should also have control to some extent over its assets. He thought the very strongest arguments in support of the Motion were those pertaining to publicity. He did not see that in these matters there was anything to be gained by a policy of secrecy. Very often if a grant of land was necessary and the whole case was argued in public and the public knew the circumstances no ill feeling arose whereas if the grant was given and the full facts were not known a series of ideas cropped up some of which had no foundation whatever. Possibly the alienation of grants of land such as the one in question was an executive function, but as it merely concerned the finance of the country over which Council had control then he did feel that grants of that nature and any in extent over the value of £1,000 would be far better approved by the body which was charged with the country's finances.

HIS EXCELLENCY referred to the grant which was the original cause for the question being raised. He pointed out there was no secrecy about the whole thing. The correspondence was not even confidential. He would like to say that the main principle involved in the question had been referred to by himself before and had been brought out by the Honourable the Director of Public Works. The question was if they had an Executive Council to decide those things how far were they going to limit their powers and to what extent. He thought the advice of the elected Members on that point would be valuable.

THE HON. SIR N. McMILLAN while in agreement to a certain extent with the recommendations of the Honourable the Director of Public Works said he was not altogether certain that the suggestion that the Executive Council could handle those matters, in principle, was right. He did not see how the two Councils were going to work together when they both had executive powers and suggested that the Legislative Council should only discuss such grants, leaving the Executive to make the final decision.

THE HON. LT. COL. S. H. CHARRINGTON said the Motion proposed by the Honourable Member for Plateau South had his entire sympathy in principle. He thought the responsibility placed on one man's shoulders whether it was the Commissioner of Lands or His Excellency's in making these grants was too much. He was not quite in

agreement with the part of the Motion which required the sanction of the whole of the Legislative Council. He thought that if that had got to be waited for there would be considerable delay in making the grant. After all, the Council only sat every few months. If it was left in the hands of the Executive Council for their sanction the delay would not occur. On the other hand he would much prefer to see a properly constituted Land Board made responsible for such grants. This question had cropped up already several times on the Land Tenure Commission of which he was a Member. He thought that a properly constituted Land Board would have more knowledge to go upon than the Executive Council. It would be their business to acquire and have the necessary knowledge to know whether certain grants should be made or not. He thought the cry for publicity which they all naturally wanted had been overdone. He thought there were cases where an injustice would be done to the applicant by too much publicity. He did not agree with the suggestion put forward with the Honourable the Director of Public Works that applications should be advertised. It seemed to him that where some enterprising settler went out of his way to discover some piece of ground on which he had come to the conclusion that he could grow a certain crop, it would be rather hard on that man having made the discovery, that his application should be advertised and someone else come along and buy it. He thought that if a Land Board was appointed consisting of the Commissioner of Lands, the Director of Agriculture, and possibly three prominent settlers who made it their business to have special knowledge on the subject of land grants it would be the best solution. He would like to ask the Mover of the Motion if he would accept an amendment to the end of his Motion consisting of the words "or a properly constituted Land Board, duly appointed."

HIS EXCELLENCY thought in that case it would be wise to allow the Land Board to make an amendment.

THE HON. R. B. COLE said he found himself in absolute agreement. He could not see any good purpose in such extreme publicity. What could be the necessity of it. It could not be merely to satisfy a curiosity. If the man applied for his land through the Land Board then presumably that Land Board had the confidence of everybody, and if they refused the land their decision would be final. He supported what the Honourable and Gallant Member for the Coast had said, and seconded the amendment.

HIS EXCELLENCY said the amendment proposed by the Honourable and Gallant Member now stood to delete the words "exceeding £1,000 in value, etc.," and substitute "a properly constituted Land Board, duly appointed." If the Motion as amended was passed it would mean that no land of any sort could be alienated without the sanction of that Council or the sanction of the Land Board.

THE HON. SIR N. McMILLAN said he would like to know whether the amendment meant that the Land Board was to have entire rights on the alienation of land with or without stand premia as the case may be.

THE HON. LT. COL. S. H. CHARRINGTON said such matters would be decided by the Land Board and not by the Executive Council.

THE HON. W. J. MOYNAGH said with all deference he did hope His Excellency would take further evidence as regards them. It was a wrong principle as it was taking the powers of decision from the hands of the Executive Council. He thought the final decision should lie in the hands of the Governor-in-Council.

