



Official Report of Debates in  
Legislative Council,  
1927

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VOL- II.

*(August to November).*

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1928.

COLONY AND PROTECTORATE OF KENYA.



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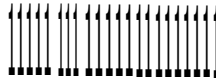
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# List of Members as at 9th August, 1927.

## *President :*

HIS EXCELLENCY, SIR EDWARD DENHAM, K.B.E., C.M.G.

## *Ex-Officio Members :*

ACTING COLONIAL SECRETARY (THE HON. G. A. S. NORTHCOTE),  
ATTORNEY GENERAL (THE HON. W. C. HUGGARD, K.C.).  
TREASURER (THE HON. R. C. GRANNUM, C.M.G.).  
CHIEF NATIVE COMMISSIONER (THE HON. G. V. MAXWELL).  
THE DIRECTOR OF MEDICAL AND SANITARY SERVICES (THE HON. **J. L. GRITS**,  
F.R.C.S.).  
ACTING DIRECTOR OF AGRICULTURE (THE HON. E. HARRISON).  
DIRECTOR OF EDUCATION (THE HON. **J. R. ORR**, O.B.E.),  
THE GENERAL MANAGER, KENYA AND UGANDA RAILWAY (THE HON. C. L. **N.**  
FELLING, C.M.G.).  
ACTING COMMISSIONER OF LANDS (THE HON. C. O. GILBERT).  
THE DIRECTOR OF PUBLIC WORKS (THE HON. **H. L. SIREES**).  
COMMISSIONER OF CUSTOMS (THE HON. G. WALSH).

## *Nominated Official Members :*

**THE** HON. T. FITZGERALD, O.B.E. (Postmaster General).  
THE HON. SHEIKH ALI BIN SALIM, C.M.G., C.B.E. (Ijwali for the Coast).  
THE HON. C. M. DOBBS (Senior Commissioner, Nyanza).  
THE HON. **It. W. HEMSTED**, O.B.E. (Senior Commissioner, Kikuyu).  
THE HON. H. R. MONTGOMERY (Acting Senior Commissioner, Coast).  
THE HON. T. D. H. BRUCE (Solicitor General).  
MAJOR THE HON. A. L. KENT-LEMON (Acting Officer Commanding Troops).  
THE HON. W. F. G. CAMPBELL (Acting Senior Commissioner, Mamba).  
MAJOR THE HON. H. H. BRASSEY-EDWARDS (Acting Chief Veterinary  
Officer).

## *European Elected Members :*

THE RT. HON. LORD DELAMERE (Rift Valley).  
THE HON. CONWAY HARVEY (Lake).  
THE HON. T. **J. O'SHEA** (Plateau South).  
CAPT. THE HON. A. E. SURWARTZE (Nairobi South).  
MAJOR THE HON. **R. W. 13. ROBERTSON-EUSTACE**, **D.S.O.** (Coast).  
CAPT. THE HON. E. M. V. KENEALY (Kenya).  
THE HON. G. O. ATKINSON (Mombasa).  
LIEUT. COL. THE HON. C. O. DURHAM, D.S.O. (Kikuyu).  
LIEUT.-COL. THE HON. **J. G. KIRKWOOD**, **D.S.O. (Plateau**  
North).  
THE HON. F. O'13. WILSON, D.S.O., *Acting* (Ukamba).  
THE HON. A. C. TANNAHILL, *Acting* (Nairobi North).

## *Indian Elected Member :*

THE HON. A. H. MALIK.

## *Nominated Indian Unofficial Members :*

THE HON. P. **K. OHANDY**  
THE HON. R. S. NEHRA.  
THE HON. **3. B. PANDYA**,  
THE HON. **B. S. VARMA**.

## *Arab Elected Member :*

THE HON. HAMED MOHAMED BIN ISSA.

*Nominated Unofficial Member Representing the Interests of the African  
Community.*

**Ray.** CANON THE HON. H. LEAKEY



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COLONY AND PROTECTORATE OF KENYA.

Legislative Council Debates,  
1927.

THIRD SESSION.

TUESDAY, 9th AUGUST, 1927.

The Council assembled at 10 a.m. on the 9th August, 1927, His Excellency the Acting Governor (SIR EDWARD DENHAM, E.B.E., C.M.G.) presiding.

His Excellency opened the Council with prayer.

The Proclamation summoning the Council was read.

ADMINISTRATION OF THE OATH.

The Oath of Allegiance was administered to :—

EX-OFFICIO MEMBERS.

ERNEST HARRISON (Acting Director of Agriculture).

CHRISTIAN LUDOLPH NEETHLING FELLING (General Manager, Kenya and Uganda Railway).

CYRIL OWEN GILBERT (Acting Commissioner of Lands).

NOMINATED OFFICIAL MEMBERS.

THOMAS DUNDAS HOPE BRUCE (Solicitor General).

MAJOR HAMNETT HOLLAND BRASSEY-EDWARDS (Acting Chief Veterinary Officer).

WALTER FRANCIS GLENCAIRN CAMPBELL (Acting Senior Commissioner, Ukamba).

MAJOR ARTHUR LESLIE KENT-LEMON (Acting Officer Commanding Troops).

Our congratulations are given with a feeling of rearet, very deep regret, that we are losing such an old friend as  $\frac{1}{r}$ . Northcote who, during a long period in Kenya, has endeared himself to every community by his unfailing courtesy and exquisite tact.

THE HON. J. B. PANDYA : Your Excellency, I do not think I can add anything further to the remarks made just now by the hon. Member for the Lake but I should like also to congratulate Mr. Northcote on behalf of the Indian community on his promotion. At any time he has had anything to do with questions affecting us he has extended to us the same courtesy and attention as he has extended to others. We are very grateful to him and wish him every success in his new sphere.

THE HON. THE ACTING COLONIAL SECRETARY (MR. NORTHCOTE) : May I take this opportunity to thank Your Excellency and hon. Members who have expressed themselves so kindly in this matter.

#### MINUTES.

The Minutes of the meeting of May the 18th, 1927, were confirmed.

#### PAPERS LAID ON THE TABLE.

BY THE HON. THE ACTING COLONIAL SECRETARY  
(MR. NORTHCOTE) :

- 1st Annual Report of the Trade and Information Office.
- Report of the Local Government Commission.

THE HON. CONWAY HARVEY : May I ask whether copies of these two documents will be made available to hon. Members?

THE HON. THE ACTING COLONIAL SECRETARY : Yes, SD.

BY THE HON. THE TREASURER (MR. GRANNUM).

Explanatory Statement in connection with the Supplementary Appropriation Ordinance.

Financial Report and Statement for the year 1926.

Natives' Trust Fund Balance Sheet at 31st December, 1926.

Statement of Unforeseen Expenditure for the quarter ended 31st December, 1926.

Statement of Colonial Loans.

BY THE HON. THE CHIEF NATIVE COMMISSIONER  
(MR. MAXWELL) •

Report of the Select Committee on Film Censorship.

BY THE HON. THE ACTING DIRECTOR OF AGRICULTURE  
(MR. HARRISON) :

Report on Wheat Products in Kenya, by Prof. Sir R. H. Biffen.

Report of the Forest Department for 1926

BY THE HON. THE GENERAL MANAGER, KENYA AND UGANDA  
RAILWAY (MR. FELLING) :

Report of the Select Committee on Daylight Saving.

Kilindini Harbour Extension Progress Statement.

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

Statement under the Electric Power Ordinance for 1926.

## ORAL ANSWERS TO QUESTIONS.

### TRIAL BY JURY.

THE HON. A. H. MALIK asked :

Will the Government extend the system of trial by jury to His Majesty's Indian subjects, principle whereof has long been recognised by the Imperial Government?

THE HON. THE ACTING COLONIAL SECRETARY (MR. NORTHCOTE) : The scope of the jury system will come under consideration when amendments to the Criminal Procedure Ordinance which are now being framed come before this Council.

Government does not propose to take up the question of extension of this system in the meanwhile.

### LEASES OF SHAMBA PLOTS.

THE HON. A. H. MALIK asked :

Will the Government consider to grant immediately long leases to holders of shamba plots outside the Nairobi Township?

THE HON. THE ACTING COMMISSIONER OF LANDS (MR. GILBERT) : Holders of shamba plots on temporary occupation licences have received no encouragement to expect that long leases will be granted in respect of their holdings. Government can give no general assurance that leases will be issued, but individual cases will, as heretofore, be considered on their merits



## K.A.R. TRANSPORT.

CAPT. THE HON. E. M. V. KENEALY asked :

Will Government give particulars in connection with K.A.E. Transport, both mechanical and other :

(1) List of posts with salaries, wages and qualifications of increments ;

(2) Total weight transported to N.F.D. and separately elsewhere.

Distance covered to N.F.D. and separately elsewhere.

Cost per ton-mile including all charges.

If cost exceeds 1/- per ton-mile will Government appoint a Committee of this House to investigate the matter and make recommendations to effect reductions in cost?

MAJOR THE HON. A. L. KENT-LEMON (ACTING OFFICER COMMANDING TROOPS) : The posts in the Supply and Transport Services K.A.R. sanctioned for the current year will be found on page 138 of the Estimates. All holders of the Administrative and Field Posts are officers of experience in transport work or are qualified mechanics.

The total weight transported to the N.F.P. during the period 1st January, 1926, to 31st December, 1926, was 723 tons.

The total weight transported to Turkana during the period 1st January, 1926, to 31st December, 1926, was **... 300 tons.**

The total distance covered was 196,486 miles.

A Committee under the Chairmanship of the Director of Public Works was appointed on the 7th *June*, 1927, to report on transport arrangements to the Northern Areas and its report is expected shortly. Pending its publication Government sees no good reason that will be served by appointing a Select Committee as suggested.

CAPT. THE HON. E. M. V. KENEALY : Arising out of that answer, I should like to know if the cost exceeded one shilling per ton-mile.

MAJOR THE HON. A. L. KENT-LEMON : May I have notice of that question?

CAPT. THE HON. E. M. V. KENEALY : The question is incorporated in the body of the original question.

## STRIGA HERMONTHICA.

THE HON. CONWAY HARVEY asked :

What steps are being taken by the Agricultural Department to limit the spread of *Striga Hermonthica* in Nyanza?

THE EON. THE ACTING DIRECTOR OF AGRICULTURE (Mn. HARMSON) : The Agricultural Department has published a short article describing the weed and suggesting methods for its eradication. Illustrations have been prepared. Farmers' associations in the areas affected have been informed.

In the Native Reserve instructions have been issued that the weed shall be pulled up and natives have been warned at a number of barazas.

An abridged article in Swahili has been published in *Habari*. This is illustrated.

Notices have been inserted in the Official Gazette and the Press directing occupiers of land on which the weed is growing to take immediate steps to prevent its seeding.

THE HON. CONWAY HARVEY : Arising out of that answer, may I enquire whether disregard of the Government's exhortations in this respect will call for drastic executive action under the Diseases of Plants Prevention Ordinance?

THE EON. THE ACTING DIRECTOR OF AGRICULTURE : Yes; action will be taken, Sir, in cases where these orders are not obeyed.

## LABOUR CAMPS.

THE HON. CONWAY HARVEY asked :

With reference to the vote for labour camps in the 1927 Estimates, will Government be pleased to state :-

- (a) How many labour camps is it intended to construct during the current year?
- (b) What sites have been selected for the accommodation of such camps?
- (c) What progress has been made to date?
- (d) What is the general plan and layout of these camps?
- (e) What is the estimated cost per camp?
- (f) Has consideration been given to the matter of providing camps for Natives from Tanganyika Territory voluntarily travelling to Kenya in search of employment?

THE HON. THE CHIEF NATIVE COMMISSIONER (MR. MAX WELL) —

- (a) The funds voted for labour camps under Head VIII, item 131, of the 1927 Estimates, are set aside for the maintenance of labour camps and not for construction purposes.

The sum of £1,038 has been allocated by Government from the Minor and Petty Works Vote for the erection of camps during the year 1927.

The whole of this amount will be absorbed in the erection of three camps.

- (b) The sites selected for the erection of the camps are at Kendu, on the South Kavironondo-Kisumu route, at Yala on Mumias-Fisumu route, and at Sagana River, near Fort Pall, which is the converging point for labourers travelling from the South-Nyeri and Meru and Embu districts.
- (c) Contracts for the erection of the camps were let by the Public Works Department in June, 1927. The camps will not be erected before September at the earliest, owing to the fact that the constructional steel work had to be ordered from England. This appears to be the cheapest and most durable material which can be obtained for the purpose.
- (d) The camps will each be comprised of the following buildings :—
- A dormitory 50 feet long by 16 feet wide.
  - A store for fuel 12 feet long by 8 feet 6 inches wide.
  - A kitchen 14 feet long by 10 feet wide.
- (e) The estimated cost per camp is £346.
- (f) The answer is in the affirmative, but the funds available during the current year are only sufficient for the erection of the camps at Kendu, Yala and Sagana. These are considered to be of primary importance.

#### AGRICULTURAL LAND FOR INDIAN OCCUPATION.

THE HON. A. H. MALIK asked :

What and whereabout agricultural land is now available for Indian occupation?

THE HON. THE ACTING COMMISSIONER OF LANDS: Land is available for Indian occupation within the area between Sultan Hamad and the Coast and within an area reaching from the vicinity of Muhoroni to Kisumu.

## BRITISH INDIAN RESIDENTS IN JUBALAND.

THE HON. A. H. MATH( asked :

- (a) Has the Government been approached by the British Indian residents of ceded territory of Jubaland with a request to use its influence so that the present British Consulate at Eismayu may not be closed but be continued to watch and protect the interests of His Britannic Majesty's subjects?
- (b) To what extent the Kenya Government can assist the British subjects in the above Territory?

THE HON. THE ACTING COLONIAL SECRETARY :-

- (a) Government has received a copy of a petition on this subject addressed on behalf of His Majesty's Indian subjects in Jubaland to the Secretary of State for Foreign Affairs.
- (b) Government is addressing a despatch to the Secretary of State in comment on the representations therein contained.

## NON-NATIVE POLL TAX, 1926.

THE HON. A. H. MALIK asked :

What is the total number of Indians and Europeans who paid, throughout the Colony, Non-Native Poll Tax for year 1926?

THE HON. THE TREASURER (MR. ETRANNUA) : The figures for Indians, Arabs and other Asiatics are not kept separately, but on calculations made it appears that in 1926 the number of persons who paid Non-Native Poll Tax was approximately :

Europeans	8,700
Asiatics	10,600

The figures are being further investigated.

## INDIAN SCHOOL, NAIROBI.

THE HON. A. H. MALIK asked :

What is the cause of delay in commencing building for the Indian school?

THE HON. THE ACTING COLONIAL SECRETARY : The essential preliminaries in regard to site selection, survey and drawing of plans for the general layout and the block plan for buildings have necessarily occupied a considerable time. Materials are being collected on the site and the work is being pushed forward as rapidly as possible.

## RENTS.

THE HON. A. H. MALIK asked :

Has the Government received a petition from the Indian ratepayers on the subject of high rents, if so will the Government please lay same on the table together with a report of action, if any, taken by the Government in connection therewith?

THE HON. THE ACTING COLONIAL SECRETARY :-

- (1) The answer is in the affirmative.
- (2) Remedial measures have been taken by Government, which include :-
  - (a) The opening up of a further area in Nairobi for the erection of houses for Asiatics, and
  - (b) The recent decision to build houses in Nairobi for Asiatic employees of Government.

## RESIDENTIAL PLOTS AT ELDORET.

THE HON. A. H. MALIK asked :

Will the Hon. the Land Officer please state why the residential plots at Eldoret have not yet been put to auction. They were promised to be sold in the near future on the 10th May, 1927. Will he make a definite announcement as to when these plots will actually be sold?

THE HON. THE COMMISSIONER OF LANDS : The residential plots at Eldoret have not yet been put up to auction because the survey has not yet been completed. It is anticipated that unless unforeseen circumstances arise an auction will be held in November.

**BILLS.**

## FIRST READINGS.

## THE SUPPLEMENTARY APPROPRIATION BILL.

On Motion of the Hon. the Acting Colonial Secretary the Supplementary Appropriation Bill was read a first time.

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

## THE ANCIENT MONUMENTS PRESERVATION BILL.

On Motion of the Hon. the Acting Colonial Secretary the Ancient Monuments Preservation Bill was read a first time.

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

## THE PUBLIC HOLIDAYS (AMENDMENT) BILL.

On Motion of the Hon. the Acting Colonial Secretary the Public Holidays Amendment Bill was read a first time.

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

## THE REGISTRATION OF DOMESTIC SERVANTS BILL.

On Motion of the Hon. the Acting Colonial Secretary the Registration of Domestic Servants Bill was read a first time.

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

## THE CROWN GRANTS (EXECUTION) BILL.

On Motion of the Hon. the Acting Colonial Secretary the Crown Grants Execution Bill was read a first time.

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

*Council adjourned to 10 a.m. on Both August, 1927.*

## WRITTEN ANSWER TO QUESTION.

## MEDICAL SERVICES IN TANALAND.

BY MAJOR THE HON. R. W. B. ROBERTSON-EUSTACE :

What provision has been made by the Medical Department for services in Tanaland?