THE HON. THE ACTING CHIEF NATIVE COMMISSIONER rose to make a suggestion which might recommend itself to Council. He had to deal with considerable grants of land in the form of communal grants to natives and there was a procedure already laid down by the Crown Lands Ordinance which provided against any too sudden action or too secret action being taken. The procedure was that the boundaries were first of all marked out by the District Officers concerned. The boundaries were then referred to the Survey Department and were published in the *Official Gazette* for approval and criticism for a month. Any alterations were then made and finally approved. He suggested that a similar procedure might very well be adopted for grants of land to private individuals. The individual might first of all mark out the boundary at once and then send it in to the central office, when it would be surveyed and then it might be published for criticism in the *Gazette*. The objections raised by the Honourable and Gallant Member would, he thought, not arise in that particular case because nobody would have any hope of getting the land unless they could put up a very good case of previous occupation or application.

HIS EXCELLENCY thought the point raised with regard to secrecy by the Honourable and Gallant Member a very valuable one and the suggestions made by the Honourable the Acting Chief Native Commissioner were well worthy of consideration. The question was one which constantly came up for consideration and discussion, and a great hardship would be done to a Company or individual if it was suddenly advertised that a certain piece of land was suitable for some particular thing and someone else came along and bought it.

THE HON. E. A. PHELPS said there was one thing he would like to point out to Council which had been brought forward by the amendment. As far as he understood things the decision in these matters rested with His Excellency in Executive Council. By making the Land Board the arbitrator in these matters the Honourable and Gallant Member to some extent had made the Motion conform to the old practice except for a minor matter of procedure since, as he understood matters, the Land Board would be a Board appointed by the Governor-in-Council and responsible to the body at present which had the responsibility of these matters. He said that he had considered that decisions of this sort which affected the country's assets should lie with the only body which was at present to some extent responsible to the country. He opposed the amendment.

THE HON. A. C. HOEY said he was very sorry indeed that he could not agree with the amendment because he thought it delegated such enormous powers to a body which was going to have more power than the Legislative Council had got. He thought it impracticable that the Land Board should have power to dispose of land in any way they thought fit. There was no doubt whatever that the proceedings of the Land Board would not have the publicity that Council had. As regards advertising applications, he agreed entirely with the remarks made about that point. He did not think it would be a practicable method to advertise and he thought it would be met by the Executive Council making grants up to £1,000 and referring grants over that value to the Legislative Council. After all said and done the proceedings of Executive Council were secret.

HIS EXCELLENCY, with regard to the amendment, said that if it passed it would simply mean that instead of the Executive Council working out the details the result would be that the Land Board would do it.

THE HON. T. A. WOOD said there had been so many references during the debate to the Executive Council that the inference was that they considered this matter and advised His Excellency on the point. He was sorry he had not been present but he took the responsibility.

HIS EXCELLENCY pointed out to the Honourable Member that he had said before that he took the responsibility personally.

THE HON. T. A. WOOD in reply said that it appeared to him that although His Excellency took the blame for this matter, he blamed the Secretary of State.

HIS EXCELLENCY ruled the Honourable Member as out of order.

THE HON. T. A. WOOD continuing said he did not think Members of Council would object to the procedure if it could be understood that all such matters could be decided in this country before decision was made at Home. It would be a satisfactory conclusion of the business.

THE HON. K. H. RODWELL thought the original Motion was quite good enough. If the Land Tenure Commission said it was feasible for the Legislative Council to discuss these matters well and good. He preferred to see the Executive Council discuss them. He supported the original Motion.

THE HON. THE COMMISSIONER OF LANDS said the discussion to some extent had rather got away from the original Motion. He did not think it was the intention of Council to come to any decision then nor to bind the Commission to any particular course of action. It was a matter they had talked for hours and hours upon and he had no doubt that before they came to some final decision as to what they recommended to Government they would still have further and longer discussions in the near future. He would like to explain a point which he thought had not been brought out and that was the position of the Legislative Council and land grants. It was necessary that certain executive powers should be given to certain officers or bodies in carrying out the general principles laid down by the Legislative Council in some laws. As regards the amendment suggested by the Honourable and Gallant Member, personally he would not vote at all because he was a Member of the Commission. As regards the amendment there again he thought the same principle held. He did not think the Gallant Member, who was himself a Member of the Commission, and they themselves should suggest any particular alternatives to that suggested by the Mover of the Motion. The question of a Land Board had been frequently referred to. They would still have a final reference to the Legislative Council and final action by the Governor in Council. With regard to publicity; he was in complete disagreement with anything which had been said before by certain Members of the Council. Personally he thought with such publicity it would be impossible for any Government Department to exist at all. As to how this publicity was to be given effect to, a Land Board might sit in public. As an alternative which the mover suggested that the question of any particular grant could be debated in public in Legislative Council, the only difficulty was that Council only met two or three times a year. The only final comment he had to make was that he did not see any particular need to point out any particular sum of money.