REPLY :

The scheme for expansion of the Medical Department includes provision for a medical officer for Tanaland. A sum of money has been included in Loan Funds for the erection of a small hospital. At the present time a small hospital with a sub-assistant surgeon in charge is maintained at Lamu.

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TUESDAY, 30th AUGUST, 1927.

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The Council assembled at 10 a.m., on the 30th August, 1927, His Excellency the Governor (SIR EDWARD GRIGG, K.C.V.O., C.M.G., D.S.O., M.C.) presiding.

His EXCELLENCY opened the Council with prayer.

#### ADMINISTRATION OF THE OATH.

The Oath of Allegiance was administered to :-

SIR EDWARD BRANDIS DENHAAI, C.M.G., (Colonial Secretary).

#### PRESIDENT'S ADDRESS.

HONOURABLE MEMBERS ON COUNCIL,

if you will forgive me for beginning with a personal note, I should like to express here to you the great pleasure which may well be felt at being back in the Colony and our deep appreciation of the welcome which has been given us both here and in Mombasa. The more I see of this Colony the more deeply attached I become to it.

I much regret that my absence has been so long, especially as it caused me to miss two important events here. One of them was the East African Agricultural Show, which was, I hear on all sides, a signal success. The other was the Unofficial Conference which met here in Nairobi a fortnight ago and which, under the chairmanship of the Noble Lord the Member for Rift Valley, and I believe also for a time under the Deputy Chairmanship of Mr. Eickhoff, of Southern Rhodesia, made what all must agree to have been a remarkable contribution to the cause of union in East Africa. I should like to congratulate all those who took part in the Show and in the Conference.

My long absence has been partly due to the number of questions with which I had to deal in England. I think honourable Members will recognise that I left the Colony with a fairly heavy programme of work. The time available for dealing with the programme was interrupted all through May by the meeting of the Colonial Conference. That took place morning and afternoon all through May and interrupted during that time our purely East African business.

I found as a matter of fact that my time in London was exceptionally strenuous, but apart from the fact that I missed a very important conference on Derby Day, I do not think I was guilty of any serious dereliction of duty.

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I found as a matter of fact that my time in London was exceptionally strenuous, but apart from the fact that I missed a very important conference on Derby Day, I do not think I was guilty of any serious dereliction of duty.

The Colonial Conference did excellent work and I believe its value will be recognised throughout the Empire. It dealt with many administrative questions of great importance to the Colonial service, and I was particularly glad that it brought about agreement at last on new regulations under which colonial civil servants would be entitled to their pensions even if they are transferred from one Colony to another. Hitherto that has been a very real grievance, and has inflicted great hardship on many of the most distinguished members of the service. Kenya, has never been behind in that respect, but the lack of unanimity throughout the Empire has been a very serious matter.

We also dealt with many subjects affecting scientific research throughout the Empire, and I hope in due course to submit to you proposals for our participation in the formation of an Imperial Agricultural Research Service to which very considerable assistance is to be given in the future by the Empire Marketing Board.

My absence from this Colony was further prolonged by a visit to South Africa and to Rhodesia. I felt that the invitation which came to me from those Governments was not only a compliment to my wife and myself but also and still more a gesture of friendship towards Kenya. We deeply appreciated on both accounts the kindness and hospitality which we received.

I found the experience of those visits valuable in a thousand ways. It was a great advantage to me to exchange ideas with the leaders of policy and thought in those countries, where many problems are similar to ours. I was also able—I hone, with some benefit—to study special subjects such as the organisation of research, the working of Land Banks, the development of Native Reserves, the operation of Defence Acts, and other questions which are of immediate importance to this Colony.

I found that the interest of the Union in East African affairs was very keen and genuine, and I am glad to say that that interest is common to all parties. I have long known that General Smuts, the soldier-statesman who won German East Africa for the Crown, gives close attention to East African affairs. Since I came to Kenya I have also had good cause to realise that General Hertzog feels an equal interest in this Colony and shows an equal readiness to help it wherever he can. I was delighted to find from personal contact with the Prime Minister of the Union how real and friendly that interest is. The assistance of the South African Union, particularly by the loan of experienced men, has already proved invaluable to

us, and I am sure that the Colony will rejoice to know that the sympathy and assistance of the Union are in future assured to us whatever Government there may be in power.,

The same is true of Southern Rhodesia: It is much younger than the Union and in many ways more closely akin to us. As a member of the Buxton Committee, which six or seven years ago made recommendations on the emancipation of that Colony from the rule of the Chartered Company, I was delighted to see the splendid progress made there under self-government. Apart from the general spirit of energy and enthusiasm which animates that Colony and makes it worthy of its great name, I was particularly impressed by its schools and by the efficiency of the Municipal Governments in Salisbury and Bulawayo. The progress of the Colony is shown by the rate at which immigration is entering it. The rate at present is something like 100 new immigrants a week. I also paid a short visit to Livingstone in Northern Rhodesia, where we were both most hospitably entertained.

I am very happy to know that things have gone so smoothly and well in the Colony during my absence. I am afraid that myself must be a provoker of controversy, for I have never known such calmness extending over so long a period. I think that was largely due to the tact and ability of Sir Edward Denham, the Colonial Secretary, who acted in my place. I should like here to thank him for his excellent work and to congratulate him on the Knighthood which was conferred upon him in the last Birthday Honours, an honour which his services to the Colony, following a distinguished record elsewhere, richly deserved.

I should like also, if I may, to join in the congratulations -which I know this Council offered to Mr. Northcote on his promotion to the post of Chief Secretary of Northern Rhodesia. Like all of you, I greatly regret his departure and I hope that he may return to Kenya some day.

Many useful measures have been passed in my absence. I am glad to know that the King has given his assent to the Defence Ordinance. I hope that in all parts of the Colony people will now combine to make that measure a success. It will prove invaluable for the morale of such a Colony as this and for the training of generations to come, and I can assure all that it will be so administered as to inflict no loss of freedom or dignity or time on those who have already been trained to arms.

I am also very glad that the system of tariff regulations agreed between Kenya, Uganda and Tanganyika, is now in practical operation. I am sure that it will prove valuable to the trade of all three territories.

I come now to the special subjects which took me home to, England at the beginning of the year. All these were important, but I must deal with some of them shortly in order that I may have time to speak fully on the new East African Commission without claiming the attention of Council too long.

In the first place, I would refer briefly to one question which this Council discussed at the end of last year and on which I undertook to consult Council again before committing the Colony in any way. I mean the question of participation by the Colony in the Ten Million Guaranteed Transport Loan. Hon. Members of Council on my left were then unanimous in the view that this Colony should not participate in the guaranteed loan. I am glad to inform them that all our advisers in London have supported that opinion. The alternative recommended to us is that we should issue a separate Kenya loan, part of which will be devoted to paying off our existing liabilities as far back as and including the Three and a Half Million Transport Loan. The remainder would be issued at a later date in a second instalment to cover our prospective expenditure on railway, port and colonial requirements.

There are various points in this connection requiring close consideration, such as the date of issue of the first instalment, which closely affects the Railway, and the requirements to be included in the second instalment. The most urgent are the provision for a Land and Agricultural Bank, which I am glad to inform you has been approved in principle by the Secretary of State ; for the Thomson's Falls branch line, which requires legislation guaranteeing the Railway against loss to the extent of interest on capital before it can be begun ; and certain urgent municipal expenditure. I will not enter on the subject to-day except to say that the financial position both of the Railway and of the Colony as revealed in this year's returns fully justifies the advice that the Colony should go into the market on its own credit. The General Manager of Railways will make a full statement on the railway finances when he introduces the Railway Estimates in a fortnight's time. I am going to ask hon. Members of Council to sanction the introduction of those Estimates at an early date for reasons which I feel sure will appeal to all. I will only say now that the figures for this year's working are most satisfactory.

The returns of the Colony are also good. At the 31st December, 1926, the balance at the credit of the Colony's surplus and deficit account was £362,205. In the Budget for the current year the estimated surplus for the year was £18,191, but, on figures recently received from Departments, it is now expected that the 1927 surplus will be £82,566, bringing the estimated total surplus at the end of 1927 to £444,831.

The Treasurer is compelled for the time being to accept the estimates of Departments as regards savings on voted expenditure, but there is every reason to assume from the experience of past years that the figures given by Departments are on the conservative side, and that the surplus of 1927 will be larger than this estimate.

I would like to contrast that figure with the situation five years ago. At the beginning of 1922 the Colony's balance sheet showed a surplus of £430,521, but it included several assets the true value of which were less by £417,304 than those shown, reducing the stated surplus to £13,217.

There were, moreover, outstanding liabilities to the extent of £363,382, which it was evident would have to be liquidated in the immediate future. Taking this sum into account, the shown surplus of £430,521 was in effect a deficit of £350,165. In 1922 the expenditure exceeded the revenue by £323,180, so that at the close of that year the deficit had been increased to £673,345. Set against that deficit the surplus of £444,831 expected at the end of the present year, and it will be seen that the revenue of the five-year period, 1st January, 1923, to 31st December, 1927, will have exceeded the ordinary expenditure by well over £1,000,000 sterling. As a record of five years' finance that is a position on which the Colony has every reason to congratulate itself.

Another question of great importance which I took home with me was that of Port Control. You are already familiar with the settlement at which the General Manager of Railways and I arrived in London. I am very glad to know that the settlement has been approved both in Kenya and Uganda, and I should like once again to express my appreciation of the accommodating spirit in which we were met in London by Lord Inchcape and Lord Kysant. Without good-will on their part such a settlement would have been impossible.

Hon. Members will be glad to learn that the returns of the Port are distinctly encouraging. The new arrangements for all handling work to be performed by contract under the Port Authority came into operation on the 1st July. A provisional Port Advisory Board on the lines recommended by the Port Commission of Enquiry has been brought into existence and had its first meeting on the 22nd of this month. Apart from a few minor difficulties inseparable from the change-over to the one-contract system, there have been no troubles at the Port. There has been a spirit of the most friendly co-operation between all concerned, and working in consequence has been remarkably smooth. The Port Advisory Board will have to face the position in regard to

port charges, development and so on, but it is evident that all concerned are anxious to assist in solving the port difficulties and to make the new working a success.

The figures for the working of the deep-water berths are particularly satisfactory. During the six months ended June the port handled (apart from Magadi Soda traffic) 224,596 tons of traffic, and of this total quantity 137,420 tons (or 62 per cent.) were handled to and from ships which came alongside the deep-water berths. Of the export traffic no less than 51 per cent. was handled at the deep-water quays.

When the estimates for this year were prepared, it was anticipated that the loss at Kilindini Harbour would amount to £120,747 for 1927. We expect now that the loss will be reduced to between 85,000 and £90,000; but unless the port charges are changed, there may be an increased loss next year owing to additional interest charges having to be met. It must not be overlooked that in the port debits this year, and included in the port loss, there will be a debit of £18,362 for contribution to a sinking fund for redemption of loans, and £10,000 provision for depreciation; so that the Railway is in effect not only providing for the port working loss, but for port depreciation and redemption of loans.

Since the working of the port this year has been carried out under considerable difficulties, I think the position there is: one on which the General Manager of Railways and the Port Manager, Mr. Dulkeley, are to be warmly congratulated;

I must apologise for the length of this catalogue; but before I come to the new Commission I should like to speak briefly on two other subjects:--the report of the Linder Government Commission and the question of land settlement.

I am sure we may offer our congratulations to Mr. Justice Feetham and the other Members of the Local Government Commission, including the very efficient secretaries. I am glad to inform Council that the recommendations regarding Nairobi have been approved by the Secretary of State, and I hope that legislation will be introduced promptly to give effect to those recommendations.

With regard to Mombasa I believe that there is a certain feeling of anxiety on the part of the Indian community there; and I should like to say here that the Government is prepared to give consideration to reasonable criticism. But it is intended to put the whole report into operation in due course, and I hope that the time may not be long before it all receives legislative sanction.

With regard to settlement, that question, as I have often told this Council, goes hand in hand with the question of securing the Native Reserves for the use of the native

FeoWes. , We have already taken one great step in that direction by the delimitation of the boundaries of the Reserves, and I am glad to be informed that further action has been taken with regard to the demarcation of those boundaries and that returns have now been received from the four largest Provinces which show that 1,773 miles of boundary can be demarcated easily by District Officers by the beating of bounds or by pointing them out on the spot. 1,219 miles require marking either by intervisible beacons or by trench lines. it is important that the boundaries of their Reserves should be known to the native tribes and I believe that this can be done throughout by some simple manner of boundary marking. The District Officers will be in the best position to do this effectively with the help of the Survey Department, and early steps are being taken.

There remains one other essential measure, and that is to give the natives complete security that these boundaries will not be altered. For this purpose legislation will shortly be submitted to you securing the Reserves for ever for the use and benefit of their tribal owners under the care and guardianship of certain Boards of Trustees, with a central Board e1 which the Governor will be chairman. I am sure that all Members of this Council will co-operate in giving their African fellow-subjects this complete assurance that their lands will never be expropriated.

With the establishment of this complete security for the Native Reserves, we are free to carry out an active policy of closer settlement. That also is now approved by the Imperial Government, and my honourable friend, the Commissioner of Lands, has been very hard at work elaborating schemes of closer settlement with the Department for Overseas Settlement in London.

We have received a definite promise of active support from that Department. They are prepared to give us the same sort of help as they give to settlement in the Dominions and in Southern Rhodesia, that is to give pound for pound up to a certain figure for poorer settlers coming out and needing help, and also to assist in passages and other matters of that kind. I think that the thanks of the Colony are due for this to the Secretary of State and to Lord Lovat, the Under Secretary of State for the Dominions, who is now at the head of the Overseas Settlement Department and who has been most active and helpful in our interests.

If that assistance is given by the Imperial Government, a Land Bank to give assistance on our side is also essential. **API.** say, the Land Bank has been approved in principle by, the Secretary of State, and we now only require the advice of Mr. Herold who will, I hope, be here early next year to

give us the lines on which that bank is to be formed. I was deeply interested in the working of the Land Bank in Southern Rhodesia, which has been very successful. It has not only helped new settlers without capital, but it has also assisted the farmer by taking over onerous mortgages up to a certain figure. The Rhodesian Land Bank started with a much smaller capital than is proposed for ours. It started with only £350,000, whereas we have put down the sum of £750,000. I think that that matter must remain subject to Mr. Berold's advice, and I hope that the Land Bank will be established after he has been here without delay of any kind.

These schemes, I trust, will soon establish the fact—which is still not realised in some quarters in the Old Country—that Kenya is something of far greater value to the Empire than a "rich man's playground," as some people have called it. There is opportunity here for all classes of settler, and Africa appeals to emigrants of a certain type in a special way, for the drudgery which faces women in most of the Dominions need never be faced by them here.

I have been deeply impressed by the work of the 1820 Settlers' Association, both in South Africa and in Rhodesia, to which they have now extended their operations. They have shown particular ability in bringing the right type of Young man out to training farms and training him thoroughly before he is put on land of his own. I have been so much impressed that I have asked one of the representatives of that Association, Colonel boy, to pay a visit in the near future to this Colony and to help us with the advice of the Association. I believe that the directors of the Association in London are also anxious to help us.

There is unquestionably a deep interest in the Old Country in emigration to Kenya. I spoke a good deal while I was in England, and always after I had spoken I received many letters and inquiries as to the possibility of settling out here. I am sure there is no dearth of the most admirable material, if we provide it with help to grasp its opportunity.

I come now to the new East African Commission and the new White Paper. I am very glad to know that both have been so warmly welcomed by the Unofficial Conference here in Nairobi, and by public opinion throughout the East African Territories. I was also very much struck by the Warmth of the welcome given to the announcement in Southern Rhodesia. The main object of that Commission is to secure a broad and generally accepted agreement upon the main lines of East African development. There is no intention whatever of forcing arbitrary and unacceptable conclusions upon Kenya or any other territory. After all, statesmen in this century have the South African warning



before them. I have been saturating myself in South African history lately, and nothing in it bears more significantly upon this opportunity in East Africa than the story of the opportunity which presented itself to Disraeli's government when it came into power in 1874. Lord Carnarvon, the then Secretary of State for the Colonies, rightly realised that a Great opportunity was present for establishing union at that time amongst the South African territories, and that such a Union, if it could be achieved, would be of inestimable advantage to all the partners in it. He sent the historian, Mr. Fronde, out to Africa, and Mr. Froude went about South Africa, not taking opinion so much as giving it, not asking what people wanted but telling them what they ought to want. The result was that the whole movement broke down, and that one of the greatest opportunities in South African history was lost. For what followed? There followed Majuba and all the tragic story of the 'eighties ; there followed the later stages of the Raid, the war and that whole period with which we are more familiar. It took a generation to arrive, after endless trouble, bitter striving and much bloodshed, at a solution which was in the hands of statesmanship at least thirty years before. I am sure that that example is well appreciated at the present time in England and that the desire there is to proceed entirely by agreement.

With that preface, I come to the question of constitutional development in Kenya. It is recognised in England that the time has come to take into partnership the colonists who have made this country their home. The nature of the White Paper makes that absolutely clear, and it is emphasised and repeated in the speech made to Parliament by the Secretary of State for the Colonies.

I discussed the subject with representatives of all parties while I was in England and I found that the recognition of that principle was very wide. I heard only two arguments against it. The first was that no part of East Africa is " a white man's country." The only necessary answer to that I think is " come to Kenya and see." After little more than twenty years settlement is established in this Colony and there is rising a thriving generation of boys and girls who are going to make their home in the Colony. That disposes of the subject. **I do not think** it necessary to argue the physiological question, as some people wish to do. Some generations hence that may be an interesting question, but now and in this generation it is necessary to recognise the fact that statesmanship must deal here in East Africa with a virile and growing settled population.

The other argument was that it was not right to trust settlers with power over the general policy of the Colony because their training was not adequate and their numbers were not

sufficient. I reply at once that it is not a question of numbers but of character and education. If 12,500 is not a population to be trusted, there is no reason why 50,000 should be more trusted, or 100,000. Everything depends upon character, experience and education : not upon numbers. There is only one school in which a population such as our white population here with its inherited character can learn, and that is the school of political responsibility. No one I verily believe has more to gain than the African from a policy which draws out in the settled population its natural bent of honour towards the weak, its sturdy political sense and its instinct for fair play.

This point is so important that I should like to quote the words used in his speech to the House of Commons by the Secretary of State. He said :-

" One of the great mistakes made in the early history of South Africa was that the Imperial Government regarded itself as the one and only champion of the native races and alienated and thrust on one side the white community, which was often mistaken perhaps, but was sometimes right. The result was to breed in the white settlers not only hostility towards the Government which denied them a share in the control of their own affairs but hostility towards the ideals with which that Government was associated. This fosters in the white community the idea that their only responsibility is a white responsibility, that the black man is not their affair because the British Government will look after him. That is a very short-sighted conception of responsibility. The day will come, unless indeed the growth of white settlement comes to a stop within the next generation, when with the growth of a large settled community, no Government in this House can ultimately resist the demand for self-government. When it does come you want the men to whom you transfer your trusteeship to have the spirit of trusteeship. You do not want to hand over people who have trusted you for generations to men who have never shared any sense of responsibility. If, on the other hand, you bring that community, a community of a very fine type of men inspired by British traditions, earlier into a share of responsibility ; if you make them see something of the work of government and the responsibility of government from the inside, you will breed a race of men to whom in the fulness of time this House may be able to hand over its trusteeship without any fear that it will be dishonoured."

I have nothing to add to that powerful statement of the case.

But if the Commission is to recommend the important constitutional transition from an official to an unofficial majority, certain other changes in the legislature are essential. There must be of necessity a reduction in the strength of the Government benches, and the Government will be left with no working majority. It will not have the power to carry on. It is an old constitutional maxim, old in English history, that the King's Government must be carried on, and I think therefore that you will have to consider carefully certain special powers to prevent deadlocks and, so on, which are necessary to a Government which has to carry on the King's Government in a legislature without a working majority. That is one of the constitutional problems which must be faced. I do not think it is by any means beyond solution, but it requires to be faced.

In the second place it must be remembered that with the reduction of the strength of the Government benches power will pass to representative as compared with official Members of Council. The representatives must therefore be so chosen as to reflect fairly the interests of all races and communities. The elected European and Indian members will naturally speak for their own constituencies. Having been a Member of Parliament myself, I know how strong the pull of constituencies is apt to be. Unless, therefore, special provision is made to solve the difficulty that the Elected Members will represent only certain communities and certain types of constituencies, one of two alternatives becomes inevitable. Either native affairs must be entirely detached from the purview of the legislature, or else the legislature will not be lit to deal with them.

c I am absolutely against any attempt to withdraw native affairs from the purview of the central legislature. That, to my mind, would be a fatal line of development for all races. You may indeed subject the treatment of native affairs to special safeguards, but if you exclude native affairs from the purview of the legislature, you only reserve to Government arbitrary power in another form over all the life of the Colony, for native affairs in one form or another enter practically into every question with which this Council has to deal. That would not train such a Council in responsibility; on the contrary, it would defeat the whole object of the White Paper. I am certain that is not in any sense the view of the Imperial Government, for the Secretary of State dealt with this point in his speech to the House of Commons. Observing then that suggestions had been made that Native Affairs should be withdrawn from the purview of the legislature, he stated :—

" That, I am afraid, is not an attractive form of dyarchy in a country like East Africa, where white and black live indissolubly bound together, where there is ne

problem, nor any aspect of self-government, which affects the white man without touching at every moment upon his relation with the black."

If then native affairs are not to be withdrawn from the purview of the legislature, and if the legislature is not to be of such a character as to equip it properly to deal with all its responsibilities in the Colony, some means must be found to make the legislature a true reflection of all interests in the Colony. I have myself proposals on this point to make which I shall be glad to discuss with honourable Members at another time, but for the present I would commend this problem to the study of honourable Members as one of the main questions on which information will be sought by the new Commission.

I would add—and this proviso is most important—that Africa is not Europe. Representative institutions evolved by homogeneous nations, formed and used by men reared in the same civilization, would be quite ineffective in a country where the races are mixed as they are here, where the difficulties of language are very considerable and where men vary from the very forefront of twentieth century civilization to the twilight from which we emerged many centuries ago. I think therefore that the principle of communal representation is absolutely essential in East Africa. There is no idea on the part of Imperial Government of departing from that principle.

I have made these broad observations on the constitutional question with regard solely to Kenya, but I am sure you will all recognise that the principles apply equally to any Federal Council or body of that kind which it might be thought desirable to bring into existence. If these principles are sound, they must apply equally to any representative bodies that are formed in East Africa.

I am afraid I have kept you a very long time, but I should like to say one thing more before I sit down. I should like to say one word about the closer union of the East African Territories. I think closer union is desirable at the present time—I have thought so for a long time past—but at present it is practicable only between certain groups of Colonies. The communications between Nyasaland, Northern Rhodesia and Tanganyika are at present far too defective to make closer union between them practicable, I hope, however, with regard to the southern group—if I may for a moment say a word about it—that some central authority in which Southern Rhodesia will participate may be established which can deal with such matters as communications, research, and common subjects of that kind on really broad lines. Otherwise the value of forming a closer union in the north will not be so great.

The arguments in favour of closer union for the northern group are, it seems to me, overwhelming. I will only mention a few of them. The first is the cost of essential Services. In developing Colonies like these the burden of administration is naturally a heavy burden. Growing Othintries require a rapid development of many social services, and I do not believe that it is possible for these territories to finance scientific research, to provide assistance to pducers in all parts, and to protect their peoples adequately against disease, unless their resources are pooled.

Look, for example, at veterinary research. I visited the wonderful establishment created by Sir Arnold Theiler at Obderstepoort, near Pretoria, in the Transvaal. That research institution has to a large measure freed the South African farmer from the immediate menace of cattle disease. It is amazing to learn to what extent disease has been held under. We require that service quite as much as South Africa, and we cannot secure it unless the resources of the territories are pooled. The same argument applies to scientific research in many other matters, agricultural research, medical research and so on. I think it applies also to the expenditure of the Colonies on defence, which, as it Seems to me, is much too high at present. It applies also to customs and communications in general.

When I speak of communications, the most important oi. course are railways; for railways are the arteries through which the life-blood of these young colonies flows. Now that *our* railways are coming into physical contact, we must have a central authority to decide on rates. My honourable friend the General Manager of Railways, in his earlier days had, I think, experience of a body known as the Conference Section, in the Transvaal, which used to attempt to deal with the problem of reconciling rate questions as between independent colonies. I think he will bear me out in saying that the record of that 'Conference Section was one long record of failure. That will & Ways be the case unless you establish some arbiter on the spot who can decide when other bodies will not agree.

It is equally important from the point of view of new construction which matters so much to all of us. We must be assured, and those who are going to invest their money and subscribe to East African loans must be assured, that our new construction is really on sound lines and that British capital invested in one railway is not competing with British dibpital invested in another railway. That point was very strongly emphasised by . the Schuster Committee which 'reported on the Guaranteed Loan.

c: Finally, I would remind honourable Members of the increas-  
trig importance which will attach to the traffic, and especially  
:the mineral traffic, which may come to us from the Belgian

Congo, and of the imports into that great territory. The Congo is developing rapidly, and I was very much interested to learn the other day from an unimpeachable source that a very strong society is now being founded in Belgium to establish white settlement upon the Eastern Highlands of the Belgian Congo. There will be rapid development there. Mining development is going rapidly ahead, and it is essential when we are deciding how to extend our lines towards the Congo to ensure that we are not competing for the Congo traffic but are working on co-operative lines.

There is, above all, the most important of all questions, the question of native policy. I think that no student of South African history can overlook the disastrous effect of different native policies in different parts of South Africa. For long years it kept the territories apart when union was their proper course. It has made the natives the subject of perpetual controversy, and has enormously complicated all aspects of the native problem. The differences of native policy between the South African Provinces are still one of the greatest difficulties which statesmanship in the Union has to face.

I am not disposed to deal at any length with that subject-to-day, but I should like to say with all the conviction which I can command that in my opinion nothing is more essential to native welfare in East Africa than a consensus of reasonable opinion upon the essentials of native education and development. Our civilisation, if it is to be worthy of itself, and if it is to be of service to the native, should act on the same principles everywhere, and speak with a single voice.

Before I leave the subject of union, let me say one thing more. In the Great War most thinking men believed that the victory of the Empire in the East African theatre would make possible a new and progressive synthesis of policy and administration across this part of the African continent. It had hitherto been broken by two great international boundaries. Tanganyika was the junction state, the vital link without which such a synthesis, with all its hopes of peaceful and harmonious development, could not be realised. The opportunity of this projected union was won at a great cost, and thousands of lives will have been sacrificed in vain, if, now that all the links are in our hands, we do not forge from them a chain of lasting strength and worth.

Before I end, I would make a special appeal to the Indian Members of this Council and to the Indian community throughout the Colony, to co-operate wholeheartedly in the work and objects of the Commission. It is time that any fear or bitterness left by the controversy of four years ago should finally disappear. Some extreme things were then said, no doubt, upon both sides, but they were spoken in the heat of controversy. They should now be forgotten for ever.

The communal principle of representation established by the White Paper of 1923 has in truth given security to Indians no IS than to Europeans, and the settlement of 1923 in regard to the political status and other rights of British Indians in Kenya stands fast. They themselves have now wisely accepted it, and they can rest assured that their acceptance will strengthen the desire of this Council and the Government to provide as fully as possible for the needs of the Indian community. I have now visited the greater part of Southern and Eastern Africa, and I know no territory in Africa in which Indians are receiving so much practical proof as in Kenya of goodwill towards Indian education, the care of Indian women and children, and Indian welfare generally.

The recent concordat on Indian questions between the Union Government and the Government of India has shown how much more can be achieved in these stubborn problems by a spirit of co-operation than by a spirit of controversy. I hope that moral will be taken to heart by all who have, as I myself have, the welfare of Indians at heart ; for nothing could more seriously prejudice Indian interests than purely racial opposition to the closer union and constitutional development of the East African Territories.

We here are all fellow-subjects of the greatest Sovereign in the world, and partners in the world-wide political system ever which he reigns. In all that we plan we are right to think most carefully for ourselves; but it behoves us also to think broadly for our neighbours in East Africa, of our fellow-subjects of all races, and of the Empire as a whole.

Judging to the best of my ability from that broad standpoint, which you all, I know, desire to share, I believe that no policy can provide for the peaceful progress of these territories unless it fulfils three conditions. In the first place, it must treat British East Africa as a whole. In the second place, it must win the support of all those who, as colonists, have made East Africa their home. In the third place, it intik- ensure for East Africa a steady meed both of understanding and of moral and material support from the main centres of British life and activity in Britain and overseas. The cardinal need of East Africa at this time, and the greatest security which any part of it or any community within it can obtain, is a broad consensus of opinion among reasonable men upon the main lines of East African development.

The opportunity of securing that consensus is now in sight, and nothing could be of better augury than the fact that, upon essentials, so large a measure of approval has been given both in England and in Africa to the terms of reference of the new Commission. For the rest, I believe that we may

look with confidence to the chairman and other members of, the Commission for understanding, fairness, and a broad vision of that deep community of interest in which all races in East Africa are for ever bound. (Bear, hear.)

### MINUTES.

The Minutes of the meeting of the 9th August, 1927, were confirmed.

### PAPERS Laid ON THE TABLE.

13) THE HON. THE ATTORNEY GENERAL (Mn. BUG GARD) :

Report of the Select Committee on the Kenya and Uganda Railway Bill.

BY THE HON. THE DIRECTOR OF PUBLIC WORKS:  
(Mn. SIKES)

Progress Report on Loan Works Buildings.

### NOTICE OF MOTIONS.

3) THE HON. T. J. O'SHEA :-

" That this hon. Council will not approve the acquisition of privately owned land for an extension of the school site at Eldoret."

### MOTIONS.

His EXCELLENCY : I understand that the motions on the paper will be taken tomorrow.

## BILLS.

### FIRST READINGS.

#### THE ASIATIC WIDOWS' AND ORPHANS' PENSIONS' BILL

On motion of the Hon. the Treasurer (Mr. Grannum) the Asiatic Widows' and Orphans' Pensions Bill was read a first time.

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

#### THE NAVIGABLE WATERS (CONSTRUCTION OF WORKS) BILL.

On motion of the Hon. the Director of Public Works (Mr. Sikes) the Navigable Waters (Construction of Works) Bill was read a first time.

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



## THE NATIVE LIQUOR (AMENDMENT) BILL.

On motion of the Hon. the Chief Native Commissioner (Mr. Maxwell) the Native Liquor (Amendment) Bill was read a first time.

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

## THE KENYA AND UGANDA RAILWAY BILL.

THE HON. THE ATTORNEY GENERAL: Your Excellency, I understand it meets the convenience of Members on the other side that the report stage of the Railway Bill should be taken tomorrow. It was originally intended that the committee stage should be taken at Mombasa on the 12th, but the matter is somewhat urgent in view of the fact that Uganda has under consideration a similar Bill. I understand there is a meeting of the Uganda Legislative Council in September and they are naturally anxious to have our Bill as soon as possible. I suggest therefore that the report stage should be taken tomorrow.

HIS EXCELLENCY: Does that meet with the general convenience of hon. Members? It is agreed then.

*(Council adjourned until 10 a.m., on Wednesday,  
the 31st August, 1927.*

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WEDNESDAY, 31st AUGUST, 1927.

The Council assembled at 10 a.m., on the 31st August, p27, His Excellency tit.; Governor (LIEUT.-COL. SIR E. W. M. K.C.V.O., C.M.G., I/5.0., M.C.) presiding.

HIS EXCELLENCY opened the Council with prayer.

MINUTES.

The Minutes of the meeting of 30th August, 1927, were confirmed.

MOTIONS.

DEATH OF SIR CHARLES COWMAN.

HIS EXCELLENCY: With the permission of Council I will call upon the Colonial Secretary to move an expression of 'sympathy with Southern Rhodesia on the loss of their Prime Minister, Sir Charles Coghlan.

THE HON. THE COLONIAL SECRETARY (SIR EDWARD DENHAM): Your Excellency, I am sure that the whole House will join in this expression of regret with Southern Rhodesia in the loss of its distinguished Prime Minister. All those who have studied the history of Africa know what signal services he has rendered to Rhodesia. I beg to move :--

" That this Council desires to express its deep sympathy with the people of Southern Rhodesia in the sudden loss of their first Prime Minister, Sir Charles Coghlan."

THE RIGHT HON. LORD DELAMERE: Your Excellency, I beg to second the motion. I think it is well known to everybody here that Sir Charles' wisdom and his knowledge of the wishes and feelings of his people was one of the outstanding features of the early days of Rhodesia. There is no doubt that by the force of his own personality he carried Rhodesia through the very difficult days during its inception as a self-governing Colony and I think that the loss to Rhodesia will be hard to make up and there is no doubt that this country has lost a friend.

HIS EXCELLENCY: Before putting the motion I should like to add my own feeling of great sympathy with the Colony of Southern Rhodesia in the loss of their first Prime Minister. -I had the opportunity of meeting Sir Charles again the other day and was deeply impressed by his grasp not only of Southern Rhodesian questions but of Eastern and Central African Ines- lions as a whole. He has played a great part in building

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#### MOTIONS.

##### DEATH OF SIR CHARLES COOHLAN.

HIS EXCELLENT : With the permission of Council I will call upon the Colonial Secretary to move an expression of empathy with Southern Rhodesia on the loss of their Prime Minister, Sir Charles Coghlan.

THE HON. THE COLONIAL SECRETARY (SIR EDWARD DENHAM) : Your Excellency, I am sure that the whole House will join in this expression of regret with Southern Rhodesia in the loss of its distinguished Prime Minister. All those who have studied the history of Africa know what signal services he has rendered to Rhodesia. I beg to move :—

" That this Council desires to express its deep sympathy with the people of Southern Rhodesia in the sudden loss of their first Prime Minister, Sir Charles Coghlan."

THE RIGHT HON. LORD DELAMERE : Your Excellency, I beg to second the motion. I think it is well known to everybody here that Sir Charles' wisdom and his knowledge of the wishes and feelings of his people was one of the outstanding features of the early days of Rhodesia. There is no doubt that by the force of his own personality he carried Rhodesia through the very difficult days during its inception as a self-governing Colony and I think that the loss to Rhodesia will be hard to make up and there is no doubt that this country has lost a friend.