THE HON. E. A. PHELPS thought that the Honourable Commissioner of Lands referred to the amendment. As it stood it occurred to him that there was a certain amount of ambiguity. He suggested that after the word "value" the words "by any means other than public auction" should be added.

THE HON. W. J. MOYNAGH seconded the amendment.

THE HON. A. C. HOEY said the Honourable Member for Nyanza was right. He had meant that in the case of public auction that it should not be referred to the Legislative Council. Any other grants should be referred, however, to the Legislative Council.

THE HON. THE COMMISSIONER OF LANDS said he would like to make one suggestion as it changed the aspect of the Motion. He thought that in any case any limitation of values should be thrown out.

HIS EXCELLENCY said he had a suggestion to make. He thought the result of the Motion had been to provoke a very interesting debate and they already had the word of the Chairman of the Land Tenure Commission that the information would carry great weight with them in their deliberations. He was inclined to suggest to the Mover of the Motion that the whole effect would be arrived at if he worded his Motion as follows:—

"That in the opinion of this Honourable Council, the Land Tenure Commission shall consider the desirability of amending the Crown Lands Ordinance with reference to the alienation of Crown Lands."

THE HON. T. A. WOOD asked if he might suggest that three words be added to the suggestion brought forward by His Excellency. At the end he suggested that the words "for special purposes" be added.

THE HON. A. C. HOEY said that seeing there were so many Members of the Land Tenure Commission present in Council he had no objection in accepting the suggestion.

THE HON. THE COMMISSIONER OF LANDS suggested the deletion of the words suggested by the Honourable T. A. Wood.

THE HON. T. A. WOOD agreed to the deletion of the words suggested.

THE HON. W. J. MOYNAGH said he did not wish the Motion which had been put forward by the Honourable E. A. Phelps withdrawn.

THE HON. E. A. PHELPS said he wished his amendment to be put.

HIS EXCELLENCY said he understood the Honourable E. A. Phelps to say he did not wish the Commission's hands tied down in any way.

THE HON. E. A. PHELPS thereupon withdrew his Motion.

THE HON. LT. COL. S. H. CHARRINGTON also withdrew his amendment.

THE HON. A. C. HOEY said there was one point he would like to refer to before the debate closed. He would like at that stage to enter a protest against the method of alienation of land to Soldier Settler Syndicates. On the map on the table of the House was a very large area of land alienated to Soldier Settler Syndicates. No notices had been put in the *Official Gazette* stating that land was available for alienation for Soldier Settlers.

HIS EXCELLENCY said he thought the Honourable Member was under a misapprehension. There had been a lottery. Applications had been received from Soldier Settlers or from individual farmers or Syndicates up to a certain date. On that certain date the lottery closed and after that date no applications were approved.

THE HON. THE COMMISSIONER OF LANDS said the real point which the Honourable Member referred to was that the people on the Plateau did not know. He said they had been told. He thought it was under section 14 of the published terms of the Soldiers' Settlement Scheme that people had been told they could form Syndicates.

Those who had formed syndicates and applied for certain blocks of land got them. He spoke subject to correction.

THE HON. SIR N. McMILLAN said that as a Member of the Board at Home he could confirm what the Honourable the Commissioner of Lands had said.

The Motion as follows was then put:—

"That in the opinion of this Honourable Council the Land Tenure Commission shall consider the desirability of amending the Crown Lands Ordinance with reference to the alienation of Crown Lands."

The Motion was carried unanimously.

THE RENT (WAR RESTRICTION AMENDMENT) ORDINANCE, 1921.

THE HON. THE ATTORNEY GENERAL moved that a Bill intituled "An Ordinance to amend the Rent (War Restriction) Ordinance, 1918," be read a third time and passed.

THE HON. THE ACTING COLONIAL SECRETARY seconded.

The question was put and carried.

The Bill was read a third time and passed.

THE PUBLIC HEALTH ORDINANCE, 1921.

THE HON. THE ACTING PRINCIPAL MEDICAL OFFICER moved that Council resolve itself into a Committee to further consider the provisions of a Bill intituled "An Ordinance to make provision for securing and maintaining Health."

THE HON. THE ACTING COLONIAL SECRETARY seconded.

The Council resolved itself into a Committee of the whole Council, HIS EXCELLENCY THE GOVERNOR, presiding.

In Committee.

The Bill (Clauses 76 to 106) was read and certain amendments chiefly in accordance with the recommendations of the Select Committee were made.

Council adjourned till 9 a.m. 24th January, 1921.