HIS EXCELLENCY : Before putting the motion I should like to add my own feeling of great sympathy with the Colony of Southern Rhodesia in the loss of their first Prime Minister. I had the opportunity of meetinn: Sir Charles again the other day • and was deeply impressed by his grasp not only of SOUTHERN Rhodesian questions but of Eastern and Central African tines:liens as a whOle. He has playgd a great pait in building /up

that young self-governing Colony from the very first and I believe he will be a very great loss to all of us at the present moment in our own affairs.

Will Members rise.

The motion is :—

" That this Council desires to express its deep sympathy with the people of Southern Rhodesia in the sudden loss of their first Prime Minister, Sir Charles Coghlan."

The question was carried unanimously all Members standing.

WIDOW OF LATE MR. V. CASTELLINO.

THE HON. THE TREASURER (MR. GRANNUM) : Your Excellency, I beg to move the first motion standing in my name on the Order Paper :-

' That in consideration of the destitution of the widow of the late Mr. V. Castellino who, after rendering twenty-seven years and ten months' satisfactory service in the Provincial Administration of this Colony, died in India on the 26th September, 1926, this Honourable Council is pleased to award her a compassionate gratuity of Shs. 3,384, which amount is equivalent to six months salary of her deceased husband at the rate drawn by him at the time of death."

THE HON. THE COLONIAL SECRETARY (SIR EDWARD DENHAM) : I beg leave to second the motion.

The question was put and carried.

REGIMENTAL QUARTERMASTER SERGEANT S. W. RARIE.

THE HON. THE TREASURER : Your Excellency, I beg leave to move the second motion standing in my name on the Order Paper :-

" Considering that Schalk Wilhelm Rabie, late Conductor (Regimental Quartermaster Sergeant), Supply Transport Department, King's African Rifles, met with severe injuries in the execution of his duties, resulting in his permanent disablement, this Honourable Council is pleased to award him a compassionate gratuity of 600 and free passages for himself and his family to South Africa by the class usually granted to officers of his rank."

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

CAPT. THE HON. E. M. V. KENEALY : Your Excellency, may we have some more information about this. I should like to know when these injuries were received and something more

about the history of the recipient of this gratuity. The House has been told nothing at all about it. I should like to have some more information about the case.

THE HON. THE TREASURER Regimental Quartermaster Sergeant Rabie was appointed to the Supply and Transport Department, King's African Rifles, on the 1st March, 1923, and is serving under the usual Class B Agreement. In May, 1925, when walking with a transport wagon at Siolo he fell in front of the wagon and the wheels passing over him caused fracture in both legs. He was removed to hospital and proceeded on leave to South Africa in August, 1925. He returned in January, 1926, and on the 1st July, 1926, a Medical Board was held for the purpose of examining and reporting on his state of health. The proceedings of the Board were as follows :-

" *Medical History.*—In May, 1925, near Siolo, was walking with a wagon at night-time and fell in front of it, the wheels of the wagon running over both legs. He was attended by Dr. Miller, who sent him into Siolo and thence to Nairobi Hospital. He was in hospital for about three months. Both bones of both legs were fractured. The hospital notes show " simple fracture of tibia and fibula of both legs." His feet get tired and he gets pain down the front of both shins, especially the left, after much walking. He formerly got swelling of the feet, but not recently. His feet are always cold.

*Present Conditions—Left Leg.*—Shows deformity. Lower end of upper portion of tibia is protruding about half an inch. The lower end of the fibula is pushed inwards. There is eversion of the foot. Movements of the ankle joints are not limited. No muscular wasting.

*Right Leg.*—About 4 inches above int. malleolus the tibia is slightly bent outwards. About 3 inches above ext. malleolus there is also an outward bend of the fibula. Union has evidently taken place in this position. Movements of ankle joint are unimpaired. No muscular wasting. Apart from these, his general condition is normal.

*Finding.*—The Board finds that R.Q.M.S. Rahie is in a state of permanent partial disablement and is hence entitled to receive a pension or gratuity."

The Quartermaster Sergeant's trade is that of a Bricklayer and it has been shown that he will not be able to carry out that trade in future; it is therefore thought that a compassionate allowance is justified.

CAPT. THE HON. E. M. V. KENEALY : It seems to me there has been undue delay in offering this man a gratuity if he is entitled to one. It seems to me also that an alternative means

of employment might have been offered to him in this country. I am not at all satisfied with the information that has been given. I do not think it is a full explanation and I do not think it is a reasonable statement on which to base a gratuity of this nature. I feel, Sir, that the matter demands further enquiry. I do not support the motion.

The question was put and carried.

LATE MR. L. S. S. PILLAY.

THE HON. THE TREASURER : Your Excellency, beg leave to move the third motion standing in my name on the Order Paper

In consideration of the destitution of the widow of the late Mr. L. S. S. Pillay who, after rendering 21 years, 2 months and 5 days' satisfactory service in the Medical Department of this Colony, retired on the 17th August, 1922, on a pension of Sits. 2,381/40 a year and died in India on the 21st July, 1926, this Honourable Council is pleased to award her a compassionate gratuity of She. 3,060, which amount is equivalent to six months salary of her deceased husband at the rate drawn by him immediately prior to retirement."

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

The question was put and carried.

## BILLS.

### THE KENYA AND UGANDA RAILWAY ORDINANCE, 1927.

THE HON. THE ATTORNEY GENERAL (MR. HUGOARD) : Your Excellency, before moving that the House resolve itself into a Committee of the whole House to consider the report of the Select Committee on the Railway Bill, may I say a word in regard to the position. Hon. Members will remember that this Bill was introduced in this House in May last. At about the same time an identical Bill was introduced in the Legislative Council in Uganda. Both Bills were given a second reading and were then referred to the Select Committees of the respective Councils. In due course the Kenya Select Committee met and after a number of meetings a report was framed and provisionally adopted for reference to the Uganda Select Committee. The provisional report went to Uganda and it was accepted by the Uganda Select Committee, subject to the insertion of three or four additional amendments. On the receipt of a communication from Uganda the Kenya Select Committee met once more and accepted the additional suggestions put forward by Uganda and those additional suggestions are

incorporated. in the report of the Select Committee which was laid on'the table yesterday. So that I think I may say, that the report which was tabled yesterday represents not only the practically' unanimous agreement of the Kenya Select Committee but it also represents the unanimous agreement of the Uganda Committee. I hope, therefore, the report will find favour with the House because of the necessity of an identical Bill being passed in both legislatures.

Owing to the extensive nature of the amendments suggested in the report of the Select Committee the original Bill has been reprinted and hon. Members have been supplied with copies of that reprinted Bill, and I suggest that when we go into Committee we deal with the reprinted Bill instead of the original Bill which was introduced in this House. The reprinted copy contains the amendments which appeared in the Select Committee's Report. I beg to move that the House go into Committee to consider the Report of the Select Committee and the Bill.

THE HON. THE GENERAL MANAGER (MR. FELLING) : I beg to second the motion.

### *In 'Committee.*

#### *Clause 2. Interpretation.*

THE How. A. H. MALIK : Your Excellency, in the definition of the High Commissioner, I should like to move that the words " and his servants " where the context so permits, be added.

His EXCELLENCY : Will the hon. Member explain why he wishes that made?

THE How. A. H. MALIK : It is *said* that on page . . . . I am sorry, Your Excellency, my references are to the old Bill.

His EXCELLENCY : Perhaps without finding the reference the hon. Member will mention the point he wishes to make?

THE How. A. H. MALIK : In many cases it is said that the High Commissioner may refuse to carry a passenger. The High Commissioner will not be on the spot, but his servant, or something like that.

THE HON. THE ATTORNEY GENERAL : Your Excellency I am sorry the hon. Member was not able to find the particular reference because I can find no case in which the High Commissioner is mentioned where it is not intended to include the High Commissioner's servants. If the hon. Member will find the section he is looking for perhaps it will be easier to deal with it. It seems to me from my recollection of the Bill that all the duties of the High Commissioner are vested in or can be delegated to the General Manager under the Order in Council rather than to the station master or people of that sort.

THE How. T. J. O'SHEA : Line 25 on page 19.

THE How. THE ATTORNEY GENERAL : When the particular paragraph speake of coaches or compartments reserved by the High Commissioner that surely means ordered by the High Commissioner or by his General Manager ?,

TEE How. A. H. MALIK : In many cases the Bill refers to the High Commissioner or his servants and in certain clauses it refers td Hi h Commissioner and/or his servants. The High Commissioner apparent y includes his servants and the definition should make that clear.



*Loss of life or personal injury to passengers.*

HIS EXCELLENCY : What passage is the hon. Member reading from now. What clause is he quoting ?

THE Hon. A. H. MALIK : I have got the old reference here.

His EXCELLENCY : Give the clause.

THE Hon. A. H. MALIN : 17 of the old Bill. Liability in respect of loss.

THE HON. THE ATTORNEY GENERAL : Under the Order in Council of which probably the hon. Member has not got a copy, the High Commissioner has power to delegate any of his powers to the General Manager or any other officer of the Railway, but perhaps I might make a suggestion which will meet the hon. Member, and that is that as we go through the Bill whenever he finds the term " High Commissioner " and he considers the " High Commissioner's servants " should be inserted he move an amendment to that clause. I must oppose the alteration in the definition of High Commissioner.

The question that clause 2 as amended by the Select Committee stand part of the Bill was put and carried.

*Clause 4. Authority of the High Commissioner to execute all necessary works.*

CAPTAIN TILE HON. E. M. V. KENEALY : Your Excellency if we can have an assurance from Government, Sir, that it is contemplated that water legislation will shortly be promulgated in this country, I should withdraw from opposition which I intend to take up without that assurance. It is suggested in clause (L) of section 4 that certain powers should be given to the High Commissioner dealing with one of the assets of this country which is under a very ill-defined control at the moment and it is suggested that these powers should be subject to the control of the Governor in Council, but, Sir, we have no legislation at present dealing sufficiently with these particular powers, and yet we are proposing to alienate the control of these powers outside our own legislation. If, Sir, the Government of this country is prepared to give an assurance that water legislation will be introduced—I intend to ask a question on that point at the next session—if Government will give that assurance now, I will withdraw from that opposition. If not I will make further opposition to this particular paragraph. I hope, Sir, I shall be in order in pursuing this matter.

His EXCELLENCY : Yes.

THE Hon. THE DIRECTOR OF POETS (MB. SIRE) : The question as to what form the water legislation should take in this country is under consideration and I will give the assurance that water legislation will be brought before the Council in the near future.

CAPT. THE HON. E. M. V. KENEALY : Thank you.

THE HON. T. J. O'SHEA : The hon. Member having raised that point it occurs to me whether the powers of the High Commissioner would be subject to the control of any body contemplated under the contemplated legislation on water. If legislation is brought in at a subsequent date, if the control of the rivers comes, say, under the control of a water board, would the High Commissioner be subject to the control of the water board under that clause!

THE HON. THE ATTORNEY GENERAL : That would be a matter for consideration in connection with the legislation. If it were intended that the High Commissioner's powers with regard to water should be regulated solely by this clause, a saving clause would have to be inserted in the water legislation. If no such saving clause were inserted he would be subject to that legislation.

THE HON. LORD DELAMERE : It says in sub-section 2 that the " exercise of the powers conferred on the High Commissioner by sub-section (1) shall be subject to the control of the Governor in Council."

The Governor in Council is guided invariably by the laws of the country, I presume.

THE Hon. Tins GENERAL MANAGER (MR. FELLING) : At this stage I would like to draw attention to the fact that I asked it to be recorded in the report of the Select Committee that the General Manager, Kenya and Uganda Railway, took exception to the insertion of the words " subject to the control of the Governor in Council " in clauses 4 and 7. I stated to the Select Committee, Sir, and I state now that the time will come when the insertion of these words will be regretted. I did not ask for the omission of the words, as one must regard to some extent the current feeling on a point of this kind, but I wish to make it quite clear from my own feelings that the time will come, perhaps after I ha. a left the Colony, when these words will be regretted.

CAPT. THE HON. E. M. V. KENEALY : Are we to understand that that is a Government caveat or an individual caveat in regard to this clause!

Tine HON. THE GENERAL MANAGER : A caveat on behalf of the Railway.

Tin RIGHT Hoy. LORD DELAMERE : I must say that I agree with the General Manager, and always have, on this subject, but in order to get agreement, as I presume he has done, I have withdrawn that objection. My personal belief is that it is a very rash thing to give power to three different Governments in future and two as at present to Interfere with inter-Colonial things of this sort, but it has been done to safeguard certain things people were afraid of.

THE Hox. A. H. Mama : Before clause 14 I beg to suggest that this clause be inserted :—

" Every person desirous of travelling shall upon payment of his fare be supplied with a ticket specifying the class of carriage and the place from and to which the fare has been paid and the amount of the fare."

THE Hoy. Tin GENERAL MANAGER : Your Excellency, the definition of the word " ticket " and the whole of clauses 14 and 15 I think sufficiently define the position and I cannot recommend therefore the acceptance of this addition. I think that if the wording was not clear enough the hon. Member should have made a suggestion to the Select Committee, of which I believe he was a member, but I can hardly think it necessary for a clause like this to be introduced. The definition of " ticket " is quite clear and to my mind the clause covers all the requirements.

His EXCELLENCY: Does the hon. Member wish to press this clause!

Tim Hos. A. H. MALIK : Although it is stated in clause 15 as the Hon. General Manager has observed, I submit, Sir, it does not specifically state that a railway servant will supply a ticket to any person and there is no guarantee that a ticket will be issued to any intending passenger. He can be refused. The servant is not legally bound to issue a ticket and I think that this clause should be inserted.

His EXCELLENCY: I understand that the hon. Member desires this -clause to be substituted for clause 15.

Tin HON. A. H. MALIK No, Sir, after 14, it may be 15, and 16 made 16.

His EXCELLENCY : The question is that after clause 14 the following -clause be inserted :-

" Every person desirous of travelling shall upon payment of his fare be supplied with a ticket specifying the class of carriage and the place from and to which the fare has been paid and the amount of the fare."

The question was put and lost.

*Clause 15. Conditions upon which tickets are issued.*

Tim How. A. H. Marx : I be to submit that instead of " at the -earliest opportunity " the words " within twenty-four hours " be inserted. sub-section 2, clause 15.

THE EIGHT HON. LORD DELAMERE : Would the hon. Member be good enough to speak up. I know the acoustics of this room are bad, but I cannot hear.

His EXCELLENCY : The question is that the words " at the earliest opportunity " in clause 15, sub-section 2, should be deleted and the words " It within twenty-four hours " substituted therefor.

THE HON. THE GENERAL MANAGER : Your Excellency, I am afraid we cannot accept the amendment for the very simple reason that the application for a refund may not, be made in twenty-four hours and we must be able to find the individual concerned. If a man is excluded from a train owing to overcrowding he will come in due course for a refund and the refund will be made at the earliest opportunity.

THE RIGHT HON. LORD HELAMEILE : How does the hon. Member wish this carried out ? If a passenger was travelling to Itanda how would he get back in sufficient time if he travelled from Mombasa ?

Hog. A. H. Marx : Supposing a passenger travels from Nairobi and gets on to the platform and does not find the accommodation, he can return the ticket at once or at least within twenty-four hours. It is from the Administration's point of view I want this. The passenger may come after two days and want a refund.

THE HON. THE GENERAL MANAGER : I am afraid we cannot make a refund earlier than the earliest opportunity. (Laughter).

His EXCELLENCY : Does the hon. Member wish to press his amendment ?

Hog. A. H. Mali : No, Sir.

His EXCELLENCY : The amendment is withdrawn.

(-louse 18. *Tiewilling without free pass or ticket. etc.*

CAPT. T. M. HON. E. M. V. EENEALY : Your Excellency, I ask Government to accept a minor verbal alteration in sub-section 5 of clause 18 that the word " recovered " be altered to " recoverable," so that it does not impugn the dignity of the Court by instructing the Court to do a certain thing. I do not think that the High Court or anyone else should be in a position to dictate to a Court as to its duty. It impugns the dignity of the Court and that minor alteration may obviate that unfortunate occurrence.

His EXCELLENCY : The question is that in clause 18, sub-section 4, the word " recovered " in the fourth line be deleted and the word " recoverable " be substituted therefor.

THE HON. THE ATTORNEY GENERAL : Your Excellency, if the feeling of the House is with the hon. Member I have no objection.

His EXCELLENCY : The question is that in clause 18, sub-section 5, line 4, the word " recovered " be deleted and the word " recoverable " be inserted therefor.

The question was put and carried.

THE HON. A. H. MALIK : Your Excellency, I submit that a clause should be put in making provision for the reservation of compartments for females.

Hog. THE ATTORNEY GENERAL : if the hon. Member will look at clause 82, sub-clause 6, he will find that the High Commissioner has power to make regulations for the reservation of railway premises or of any railway coach or ship or any portion thereof for the exclusive use of males or females. I think his point is covered.

THE HON. A. H. MALIK : The High Commissioner has power to make regulations to that effect, but I submit, Sir, that it is essential that such a clause should be part of the principal Bill for many reasons. In this country; especially in the third class, women and men all travel together. From the moral point of view also. I think it is necessary that a compartment in the third class should be reserved for females on every train /Mk

also in the first and second class. Occasions do arise when ladies have to travel by themselves, two, one or three, and there is no provision. The is that they are put with other men, male passengers, and I think from a communal point of view and a moral point of view that this section should be inserted. It is done in other administrations.

THE HON. THE GENERAL MANAGER : As the hon. the Attorney General has explained, section 82 makes provision for regulations for the reservation of compartments for males or females respectively and section 50 provides for certain penalties if these regulations are not obeyed. What the hon. Member is asking for is to insert a clause that the High Commissioner shall on every train carrying passengers reserve for the exclusive use of females one compartment. May I suggest, Your Excellency, that it is quite impossible to accept a clause of that sort ? If, for example, we ran a special train from Mombasa to Nairobi carrying a number of people from His Majesty's Navy, it is quite unnecessary to reserve a compartment for females on that train. (Laughter.) I think this must be left to regulations framed under the law to meet the actual requirements rather than to accept a specified clause to compel the reservation of compartments.

THE RIGHT HON. LORD DELAMERE : Why didn't the hon. Member bring this point up in Select Committee ? (Hear, hear.)

Hrs EXCELLENCY : Does the hon. Member wish to press his new section

THE HON. A. H. MAUI : No.

His EXCELLENCY : It is withdrawn ?

THE HON. A. H. MALIK : Yes.

*Clause 24. Registration of luggage.*

CAPT. THE HON. E. M. V. KENEALY : On re-reading this, Sir, I found something which I think is deserving of further consideration. I suggest in sub-section 4 that it should read that an addition should be made in this way :

" The High Commissioner shall not be liable to refund a greater sum than five pounds "

otherwise it means that if a thing is worth five pounds and one penny he gets nothing and if it is worth five pounds he gets five pounds. That to my mind is the meaning of the clause. If that addition is made the man is entitled to recover a portion of its value, which I think is what is intended.

His EXCELLENCY The question is that after the word " liable " in line 16, the words be added "to refund a greater sum than five pounds."

THE HON. THE GENERAL MANAGER : I cannot recommend the acceptance of the amendment suggested. The whole point is to require a declaration when the value of the article exceeds five pounds. (Hear, hear.)

CAPT. THE HON. E. M. V. KENEALY Am I to understand that if a man is prepared to value a thing at five pounds for this purpose the Railway admits no liability whatever ?

THE HON. THE GENERAL MANAGER : Undoubtedly. The whole point is that the Railway is responsible up to five pounds in value. Immediately it exceeds five pounds in value it must be declared and an excess charge paid. It is quite wrong to allow an article worth say £200 to go into a railway coach with needless complications afterwards if the depositor avoids trouble by declaring it at five pounds.

CAPT. THE HON. E. M. V. KENEALY : But if, Sir, the individual who deposits is prepared to accept five pounds for it as its value surely he is entitled to his five pounds. I think that is an entirely arbitrary point of view on the part of the Railway and I consider it is entirely wrong that they should decide if a thing is worth more, because after all it is the owner who decides what a thing is worth to himself. The Railway has no authority to decide arbitrarily what the value of a thing is. I consider this is an essential thing, that if the owner considers the thing is worth five pounds that he should get five pounds:

THE RIGHT HON. LORD DELAMERE : But if a man puts in a piece of brown paper and considers it worth five pounds he should get five pounds ?

CAPT. THE HON. E. M. V. KENEALY : No, Sir, that was not my suggestion, my suggestion was that the article was worth at least five pounds, possibly more.

The question was put and lost.

*Clause 30. Power for the High Commissioner to require indemnity on delivery of goods in certain cases.*

CAPT. THE HON. E. M. V. KENEALY : Does this mean that if an individual is prevented from getting his rightful property by the action of the High Commissioner or his agent that the law prevents him from interfering or getting any recompense if any monetary loss or inconvenience is suffered by him ?

THE HON. THE ATTORNEY GENERAL : So far as I understand the question, the answer is in the negative. So far as I can see, where two or more people claim the same article from the High Commissioner, the High Commissioner is entitled to withhold the goods except on receiving an indemnity until the parties have settled their claims.

*Clause 34. Liability in respect of loss of life or of personal injury to passenger.*

HON. A. H. MAMA : Clause 34 says that " the High Commissioner shall only be liable for loss of life or of personal injury to any passenger when the loss of life or personal injury is caused by the want of ordinary care, diligence or skill on the part of the High Commissioner or of his servants, and shall in no case be liable for loss of life or, or personal injury to a person who is travelling by special permission." Now does that mean that the High Commissioner is liable if a person is travelling without permission in any part of a train other than in a passenger coach?

HON. T. J. O'SHEA : I understand that clause refers to any part of the construction line.

THE HON. A. H. MAMA : No, in any part of the train.

THE HON. T. J. O'SHEA : I want to be quite clear about that. I understand that clause applies only to the construction lines.

HON. EXCELLENCY : It applies to the whole of the line.

HON. A. C. TANNAHILL : Do I understand that if the High Commissioner is responsible for the killing of any of the members of this hon. Council he does not pay compensation when they are travelling on a free pass?

THE HON. THE ATTORNEY GENERAL : I think I ought to inform the hon. Member that the passes issued to members of this hon. Council are not free—they are paid for, so that hon. Members are quite safe as far as this section is concerned. (Laughter.)

With regard to what the hon. Mr. Malik has said, I understand his point referred to a person who is travelling without any permission at all.

THE HON. A. H. MALIK : That is right. What is meant by " special permission " ?

THE HON. THE ATTORNEY GENERAL : " Special permission " I take it, is special permission from someone in authority. But I think the point is covered by sub-clause (2). It says " For the purposes of this section the term ' passenger ' shall include every person, other than a servant on duty, lawfully travelling upon a train or ship."

THE HON. A. H. MALIK : He may have had special permission.

THE HON. THE ATTORNEY GENERAL : Subject to correction by my hon. friend the Hon. General Manager, I take it it is not special permission. A person holding a ticket is lawfully travelling but he does not come within the same category as the person who is travelling by special permission.

THE HON. THE GENERAL MANAGER, KENYA AND UGANDA RAILWAY : A passenger ordinarily travels in a passenger coach. This refers to persons travelling by special permission in any part of the train.

THE Hon. A. H. MALIK : A person holding a ticket may be travelling in a coach other than a passenger coach—he may be travelling in a goods train by special permission.

Tan HON. THE ATTORNEY GENERAL : So far as I can see no amendment is required at all. The clause is not designed to deal with people who are lawfully travelling in the train in passenger coaches. It is designed to meet the case of persons travelling elsewhere than in passenger coaches and the " High Commissioner or his servants shall in no case be liable for loss of life of, or personal injury to, a passenger who is travelling by special permission, whether verbal or written, in any part of a train other than in a passenger coach, or who is travelling on a free pass or a passenger who is travelling by permission of the Resident Engineer, or any person appointed by him, over any construction line."

So far as I understand the hon. Member's point I do not see that any amendment is required.

THE Hon. T. J. O'SHEA : It not infrequently happens that people have to travel in other than passenger coaches. It has frequently happened to me. I very often have to travel down with the guard in his van.

With regard to the last three words quite a large proportion of cases in the Courts arise out of the misinterpretation of clauses. It seems to me that a smart lawyer could very well argue a case over the last three words, and the case could be won, too.

THE HON. THE ATTORNEY GENERAL : I think I can assure the hon. Member that the clause could never be interpreted as suggested. The last part only applies to passengers who are travelling by permission of the Resident Engineer over any construction line.

THE Hon. T. J. O'SHEA : I respectfully suggest that in order to meet the case a colon should be put in instead of a comma.

Tim HON. THE GENERAL MANAGER : I think the clause should stand as drafted. In other parts of the world no trouble has been experienced over this clause. The position is that the passenger should travel in a passenger train, but it very often happens that people come to us and ask permission to travel in a goods train. They are then given special permission to do so. One of the conditions is that if there is an accident no liability is accepted by the Railway.

With regard to free passes, the Railway supplies these in the case of people who travel by permission of the Resident Engineer over construction lines. They must, in such cases, travel at their own risk. The Railway will accept no liability.

Tim Hon. THE COLONIAL SECRETARY : What would happen in the case of people who travel in the guard's van because they have not had time to get into the passenger coach? Would the Railway be liable in such cases?

THE Hon. THE GENERAL MANAGER : I suggest that the passenger would not be travelling lawfully. It would be quite unlawful.

There is the case also of the members of the Railway Council. They travel on a free pass; therefore the Railway is not liable—no matter who they are.

THE HON. T. J. O'SHEA : I think it is only right that the clause should be drafted in such a way as to make it quite clear. If it is made clear by the insertion of a colon instead of a comma, I do not see why there is any objection to it.

THE Hon. Tim Ammar GENERAL : I have no serious objection.

His KIM:MINOT : Before I put that amendment I suggest to the hon. Member that if semi-colons are to be used they should be inserted at all similar cases and one should come after " coach ".

The question is that clause 34, sub-section 1, line 4, from the end, the comma be 'deleted and a semi-colon substituted therefor after the word "coach".

The question was put and carried.

His EXCELLENCY : The question is that after the word "pass" the comma be deleted and a semi-colon inserted therefor.

The question was put and carried.

THE Hon. A. C. TANNAHILL : I am very sorry to talk again, but I understood the Hon. General Manager to say that Members of Council travelling on Legislative Council pass cannot claim compensation if they are killed.

Ties HON. THE GENERAL MANAGER : Let me put the hon. Member's fears to rest, I said members of the Railway Council. (Laughter.)

*Clause 39. Further provision with respect to the liability of the High Commissioner as a carrier of articles of value.*

GATT. THE HON. E. M. V. KENEALY : I suggest, Sir, this is the same point I raised before, that the words "beyond ten pounds" be interpolated in line 15 of clause 39 (1). "The High Commissioner shall not be responsible beyond ten pounds for the loss, destruction or deterioration of the parcel or package." Now, Sir, where the word "deterioration" is used it obviously implies that a total loss is not contemplated, and if the loss is due to the negligence or inefficiency of the Railway, and that is provable, that loss should be met by the Railway to the extent of its own liability. It is really, Sir, essential that this sum of money should be stated here. I cannot see that the General Manager can raise any objection to it on moral grounds; in fact I would consider it most immoral to raise any objection to it whatsoever. (Laughter.)

His EXCELLENCY : The question is in sub-section 39 (1), line 5, after the word "responsible" the words "beyond ten pounds" be inserted.

The question was put and lost.

THE Hon. A. H. MALIK : **his** is a case where the High Commissioner should include his servo its in cause 39, sub-clause (1).

Tut II °N. TUE AT TORREY GENERAL : Your Excellency, I must confess I cannot understand this point. The hon. Member has the definition of the term "High Commissioner" and the definition of the word "servant," which gives the High Commissioner power to delegate certain of his powers to servants. If we make the definition of "high Commissioner" and "servant" one, we should have to remodel the state of affairs in regard to delegation. I suggest that the hon. Member should accept the assurance that the Bill as drafted fully meets requirements.

THE HON. A. H. MALIK : Sub-section (3). In this case, Your Excellency, I submit in the case of loss that no further proof should be required as to the value of a parcel. The burden of proving the declared value of an article that is lost rests on the person claiming compensation and in the case of loss of articles examined under this sub-clause no further proof should be required.

HIS EXCELLENCY : What amendment does the hon. Member suggest?

THE HON. A. H. MALIK : The addition of the words : "In this case the declared value shall be compensated without further proof from Person claiming."

HIS EXCELLENCY : The question is that at the end of sub-section 39, clause 3, the following words be added : "In this case the declared value shall be compensated without further proof from person claiming."

THE HON. THE ATTORNEY GENERAL : I am afraid I am not in a position to advise that this amendment should be accepted. The suggested amendment appears to me to deal with a different matter altogether. The examination contemplated by the sub-clause is not an examination for value but to find whether the article declared to be in the packet is actually there. The question of value does not arise until a claim for loss is put forward.

The question was put and lost.

Clause 49. Penalties for certain classes of offence.

THE HON. A. H. MALIK : I submit that the words "without the consent of his fellow passengers" be inserted.

THE HON. EXCELLENCY : The question is that in clause 49, sub-clause (a) the following words be inserted : " without the consent of his fellow passengers."

THE HON. THE ATTORNEY GENERAL : This is really a matter for my friend the General Manager, but it seems to me not only a matter for the passenger who happens to be in the compartment at the moment who may object, but here are other people who may come in afterwards, one of whom, in my point of view, a most unpleasant atmosphere. It seems to me if the carriage is labelled " non-smoking " it should be " non-smoking."

THE HON. CONWAY HARVEY : Especially if in close proximity to explosives.

It is deprecate going into all these details now. Select Committees are to obviate going into these matters when we are assembled in Committee of Council. We spent hours and days over this matter and the hon. Members' time should be wasted in going over the same old ground a number of times.

The question was put and lost.

Clause 62. Leaving service without having given the requisite notice.

THE HON. A. H. MALIK : In this case I beg to submit that this provision for extra fine should be only in the case of running staff.

THE HON. THE GENERAL MANAGER : Your Excellency, I am not prepared to recommend the acceptance of the amendment suggested. I suggest this is a very necessary provision in the working of a public service.

Clause 70. Restriction of liability for compensation for fires caused by sparks from locomotives.

THE HON. E. O'B. WILSON : In regard to sub-section (c) of this clause, unless the General Manager can see his way to putting up the whole of this clause in a prominent place at all stations notwithstanding that I beg to move that sub-section (c) be deleted. My reason is that a person who has been burnt out by the Railway may not get the fair compensation due to him. I think that if the whole of this clause is put up in every station in a prominent position so that everybody can see it, and they had not given the necessary notice or did not know notice was necessary.

THE HON. THE GENERAL MANAGER : I am prepared to give that undertaking

Has EXCELLENCY : Will that satisfy the hon. Member?

THE HON. F. O'B. WILSON : Yes, Sir.

THE HON. A. C. T. ANNAHILL : I did not have the advantage of attending the Select Committees and do not know what occurred in regard to sub-clause (d), but it seems to me that under that any person erecting a building on his own land within two hundred feet of the Railway boundary does so at his own risk in that he cannot get the compensation from the Railway in the case of fire. When people took this restriction was not placed on it and, subject to an explanation, I beg to move the deletion of sub-clause (d).

THE HON. THE GENERAL MANAGER : Your Excellency, if a man deliberately puts up a building near a railway line it is absurd for him to claim compensation from the Railway. He must make up his mind to insure so it is unfortunate if there is a fire, and perhaps if he does insure he would have to pay a higher rate of premium, but I do not think he can expect the Railway to accept liability.



THE

**How. A. C. Tssuarru, :** But there are literally perhaps a couple of hundred houses that are built on land within a hundred feet of the railway line—on land that has been granted by the Crown to people under leases on which to build houses. In such cases does the Crown take on the liability instead of the High Commissioner?

THE HON. THE GENERAL MANAGER : I do not think there can be very many such cases.

**Tax How. A. C. TANNAHILL** What is the definition of the word "Railway?"

It surely must be the boundary of the Railway property!

THE HON. THE GENERAL MANAGER : There cannot be very many houses near to it.

THE How. A. C. TANNAHILL : If the Hon. the General Manager goes from Nairobi station to Kabete he will see, I should say, fifty houses within two hundred feet of the boundary of the Uganda Railway.

COL. THE **How. C. G. DURHAM :** Surely those houses were built after the Railway was constructed, and the people who built the houses should take the responsibility, or the insurance companies.

THE HON. THE GENERAL MANAGER : I cannot understand the hon. Member's point about the two hundred feet, but it is a fact that generally a hundred-foot strip OD each side of the Railway line. It is the case, however, that if after the railway line is built a merchant puts up a building, in his own interests he must make the best arrangements he can for safeguarding himself. It would never do to the Railway to accept responsibility and pay compensation if people expect up buildings within two hundred feet of the Railway after such Railway has been built, especially in a country where wood fuel is used for the engines.

THE O'SirEx very pleased the hon. Member for Nairobi North has brought up this point. The fact remains that going to have quite a lot of houses constructed near the railway line with the development of towns in the Colony, and I do not think the case is met by the Hon. the General Manager saying that a man should protect himself by insuring his property. If a man insures his place and it is burnt down, the insurance company pays the minimum compensation—the very lowest possible sum. But many things happen as the result of fires and there are losses for which you cannot get compensation from the insurance companies. I should like to know whether it is possible for the Railway to take precautions against the burning of buildings that necessity built close to the line—I want to know if it is possible for are of Railway to protect people whose houses are, unfortunately, near the line. the say it is no to the Railway to take such precautions and if they do not, they ought to be liable.

LIEUT.-COL. THE HON. T. G. KIRKWOOD : It seems to me that it has been suggested that buildings within a certain distance of the Railway should have a free insurance policy at the expense of the Railway. I do not think it is logical.

THE HON. THE GENERAL MANAGER : I do not know that there is anything to be said. The Railway can only use the best precautions possible, and the best spark-arresters, but the owners of the property can also do quite a lot himself. He can for instance put up a building that at any rate not very liable to catch fire and he can take other precautions as well. The Railway cannot do it all. But the whole issue as this : is it right to expect the Railway to accept liability because a man puts up a building in such close proximity to the Railway that there is danger of its catching fire? We have had such cases in this country and if the store is burnt it means that the man can put up another building again near such Railway line—as near as he likes—and the Railway must take responsibility. I think the clause must stand.

THE **How. T. J. O'SHEA :** I would like to put it to the Hon. the General Manager from the people's point of view—is it reasonable that the people should not be allowed to build houses close to the Railway when it is within the power of the Railway to avoid any risks from sparks

31st August, 1927

by adopting certain precaution? I understand it is possible for the Railway to utilise some apparatus which prevents sparks travelling two hundred feet from the line. If that is the case, I think it should be incumbent upon the Railway to take such a precaution, and if they do not, to accept responsibility for damage.

Tin Hon. THE GENERAL MANAGER : There is no apparatus that has been invented which is safe, but as I have said, the only thing the Railway can do is to use the best methods. There is no spark-arrester which is safe in any part of the world that I am aware of.

Tin Hon. TANN/MILL : There are certain conditions, and if they do not, to accept responsibility for damage. The Railway has facilities offered and the Land Department has the land. The Railway boundary is probably the siding frontage of the plot. Those buildings therefore must be built within two hundred feet of the Railway boundary and no compensation is granted if, through the Railway, these buildings are burnt down. Another point raised was that the owner of the building should insure, but it is just a little doubtful, in view of this clause, whether insurance companies will take these risks, or alternatively take the risk, or alternatively et charge a very high premium. In other words, people who have been granted land by the Crown are penalised suddenly by the insertion of this clause, and I do definitely move that this sub-clause

deleted. (d) be deleted.

His Kamm-nor : The question is that sub-clause Note : 21.

On a division the question was put and lost. Ayes : 8 E Issa, Captain Harvey, flamed Moham

Ayes : Messrs. Conway, Malik, O'Shea, Major Robustace, Messrs.

Tannehill and Wilson, Messrs. Bruce, Campbell, Sir Edward

Noes : Major Brassel, Colonel Durham, Messrs. Felling, Fitzgerald, Gilbert, De. Gilks, Messrs. Grannum, Harrison, Illested, Iluggard, Major Canon Leakey,

D. Kent-Lemon, Lt.-Colonel Kirwood, Maxwell, Montgomery, On, Sikes and Walsh.

Clause 71. Restriction on execution against railway property.

Tin Hon. E. M. V. KENEA : I trust what I am going to say will not outrage the sensibilities of the hon. Member for the Lake, who suggested that amendments should be brought up in Select Committee and not be introduced in Council.

In this particular thing I did raise and maintain an opposition in Select Committee because here we see manifestly a truckling to expediency at the expense of common sense and at the expense of principles which have taken generations of suffering to attain.

Now, Sir, if this clause goes through it means that the Courts of this country will cease to function in certain conditions and that the powers of an individual in this country are greater than the powers of any man including His Majesty the King in the whole of the British Empire, and I Submit that the condition of affairs will become intolerable in this hon.

Council.

Now, Sir, if any individual owes money to any other individual and he knows that if he does not pay that money that certain properties of his will be attached by order of the Court, he will take reasonable steps to prevent the means by which he earns a livelihood from being attached and he will raise that money by selling some other asset, and I thought that if one can expect readily such a degree of providence and be expected where an individual is concerned, the same Railway such as ours is, as a matter of fact, one can expect even a higher 'degree of providence in the latter. Now, one has a reasonable right to suppose that funds will be provided for meeting such liabilities. I think every hon. Member in this House will also agree it is essential that those funds should be provided.

The power of the Court to order an attachment of certain properties power which has not been gained lightly. It is based on a tradition is a consider that that tradition is a magnificent one. Justice should and I

we should give any power to one individual in this country  
 the power of justice. In spite of the shabby habiliments of the Courts  
 in this country, the Courts in this country are clothed in a dignity which  
 is real because it is based on impartiality and a philosophy which  
 justice which has been built up over a long period of years.  
 going to dictate to a Court and utilise its findings for the sake of expediency  
 and which we have attained only after a long period of years.

I consider that it would be a expedient thing to truckle i  
 wording or any trend of thought inimical to the dignity of the Co  
 of this country. consistently opposed any

Now, Sir, it may be suggested that the application of this clause  
 never be cilled upon. If that is so, why have the clause at all? If the  
 Railway fails to meet its monetary obligations, the person who suffers from  
 that failure appeals to a Court, and the fact that appeal to the Courts is  
 only necessary in such cases demonstrates how unnecessary this clause is  
 if the Railway will continue to meet its obligations.

If it is suggested, Sir, that this power, which even His Majesty the

Majesty the King's powers I think it is absolutely and if His  
 we should give greater powers to an individual in this country or any  
 Body in this country. At present, Sir, all these matters are viewed very  
 precisely from a financial aspect. but they are of the Railway in this  
 country are a very big factor. The railway is a decreasing factor. the

more will steadily decrease until the railway becomes a ceasing factor. the  
 hope will be formed, and it is most injudicious at this stage to sacrifice  
 principles merely for expediency because the monetary value and the  
 relative importance of the Railway is bas

hope, Sir, you will support this view because the reason  
 are reasons which are not antagonistic to the dignity of these qualities. ll-being

THE HON. CONWAY HARVEY: Your Excellency, my hon. and gallant  
 colleague took the opportunity of expressing what I believe to be the  
 view of the overwhelming majority of hon. Memers w regard to the  
 introduction of amendments at this stage which could not be  
 disposed of when Council met in Select Committee, and has been  
 apply to the particular proposal of my hon. and gallant

at the moment. His proposal, Sir, appears to be based on  
 the most lofty principle, a principle so lofty as to be entirely beyond  
 the reach of any normal individual. In fact, Sir

means that if a claimant gets judgment for a , it really means this.  
 Railway that claimant cannot have the right to take a section of the main  
 line and dislocate the whole of an essential public.

which I suggest, Sir, would be entirely without precedent. In the  
 hon. gentleman first introduced this matter in Select Cm in the  
 there might be something in it and I took steps, Sir, to ommitte, though  
 the proposal now incorporated in the measure before the House is in exact  
 conformity with similar Proposals governing the activities of a public  
 throughout the whole of the civilised world. For these reasons,  
 Sir, I still adhere to the report of the Select Committee which I signed.

THE HON. THE ATTORNEY GENERAL: I do not think it is  
 me to add to what my hon. friend the Member for the Lakes necessary for  
 the clause we are discussing. but I should just like to say this, that  
 force for the last seventeen years. a (Laughter.)

of the Hon. E. M. V. ICENEALY: I regret, Sir, that I do.

CAPT. THE HON. E. M. V. ICENEALY: I regret, Sir, that I do.  
 The question was put and lost,

*Clause 72. Railway servants to be public servants.*

THE Hon. A. H. MALIK : 7 his clause, Sir, appears to be a contradiction of the Order in Council, which states that railway servants shall be servants of the High Commissioner. This clause states that railway servants shall be deemed to be public servants and this seems to be inconsistent with the Order in Council. An amendment seems to be required in view of this Order in Council.

THE HON. THE ATTORNEY GENERAL : This clause has no relation whatever to the Order in Council. The object of this clause is merely to state, for the purposes of Chapter IX of the Indian Penal Code which deals with offences by public servants, that a Railway servant is a public servant within the meaning of the Code. The amendment suggested by the hon. Member would not make servants of the Railway public servants for the purpose of the Indian Penal Code.

TirE Hon. A. H. Mend : Do I understand that a railway servant is a public servant as understood by the words "public servant "r

THE HON. THE ATTORNEY GENERAL : A railway servant is a public servant as so stated in the Order in Council.

*Clause 80. Limitation of actions.*

THE HON. THE ATTORNEY GENERAL : IR accordance with the notice I have given I beg to move that in sub-clause (3) of this clause the words " it shall be lawful for the General Manager to pay " in lines 49 and 50 be deleted and that the words " the General Manager shall pay " be substituted therefor. The amendment, Sir, is- to meet the wishes of a certain number of members of the Select Committee who felt that there should be a definite statutory obligation on the General Manager to pay out of the Railway and Harbour Funds such sums as may be awarded against the High Commissioner by judgment of the Court.

The question was put and carried.

*Clause 82. Regulations.*

THE Hon. A. H. Marx : Sub-section 6. I beg to move an amendment that the following words be added : " Provided no such reservation shall be made unless equally suitable premises are reserved for all races and persons of all classes."

THE HON. THE GENERAL MANAGER : The clause gives the High Commissioner power to make regulations for the reservation of the railway compartments or any railway coach or ship or of any portion, either the whole of the train or any portion of the train, for the exclusive use of females or males or persons of different races or different classes of persons. I submit, Sir, we can hardly go further than that and accepting the proposal would mean that you could not make a reservation for a certain race without making reservations for every race on the same train. I think the clause should remain as drafted.

THE Hon. A. H. MAUI( : The Hon. General Manager seems to agree with me that a reservation cannot be made unless a reservation is made for every purpose, also I do not see any reason why this proviso should not be added to it.

HIS EXCELLENCY : Order, order, I have allowed the hon. Member to move his amendment because I was anxious that he should have an opportunity of stating his case. but I am bound to say on considering *it* that the amendment is not in order as it amounts in principle to a negation of the clause. It is perfectly clear that if a reservation is to be made for everybody it amounts to destroying the power of reservation and I am afraid that the General Manager's statement on that matter seems to be conclusive. I cannot therefore accept the amendment.

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

The question was put and carried.

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The question was put and carried.

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

The question was put and carried.

*Council resumed its sitting.*

HIS EXCELLENCY • I have to report that the Kenya and Uganda Railway Bill has been considered in Committee of the whole Council and has been returned to Council with amendments.

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

*Council adjourned.*

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TUESDAY, 13th SEPTEMBER, 1927.

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The Council assembled at 10 a.m., on the 13th September, 1927, at the Supreme Court, Mombasa, His Excellency the Governor (SIR EDWARD W. M. GRIGG, K.C.V.O., C.M.G., D.S.O., M.C.) presiding.

His EXCELLENCY opened the Council with prayer.

ADMINISTRATION OF THE OATH.

The Oath of Allegiance was administered to :—

RAM SINGH NEHRA, Nominated Indian Member.

MINUTES.

The Minutes of the Meeting of 31st August, 1927, were confirmed.

PAPER LAID ON THE TABLE.

BY THE HON. THE COLONIAL SECRETARY (SIR EDWARD DENHAM) :

The Second Supplementary Estimates, 1927.

NOTICE OF MOTIONS.

CAPTAIN THE HON. E. M. V. KENEALY : I beg to *give* notice of the following motions :-

1. " That Government quarterly lay on the table of the House a statement showing :-
  - (1) Crown Land transactions pending ;
  - (2) Crown Land transactions completed."
2. " That Government *give* instructions for an immediate economic survey of the country north of Nanyuki River with a view to the immediate extension of the Nyeri Railway to Nanyuki—a distance of 15 miles."
3. " That Government appoint a Committee of this House to make recommendations concerning water legislation and control."

LIEUT.-COL. THE HON. J. G. KIRKWOOD : I beg to *give* notice of the following motions :-

1. " That this Council recommends a Committee *be* appointed to revive and amend the present Land Laws and favourably consider that :
  - (a) Payment should be extended over a period of 25 years.

- (b) Fifty per cent. advances by Government on all permanent improvements to Crown tenants.
  - (c) Implement conditions to allow selectors to acquire land from private owners.
  - (d) Disposal of Crown lands by ballot.
  - (e) Priority to be given to applicants who were unsuccessful in the Soldier Settlement Scheme and who still reside in the Colony.
  - (f) Raise a Loan to finance approved applicants."
2. " That this Council recommends that Council should assemble not oftener than once a quarter."
  3. " That this Council considers the granting of Medical Farms is no longer desirable, that owing to the great improvement of communications and transport facilities the system has outgrown its usefulness."
  4. " That this Council approves the appointment of a Committee to investigate and report on Grants to Non-Government Public Hospitals in the Colony, with a view to finding a formula applicable to all."

#### ORAL ANSWERS TO QUESTIONS.

##### COST OF LIVING COMMISSION.

CAPT. THE HON. H. E. SCHWARTZE asked :

Has Government yet received the Report of the Cost of Living Commission. If not, when may it be expected. If yes, is it the intention of Government to lay it on the table of Legislative Council?

THE HON. THE COLONIAL SECRETARY (SIR EDWARD DENHAM) :

The Cost of Living Commission have submitted an interim report only in which they state that the Commissioners are at present collecting statistics regarding fluctuations in the price level of commodities, any increases in freights, duties and railway charges, rents and trade overhead charges, and family budgets. This work will occupy a further time and no report from the Commissioners is expected until these enquiries which are being made by the Statistical Expert are complete.

##### COAST COMMUNICATIONS.

MAJOR THE HON. R. B. W. ROBERTSON EUSTACE asked :

(1) Is the Postmaster General now prepared to accede to the request put forward by the commercial community and planters of the Coast Area to provide direct telegraphic and telephonic communication between Mombasa and Tanga?



(2) Is it correct that the cost to Kenya of connecting Mombasa with Tanga will not exceed £5,000?

(3) At what figure does the Postmaster General estimate the revenue from such a line?

(4) Is it correct that the charges for interest, sinking fund and upkeep of such a line between Mombasa and Tanga would not exceed £1,000 per annum?

(5) If so, does not the Postmaster General think this expenditure would be justified by the benefit accruing to the community to be served?

THE HON. T. FITZGERALD (POSTMASTER GENERAL) :

(1) I am not prepared to recommend to Government that provision should be made, as far as Kenya is concerned, for the establishment of direct telegraphic and telephonic communication between Mombasa and Tanga.

(2) The estimated cost to Kenya is £5,100, or approximately as stated.

(3) It is estimated that the revenue which would accrue to Kenya would not exceed £300 per annum.

(4) The whole of the actual figures of costs on the Tanganyika side are not at present available, but are expected to be received shortly. It is, however, roughly estimated that the charges for interest, sinking fund, upkeep and working of a line which would provide both telegraph and telephone facilities between Mombasa and Tanga would amount to £1,115 per annum, of which £735 would fall on Kenya.

(5) Having regard to circumstances generally, I am not satisfied that the expenditure would be justified.

#### LAIKIPIA-KERICHO LAND EXCHANGE.

LIEUT.-COL. THE HON. C. G. DURHAM asked :

Will Government state whether anything further has been done in the matter of the Major Tottenham-Sear Holding, and if so, will it state what action has been taken?

THE HON. THE COMMISSIONER OF LANDS (MR. MARTIN) :  
At the request of Mr. Sear's agents negotiations in respect of this exchange have been broken off. The District Commissioner and parties interested have been so informed. No further action will be taken without the approval of Government being first obtained.

## NAIROBI ROADS.

CAPT. THE HON. H. E. SCHWARTZE asked :

Has Government been asked by the Municipal Council to allocate the sum of £100,000 to the Loan Fund as a loan for the complete restoration and tarring of Nairobi roads?

(2) If so, is it the intention of Government to make arrangements for such loan?

THE HON. THE COLONIAL SECRETARY : The answer to the first part of the question is in the affirmative. The proposal is under the present consideration of Government.

**BILLS.**

## THIRD READING.

## THE KENYA AND UGANDA RAILWAY BILL.

On Motion of the Hon. the Attorney General a Bill to Provide for the Regulation, Control and Management of Railways and Steamer Services in the Colony and Protectorate of Kenya, and for matters incidental thereto, was read a third time and passed.

## SECOND READINGS.

## THE SUPPLEMENTARY APPROPRIATION BILL

THE HON. THE COLONIAL SECRETARY (SIR EDWARD DENHAM) : Your Excellency, I beg to move the second reading of a " Bill to supply a further sum of money for the service of the year ended 31st December, 1926."

This is more or less a formal matter and simply covers the expenditure that has actually been incurred in 1926. Full details have been supplied to hon. Members and they also have the schedule before them.

THE HON. THE TREASURER (MR. GRANNUM) : I beg to second.

The question was put and carried.

## THE ANCIENT MONUMENTS PRESERVATION BILL

THE HON. THE COLONIAL SECRETARY : Your Excellency, I beg to move the second reading of a " Bill to provide for the Preservation of Ancient Monuments and Objects of Archaeological, Historical or Artistic Interest."

The object of this Bill is to afford authority to provide or the preservation of such ancient monuments and antiquities, to allow effective and efficient control to be exercised over excavations in places where there are ancient

monuments of recognized interest, and to enable all such monuments and antiquities to be protected and, if necessary, acquired. The definition of a "monument" covers all objects of archeological, historic or artistic interest, including structures, memorials, tomb stones, caves, remains of mine, etc. Any of these objects may be declared by the Governor, by notice in the Gazette, to be a protected monument. Provision is made to enable any objections to such protection being lodged within two months of the notice.

The effect of the Gazette notice will be to bring the monument within the provisions of the Ordinance and the effect of the Ordinance will be to prevent any such monument being destroyed, tampered with, or in any way damaged, and places it under the guardianship of the State. Power is given to the Government if necessary to purchase compulsorily any such monument or antiquity if it is found necessary to take such action.

It also provides regulations for Government control and supervision of excavations which are being made in respect of monuments which come within the provisions of this Ordinance.

The Ordinance is based on legislation which was introduced in India by the late Lord Curzon. It is a form of legislation which most countries have now adopted and which many must have regretted they had not introduced earlier.

It gives me special pleasure to move the second reading of this Ordinance here in Mombasa. Mombasa, as Burton described it: "That indomitable village, whose history is that of the whole East African coast. Burnt three times to the ground, and twice she succeeded in massacring an enemy whom she had failed to expel." Under the shadow of one of the most ancient forts in this part of the great continent and at the headquarters of a coast province whose historical records go back many hundreds of years, it is particularly appropriate that this Ordinance should pass through its stages amidst these surroundings.

Many of you here, no doubt, have studied the history of the Coast and the numerous vicissitudes of the land of Zinj. The record is one of much bloodshed and many invasions. Persians, Arabs, Europeans, have all played their part in its history and it is somewhat surprising that any monument should be left when one reads a story in which wholesale slaughter, conflagrations, pillages, sacking and razing of towns form the principal features. Yet there are within an easy distance of the place where we are now sitting many most interesting remains of ancient days. We are inclined to talk so much of Kenya as the youngest Colony in the British Empire, to lay stress on our youth and virility, that we are perhaps apt to be forgetful of the fact that other civilizations

reached this coast and left their mark upon it. Discoveries which have been made and quite recently further explored at Gedi, between here and Malindi, will alone justify the necessity for steps being taken such as are proposed in the Ordinance now before Council. Hon. Members should take an opportunity if possible during their stay in Mombasa to visit these ruins and I am sure they will be surprised at their extent, at the wealth of discovery which they already disclose and the field they open for further investigation. Picturesquely situated in overgrown thickets they show that an ancient town of considerable size and importance flourished on this almost lost spot.

Inside the door of the Court, Members will see a stone taken from a Portuguese Fort—St. Joseph—bearing an inscription, one of the monuments which has been preserved, though I would suggest that a translation of the inscription might be placed above it.

Unless records such as these can be preserved from vandalism, excavation merely opens a door to theft and affords an opportunity for loot. As it is, pieces of china and coins of considerable value and antiquity, carvings in wood and stone, have already been removed and doubtless sold as curios to the globe trotter.

Further along the coast we have that interesting old town of Lainu, where the Horn of Sheila is preserved, and opposite which lie the islands of Patta and Manda with their records, which may yet be found to contain much of great historical interest. Before reaching Lamu one passes on the coast a later monument, but one of world-wide interest—a pillar erected by Vasco da Gama, to commemorate his landing on this coast in 1498.

Every period in history has at least some stone to mark its passing, whether it forms part of the records of a city or only a head stone over the grave of a shipwrecked sailor. There is, I think, no more interesting spot on the coast than the graveyards of Shelia, quite close to Lamu. Here lie on a peak of rock jutting out to sea the graves of a consular agent who was murdered on the coast by Arabs; a British medical officer, who gave his life to his work in this unhealthy neighbourhood; and a sailor whose body was washed up on this spot. And below this Christian burial place lie in the sands, we are told, the bones of thousands who were slain at one of the most famous battles—it is fully recorded in the "Chronicles of Pate"—ever waged on the coast of Africa.

There are many other graveyards in Kenya in which there are historic monuments; monuments of men who have given their lives in the early days to pioneering efforts in this Colony—men and women who are amongst the first band of devoted Missionaries who landed on this coast. Men who have

lost their lives in the struggle with wild tribes and wild animals. At Rabai, near here, at Golbanti and Ngau are graves of pioneers in the conversion of races in this country to Christianity.

Freretown and Fort Smith have graveyards in which rest men whose names will be closely connected with the history of this country. There are graves which have not yet been traced, such as Lieutenant Reitz's, closely associated with the history of Mombasa and whose grave has still to be found. It is hoped that when we have more money to spare on archaeological research this grave will be found.

In this connection I may say that Government has had compiled a complete list of all tombstones and monumental inscriptions for the whole Colony, and the attention of administrative officers has been called to the necessity of keeping these graveyards clear of vegetation and taking steps to preserve the inscriptions which have in far too many cases been destroyed or obliterated.

I trust that all Missionary bodies will co-operate in this much-needed work. It is not only the graves of this generation which it is necessary to preserve. The recent discoveries of Mr. Leakey, which are attracting very wide attention in Europe, show that we have in Kenya graves of prehistoric men going back possibly sixty-five thousand years. It is essential that steps should be taken to prevent the caves and ground in which these paleolithic remains have been found from being disturbed or dug up in the absence of the research party.

The co-operation of one and all is needed to make an Ordinance of this kind the success it should be and I feel that I can ask the Council with confidence to support a measure which will enable practical and effective steps to be taken to preserve those monuments which link Kenya with the past and connect it with every chapter in history.

I feel almost ashamed to mention the cost which it is proposed to incur to assist in the execution of this Ordinance. A sum of £100 has been provided in the Estimates under Public Works Extraordinary this year for the preservation of Ancient Monuments, and a sum of £150 is included in the Estimates for 1928 for the same purpose. It is true that expenditure at present is not likely to go beyond the clearing of sites and taking effective measures for their protection. It may possibly be found necessary later to take measures such as are now so strongly supported in England for the preservation of spots of historical interest. But this is not contemplated at present in this country. We must not be content only to make history in Kenya to-day. We must also preserve it.

I have much pleasure in moving the second reading of this Ordinance.

THE HON. ALI BIN SALIM : I beg to second.

The question was put and carried.

#### THE PUBLIC HOLIDAYS (AMENDMENT) BILL.

THE HON. THE COLONIAL SECRETARY : I beg to move the second reading of " a Bill to Amend the Public Holidays Ordinance." This Ordinance gives effect to a motion which was moved by the Hon. Member for Nairobi South at a recent meeting of Council. The motion was accepted by Government and was to the effect that the schedule to the Public Holidays Ordinance should be amended so as to include the day between Good Friday and Easter Sunday among the holidays. Hitherto the Chambers of Commerce have been consulted as to whether this day should be a holiday and it has always been proclaimed a public holiday and it is thought advisable to give statutory effect to it.

CAPT. THE HON. H. E. SCHMARTZE Your Excellency, I beg to second.

THE HON. T. J. O'SITEA : Your Excellency, I am entirely in sympathy with the spirit of this Bill in that it will provide one inure continuous holiday in the year and makes it general throughout the country. I think at the same time we should reconsider whether it is not necessary as compensation to give up one of the single-day holidays which make too frequent breaks in the buainess of the year. There is no doubt that the mu niter of occasions on which the course of business is interrupted by holidays is too frequent and I think that these one-day holidays are no benefit to the community for the purpose of recreation owing to our communications being what they are and the community being so scattered. As it is it is inq;ossible to do anything with a single-day holiday, whereas if they are concentrated, as it is proposed they should be in this case, they arc of benefit to the community. I am therefore entirely in sympathy with the Bill, but I should like to see the question reconsidered as to whether it is not advisable to give up one of the existing single-day holidays as compensation. Industry is growing in the Colony and it is becoming an increasing burden on employers to give these single-day holidays. Representations have been made to me by several peopl.' to that effect and we should give the matter further consideration. I hope that Government will agree to refer the matter to a select committee.

THE HON. THE COLONIAL SECRETARY : Your Excellency, this Bill deals with a particular occasion and I think meets a particular need and that being so I cannot recommend that

this Bill be referred to a select committee. If the hon. Member wishes to raise the question of the principle of government holidays or to propose a change, I would suggest he put forward a motion to this effect which can be considered later. This Bill stands by itself and Easter Saturday is a day which I think all will agree should be a statutory holiday.

The question was put and carried.

#### THE REGISTRATION OF DOMESTIC SERVANTS BILL.

THE HON. THE COLONIAL SECRETARY : Your Excellency. I have to move the second reading of an Ordinance intituled " a Bill to provide for the Registration of Domestic Servants." This Bill makes provision for the registration of domestic servants in such townships, districts or areas as the Governor may by Proclamation appoint. The term " native " covers all natives of Africa, including Somalis, Swahilis, Arabs, Comoro Islanders and Madagascans. The registration involves the attendance of any person who desires to enter, or is employed in, domestic service before the Registrar, who will enter all particulars regarding him, or her, in a pocket register which will be supplied to the servant. Every employer is required, on engaging a servant, to make the necessary entries in the pocket register, including the date on which the servant is employed and the capacity in which he is engaged. On the cessation of the employment, employers are required to enter up particulars in the register, give the character of the servant, to state the cause of dismissal, if any, or the reason why the servant has left employment.

Once this Ordinance is applied to any area, no persons may engage or employ in that area any servant unless such servant is registered under the Ordinance and produces the necessary pocket register. This Ordinance provides for penalties on both employers and employed for breach of regulations, such as failure to see that the servant has got a pocket register, making entries in the register, or damaging it in any particular. There is also provision for the employer being fined a sum not exceeding She. 100 for entering in the pocket register of the registered servant any gross accusation which he is unable to substantiate. Power is given to the Registrar to cancel any register of a servant convicted of theft or infamous crime, or who is known to the police to be leading a disorderly or disreputable life.

I wish to make it quite clear to Council that there is nothing revolutionary or new in this proposed measure. A similar measure was introduced in this Council in 1910 and was passed. It was apparently only owing to lack of organisation and lack of funds that the Ordinance was never introduced and it was repealed in 1924 by the Ordinance which removed from the Statute Book Ordinances which had never been brought into force.

Similar legislation, which differs in few particulars from this Bill, is in force in Uganda. I may say that where it does differ this Bill puts rather more onus on the employer. A like measure is in force in the East Indian Colonies and I am acquainted with its working in one of these, where I may say that it has proved extremely satisfactory and its provisions have been adopted in several other Colonies as a result of its successful working.

It should also be clearly realised that this Bill is introduced in the interests of both employers and employed. From the point of view of the employer it ensures the formation of a responsible body of domestic servants. It affords the further protection and assistance of a Registrar who will be in touch with such servants and who will be in a position to prevent persons who have committed crimes and offences from being employed as house servants. It will also afford some guarantee that the domestic servant has previously been employed as such and that he is not merely adopting this profession because he has failed to make good in any other walk of life. It will enable the employer to check references and examine previous characters. It really ensures his being put in possession of a document which is some guarantee at least for good behaviour on the part of the servant.

As regards the employed, it gives a native what he always values if he is worth anything at all—good chits, properly bound and preserved and certified by a responsible person. From my own experience I can say that the native attaches great value to his pocket register and that they are passed on from father to son as heirlooms—but not, I need perhaps scarcely say, to be used by the latter !

The servant also recognizes that he belongs to a definite class, brought under Government protection and control, and he is no longer a mere *shenzi* lad wandering about in search of employment and depending upon the case he can make out to an employer, who probably does not understand a word of what he is saying. If he is a good servant he produces with pride a register which confirms his statement. If he is a bad servant it is probably to the advantage of all that he should not find employment easy to obtain.

With regard to the necessity for this Ordinance I do not think that there can be any doubt. The need has been stressed from all sides—by the Convention of Associations, by District Associations, and by the East African Women's League. The position with regard to servants at the present time in this Colony is most unsatisfactory. It was estimated by the Labour Commission that there are 28,000 natives employed in domestic service. It would be interesting to obtain figures as to the number of these who are in regular employment, but from a return which I received from the Registration Department it is estimated that there are about 6,000 men, women



and children in employment as domestic servants in Nairobi, and of these about three-fifths leave their employment monthly and seek work elsewhere. These figures, I think, clearly show what a waste of material there is at present and how very unsatisfactory conditions now are.

The ambition of the native appears to be not to obtain regular employment in a good household but to move from house to house, taking advantage of the necessities of the employer with the hope of getting an extra shilling put on to the statement of wages in his kipandi. He cares nothing about characters or references and if they are asked for he borrows some chits from a friend and is quite surprised if any questions are then asked. It is, I believe, by no means uncommon for servants to produce bundles of letters going back to days when they were small children and given to several persons bearing quite different names.

This condition of affairs is no doubt accentuated by the slackness of employers who do not trouble to check references or to apply to the last employer. Postal delays in this country naturally make such references difficult. A servant to-day frankly does not care whether he is dismissed or not. There are excellent servants in this country, as good as are to be found anywhere—I am referring to the largely increasing number of natives seeking domestic employment.

It has, I believe, been argued that there can be no need for a Domestic Servants' Registration Ordinance in view of the fact that there is a registration system in force. But I would point out that the two are entirely distinct. The kipandi is an identification ticket, passed between districts. It was never intended to be connected with the character of the bearer and no female is registered. In the future we may expect that a large number of domestic servants will be women. Any alteration in the kipandi or in the native registration system will, I am sure, be most dangerous. Action was taken, I believe, by a certain number of employers who put marks on the kipandis to show that the holder had misbehaved himself while in their employment, and at one time secret signs were, I believe, in common use. I need scarcely say how unfair any such proceeding is and it merely strengthens the necessity for a properly organized registration system.

This leads me to deal with another possible objection that employers guilty of tampering with a kipandi might also make unjust statements in a pocket register. There are, of course, such employers in all countries, but I think it reflects very badly on the state of public opinion in Kenya if we are to refrain from introducing a much needed measure for fear that employers in this country would deal unjustly with their employees. The Ordinance provides a further check against unfair or false statements being made and if necessary the

penalties may be even further increased. It has also been suggested that the cost of this measure is likely to be very high. I have a statement here showing the details and I will point out that on the very low fees it is suggested should be charged for registration there should not be a loss of more than £105 during the first year and after that the scheme should more than pay for itself. I need not, perhaps, deal with the suggestion made that the system might be a voluntary one. Such a course would merely defeat the whole object of the Ordinance. There would be two classes of employers and two classes of employees, to the detriment of all. If the system is introduced it must necessarily be compulsory, but the Ordinance provides for its being confined to a certain district or area which can always be extended by Proclamation.

I desire further to emphasize the great importance of this measure and the effect that it is likely to have on the natives of this country. A very large proportion of natives in Kenya only see the European as an employer and those who learn anything about his home life and get into closer touch with him are the domestic servants employed in his house. Native opinion is, I believe, more enlightened or unenlightened with regard to the standards of European conduct by the domestic servant than by any other native in the country. It therefore behoves us all the more to raise the standard of such servants and to ensure that the good ones are protected and encouraged to do still better, and that bad servants are weeded out.

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

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

THE HON. CONWAY HARVEY : Your Excellency, the Noble Lord our leader, has asked me to express his very deep regret to Your Excellency and other Members of this Council for his inability, owing to unforeseen circumstances, to be present at this session. I should like to congratulate the hon. mover of this motion, Your Excellency, on the very clear and complete statement he has made to Council. It leaves very little to be said by those in favour of the measure. There is no doubt that it has only been introduced in response to a very genuine public demand, but opinion on this side of the House is undoubtedly divided. I think, Sir, we are all agreed on one point and that is that certain modifications are absolutely essential in matters of detail if the Bill is to be made workable and a permanent success, otherwise its object will undoubtedly be defeated. I allude particularly, Sir, to the most onerous nature of the obligations on the employer in regard to returns and so on and so forth, and we have to remember in this connection, Your Excellency, that an enormous number of employers of domestic servants in Kenya are not very highly

cultured people, and any legislation of this nature in order to be effective, must be made as simple and easily understandable as possible. Chiefly for these reasons, Your Excellency, and in order, if possible, to achieve unanimity, I trust the hon. the Colonial Secretary will agree to putting this Bill to a select committee.

THE HON. J. B. PANDYA : Your Excellency, I am sorry I cannot support the principle of this Bill which seems to me revolutionary in its contents and in its effect. I am sorry I cannot agree with the views expressed by the hon. the Colonial Secretary in regard to this Bill when he mentioned that it was not revolutionary. The principle of the Bill, Sir, is this. That Government undertakes to provide the employers with the characters of their servants. I object to this principle from this point of view that if it is accepted in the case of these domestic servants I do not know where it is going to end. Tomorrow it may be argued that this principle can be further applied to certain other industries, to certain other trades and to certain other avocations, and I am sorry that the principle is such and so dangerous that I cannot support it. The Bill, I understand, was first introduced in 1910 and could not be put into effect. That itself, Sir, shows that there is something wrong in regard to this Bill which makes it impossible to put it into practice and I must say that after seventeen years the world has advanced, that is all communities have advanced, and this Bill which seems to be bringing into practice the principle advocated in 1910 can hardly be supported.

Apart from the actual effect of this Bill it is going to have an effect on the cost of living. The result of this Bill so far as I can make out would be this, that we shall have fewer servants available, or fewer servants than we have at present available, for domestic service, and on account of restrictions there will ultimately be a shortage in the number of domestic servants available. It would put up the wages of the good servants available, and the cost of living, which is now so high, would go up as the cause of this Bill.

Further, it is evident from the particulars which have been submitted that the Bill is to cost £2,415 to start with, and that although the revenue will be derived from the operation of this Bill, it will entail a loss in the initial stages, but it is expected that there will be some profits in succeeding years and therefore this Bill it seems is to be used as a means of further taxation on the community. It generally happens that the natives do not work for a very long period, that you may have to change your servant in ten or twenty days on account of his unsatisfactory work and the community will have to pay very much more than the benefit they would get from the operation of this Bill.

As regards the necessity of this Bill, it has been mentioned that this is in the interest of the employee and the employers both. The necessity which the Hon. the Colonial Secretary has mentioned is this, that the necessity has been felt by the community and it has been urged by the Convention of Associations and such people. So it contradicts itself. It is clear that the necessity has been felt by the employers only and the employees, as such, have not felt the necessity of such a Bill. In regard to the remarks made by the Hon. Member for the Lake (Mr. Conway Harvey) he mentioned that public opinion has demanded the introduction of this Bill. Your Excellency, I have not seen any such demand by all the communities. I think he meant the communities who engage servants demand such a measure and so far as the Indian community is concerned I have not heard them expressing an opinion in regard to the demand for this Bill.

I am glad to hear one opinion expressed by the hon. Member that there is sonic necessity for the modification of this Bill, and then there is the cost of working, and the obligation of the employer as mentioned in the Bill is rather too high. I think, Sir, that the obligation of the employer is very little and that the onus of proof which has been demanded from the employer in regard to certifying adverse characters and so on is very little.

It is mentioned here " a reasonable cause " and the question as to what is considered reasonable is to be decided by the Registrar. I understand that he would be the sole authority to decide these questions. I do not think that the native against whom the reasonableness is to be applied is so civilised as to understand the points which would be put before the Registrar.

I think the result of this Bill will to a certain extent be to make the natives in regard to domestic service more scarce. It is recommended that the Registrar shall be the sole judge as regards characters of even the associates or friends of a domestic servant. I think there are so many objections to this Bill, that I am opposed to it, and I am sorry that I shall have to vote against it.

CANON THE HON. H. LEAREY : As this Ordinance so very closely concerns the interests of the African population I have the honour to represent here to-day, I would like to ask whether in the event of the Bill going through if it would be possible for Your Excellency to give an order that it should be printed, or a precis thereof be printed, in the Habari Magazine in Kiswahili. As I read the Bill I am prepared to endorse what has been said by the Hon. the Colonial Secretary, that it has advantages both for the employee as well as for the-

employer, but I do think it is most important that the domestic servants concerned—I am speaking especially about the African—so many of whom are becoming able to read themselves, should have every opportunity of getting to know what the Bill is about and how it concerns them, and when I say the Bill should be printed I mean that any changes afterwards should also be printed at a later date. At the same time I would ask Your Excellency if a reprint of just that part of Habari be printed so that everyone can read it or get someone to read it to him, to know exactly what the Bill is about. I do very much hope that that will be done.

THE HON. T. J. O'SHEA : Your Excellency, the hon. Mr. Pandya opened his address by using the word "revolutionary" in this hon. Council, which gives me a boyish thrill, (Laughter). I live in the hope of some day seeing this Council indulging in the passing of some revolutionary Acts. As he developed his theme, however, I came to the conclusion that there was nothing really very revolutionary in this measure and that he merely resented the domestic servant in this country being given a semi-official status.

Your Excellency, the Government in this and many other countries has already adopted for a very long time the principle of giving a definite status to people in different walks of life. The legal profession is registered by Government, and the community is protected against the depredations of that profession by Government. The medical profession, the surveyors and others are also Government registered, and I see no reason why the domestic servant should not have the benefit of similar protection.

The Hon. Canon Leakey in his speech has asked that this Bill, if passed, should be published in Kiswahili.

Your, Excellency, I would be very sorry to see anything done in this country to encourage bi-lingual legislation, more especially with such a language as Kiswahili, one of the two languages used, and I should take it as only plain common-sense that if the Bill is passed it will be explained in the fullest detail in the vernacular to the natives whose interests it so intimately concerns, and that it will be given the fullest publicity throughout the length and breadth of the land. Kiswahili has only become a written language in modern times, thanks to the efforts of Canon Leakey and people of his type.

THE HON. A. C. TANNAHILL : I feel very strongly at the present moment that this Bill ought, if possible, to be referred to a select committee. There are several points in it which am sure can be cleared up by consultation with people who are going to be interested in it. but at present I am very much opposed to the whole principle of the Bill. It is going to be of quite considerable expense. The Hon. the Colonial Secretary mentions that it will pay for itself—probably in the

second year, but all the same we shall have to pay for it. It creates a very great obligation on the employer and I should fancy that the existing legislation—although the Hon. the Colonial Secretary stated that the kipandi did not give any reference to character—yet to anybody who studies the kipandi and sees that a native has done ten days in one place, followed by a period of ten days at another place, and at monthly intervals leaves his jobs, can very quickly judge the character of the native applying for work. I further wish to oppose this Bill unless it can be first passed to a select committee.

THE HON. R. S. NEHRA : Your Excellency, it appears that we are very fond of registration in this country and now we have started to apply registration not only in the form of a kipandi but in the form of domestic servants registration as well. Your Excellency, as the Bill stands now I do feel that there are many hardships that will be inflicted upon the employers particularly, and also upon the employees. I see from the various clauses that there are various fines and imprisonments inflicted upon those people who infringe the law, and these are rather excessive for the employers and for the employees. Certainly if the Bill goes through I think those excessive punishments for the newly created offences do deserve further consideration. Another thing, Your Excellency, is that I do not believe that people in the world are made good by legislation. This seems to be an attempt that if you get the servants registered that you will improve their characters. It is very difficult to believe first of all whether the Registrar would have time to hear witnesses and evidence about the native who is going to be employed, and who is going to be licensed in the future to practice domestic service, and secondly the Registrar is endowed with more or less judicial powers. If any native complains that his employer has been unkind and unjust to him and puts the remarks on the kipandi, it is the Registrar who will have to hear evidence and decide whether that was really a just or unjust remark, and that actually compels me to realise the increased litigation that will be involved for the employers and for the employees to put this registration into practice. The employers may be rich men and may be able to employ advocates to defend them, but surely it is going to act very harshly on the native who will not be in a position to employ an advocate to defend him. I do not know if the hon. Member representing the natives is going to make any provision to supply free advocates for the natives who will defend their cases. The employers are at least richer than the employees. It is easy to pass legislation of this nature, but it is very difficult to act upon and it is very harsh on those people, particularly the natives, who are very poor and ignorant, and very illiterate—they will feel the pinch of it.

Another thing I am afraid of is that it is going to some extent to limit and discourage natives to come out for domestic service, because every time a native comes out from his reserve—as everybody knows they do not come out with money in their pockets, only with a blanket, if they possess one—he has to pay to be registered; if this Bill goes through it means that they will have to pay some fees—Shs. 2 or Shs. 1, before they can get a licence to work. I submit, unless there is intention on the part of the Legislature to discourage new people to come out of the reserves, it is necessary that some funds should be supplied for those natives if the fees are going to be charged by the department, or at least the native should be given the first registration free so that there is no discouragement, as far as the natives are concerned, to come out to work.

I expect there is a desire on the part of some persons in this country to improve this native service on these lines, but I have my doubts whether this legislation is actually going to give us more competent and more reliable, more truthful and trustworthy natives as servants. It is very difficult where a native is concerned to make him tell the truth. He does not understand what is required of him in this connection. He can easily go to the Registrar and get his friends to come and say that he has a very good character to start with. Another thing is that the natives do not consider whether anything they are going to say is going to affect them in the future or not, and in that case when a wrong character is given to start with, the Registrar has the power to cancel the registration and to make them unfit for ever for domestic service. I submit that is a great stigma upon anybody, if once a man commits a fault he may *be* damaged for life if the Registrar should be in a position to cancel his kipandi for all time.

Another thing is that the employer, I think, is expected according to the clauses of this Bill, to carry a pocket register. I think it has to be done in the same way as *a* driving licence. Well, if a man has more than three servants he will have to have more than three registers in his pocket. The clause says that a sub-inspector of a certain grade may ask for the production of the domestic pocket register from the employer. This means that unless the policeman is very reasonable and allows you time to *go* home right away to fetch the pocket register, you would have committed an offence. (Laughter.) Unless the clause which has reference to this and is contained in this Bill is altered at this time—at the start, so as to save the employers being caught by any inspector at any place and at any time, there is going to be trouble.

I think this Bill requires very careful consideration before it can be really successful and a boon to the community, the employers and the employees. At present it seems to me *a* very ill-provised measure and I submit that the fees that

are to be charged, as has already been stated, to meet the expenses of the first year and also for the next years, should be waived. I understand that in the second year there will be a surplus, and I submit that if there is going to be a surplus these fees, from the very beginning, should be made so reasonable, if there should be any at all, to enable things to be made easier and should go towards the expenses of the natives. This Bill should not be a revenue producing Bill at all. If this Bill goes through to create revenue for future extravagance of Government it is very undesirable, because the communities are already over-taxed at the moment and to bring this legislation—which is estimated to bring in £2,000 extra—is highly undesirable, and on these grounds, Your Excellency, I too oppose this Bill.

LIEUT.-COL. THE HON. C. G. DURHAM : After the very fine exposition of this Bill by the Hon. the Colonial Secretary, I am very much surprised indeed that anybody at all can oppose it. I can hardly add anything to what has been said, but I would like to ask the hon. Members in this House <sup>to</sup> look at it from the point of view of the women of this country, and I do submit that this registration will prove a very great help to the women in Kenya.

THE HON. F. O'B. WILSON : Your Excellency, I am afraid I must add to the hon. Member for Kikuyu's bewilderment by saying that I also am going to oppose this Bill. I hope that the Government will see their way clear to sending it to a select committee and that it will there die a natural death. (Laughter.)

It seems to me that we here, when any Bill is brought up, have first of all to put it to two tests—one is to consider every law, or if possible to pass as few laws as possible, and <sup>secondly</sup> to avoid taxation or the new taxes initiated or <sup>formed</sup>, wherever possible. This Bill does not satisfy either of those two arguments. It creates a new law and a new tax—two most undesirable things. Sometimes that has got to be faced, but only, I believe, where a real necessity can be shown and more than that, where it can be shown that the Bill is going to carry out that necessity. I have grave doubts as to whether there is a real necessity, and this is fortified by the fact that a similar Bill on these lines was on the Statute Book and had been on the Statute Book for fourteen years and was never put into force. You must consider that if it was put into force would it carry out the objects of this Ordinance which is now before us, very good objects, I believe? I do not think, however, it will react harshly on employees, as there is so little which can be written down in the pocket register that it can hardly give anyone anything like a clear idea of the behaviour and character of a prospective servant. After all, an employer can get satisfaction very much better by writing to the last employer and getting



a character, as is done in most parts of the world. You do find also that where in one case a native may make a perfectly good servant to one employer the next employer will find just the opposite. It has nothing to do with either party. One servant may suit one person and not suit another, and it would be so unfair were a servant to get a bad character just because he did not happen to suit one employer, to condemn him for life. On the other hand, a man may in all good faith recommend a servant only to find that he has unwittingly misled the latter's future employer.

Those are some of the risks which will be taken and I feel I must oppose this Bill. I do hope that Government will in any case send it to a select committee, where it will be dealt with thoroughly.

MAJOR THE HON. R. W. B. ROBERTSON EUSTACE : I am entirely in favour of the principles of the Bill, and I agree that it should go to a select committee. There are certain points which do require consideration, and I am going to mention one—a very, very important one, if it can possibly be done—that is, that boys when being registered should also have a medical certificate as to their fitness.

CANON THE HON. H. Lksicky : Your Excellency, may I make a point of personal explanation? I do not intend to raise a " special fund " to provide counsel for the African domestics. Money is much too tight in this country. I would trust the fairness of the British Magistrates whether Counsel was engaged or not.

LIEUT.-COL. THE HON. J. G. KIRKWOOD : I have listened with much interest to the very valuable discussions on this Bill, which I personally think might have been very much shorter.

I intend to vote for the Bill, but I think it could with advantage go before a select committee ; but whether it does or not, I shall support it.

I think the principles of the Bill will be to the advantage of the employer and employee and it is one of those measures which has been very definitely asked for by the women of this Colony. It is also very gratifying to me to find that our women folk are taking an intellectual interest in the legislation of this Colony, especially the legislation that affects the home, and for that reason I support the Bill.

THE HON. G. G. ATKINSON : In stating that it is my intention to vote against the Bill I wish to make it clear that as regards the principles of the Bill in the abstract I am absolutely in favour of it. My chief objection is to the super-imposition of a new registration system on the existing one. As regards that I join issue with the statement made by the Hon. the Colonial Secretary that the existing system

could not be used with advantage for the purposes for which this Bill is designed. The existing kipandi which every male native has to take out is not, I submit with all due respect, a mere identification certificate—it is a very important certificate and anybody who reads the columns of the kipandi will see that there is a column for wages paid on engagement, wages paid on termination, whether posho is given free or not, and so on, and I think myself that it is a very important certificate and not merely an identification certificate.

As regards the demand for this Bill, **which is alleged to not by any means for it at all. The** Hon. the Colonial Secretary mentioned resolutions passed <sup>by</sup> the Convention of Associations and by the East African Women's League, but all those who know anything **at all of** public life will realise that a good deal can be done by log-rolling and one can procure the passing of resolutions which do not in fact represent the wishes or opinions **of t& majority** of the people. Everybody who takes an interest in the subject knows how prohibition was carried in America against the wishes of the majority of the inhabitants of America, and there is no evidence that there is any such demand in the country which can justify this Bill as it stands and my assumption, or my inference to that effect, is strengthened by the fact that this Bill, or almost an identical Bill, was passed in the year 1910 and was never put into operation—the **people of** this country seem to have **passed** the intervening years, seventeen years, without feeling any evil effects from the failure to put this Bill into force. In spite of the theoretical objection which I have to the Bill being superimposed over the existing registration I would be **inclined to vote for it if I** thought it would carry out the objects for which it is designed. Those objects are two : first of all, the Government is attempting to provide a body of servants whose characters will be guaranteed apparently by the State itself, and secondly a further intention seems to be to provide that on the termination of each engagement <sup>t</sup> i a registered servant **the employer should give a character to that boy.** But **if you look at the provisions of the Bill as to what has to be done on first registration you will see the very great or the very** prolonged and protracted enquiry which will be necessary if in fact the provisions of this Bill are to be carried out and brought into force, and I submit that the Registrar would not be able to carry out the provisions of this Bill except at great cost.

With regard to the figures given by **the Hon. the Colonial Secretary I think that most of the hon. Members in this House are under the impression that they are the figures for the whole country, but I understand they are only for Nairobi town. I think that is so.**

As regards the character to be given by the employer, first of all the Bill does not provide that it is compulsory for the employer to enter on the pocket register the character. If the employer does not choose to give the character on the pocket register he can avoid doing so by sending his reasons to the Registrar. But even assuming he has to give a character in one column, what is the character that is likely to be given in nine cases out of ten? The word "unsatisfactory," which conveys nothing, and could not possibly be of any help to anybody in attempting to find out the character of a servant he is trying to engage.

For these reasons I intend to vote against the Bill, although I will say that if the existing system of registration be varied to the extent that domestic servants if registered would not be subject to the kipandi system I will be prepared to vote for it, but I am not prepared to vote for a Bill which provides for two registration systems.

THE HON. A. H. MALIK : I lot has been said, and a lot could be said both for and against the measure. I do not propose to take much time, Your Excellency, but I would like to urge that this Bill be referred, as suggested by various hon. Members, to a representative select committee. This Bill no doubt has its advantages and disadvantages. At the present moment it appears to me that it has more disadvantages than advantages. I feel very nervous about the character part which is to be given by the employer on the pocket register. I think nobody disagrees and it is accepted on all hands that the housewife in this country has to be protected—equally there is no doubt that the domestic servant has also to be protected.

There is quite a lot of inconvenience which is experienced by the housewife in this country at the hands of the native servants and I do think that the measure to meet this trouble is absolutely essential and necessary, but as I said, in its present form this Bill has more disadvantages than advantages and should further be referred to a select committee, and the details of the Bill could then be investigated and workable clauses might be inserted in the Bill. To my mind one great important thing—it may seem minor, but I think it is important—is that whenever the natives want to leave the service they want to go at once at a moment's notice, with the result that service suffers a lot, and it has happened in a considerable number of cases that if a household has, say, two or three servants, not one wants to go right away, but they all want to leave at once sometimes; they all want to follow suit. Some protection is needed on that score and perhaps a certain clause limiting the time say to two weeks or a month when a native could not leave the service without proper notice, could be decided upon by the select committee.

When the Hon. the Colonial Secretary was discussing the character part of the register he said that it was to be feared that the employers in this country, if they give an adverse character, would make it so that it would reflect rather adversely on the local community—I mean the entire community. I beg to submit that this does not appear to me to be an argument. The fact is, as it has been brought forth by many hon. Members, that the character given by the employers will be in the majority of cases, perhaps nine out of ten, adverse to the native, and I think that this character part of it could advantageously, both from the employer's point of view and the native's point of view, be rectified, and I think this part of it could be deleted.

I would again urge, Your Excellency, that this Bill must be referred to a select committee for thorough examination of the details.

THE HON. THE COLONIAL SECRETARY : Your Excellency, I do not propose to deal at any length with the points that have been raised in this debate, for I am authorised by Your Excellency to say that you propose to appoint a select committee to consider this Bill. The recommendations of such select committee will be put before the Council in due course.

The two principal objections put forward against the Bill appear to be that it would lead to considerable expense and also that it is likely to lead to a great deal of litigation. As regards the taxation point of view the charges which are being made are extremely small. The highest charge is Shs. 2/- for the registration of a servant, payable by the employer of a servant, and in the case of an intending servant by the employee. There are only four charges, *i.e.*, Shs. 2/- for registering an existing servant, Shs. 9/- payable by a servant or intending servant on first registration, including the fee for the pocket register, Shs. 1/- payable by an employer on registering an engagement, and Sh. 2/- payable for a duplicate pocket register. This is called a measure of taxation. If hon. Members are acquainted with the practice in South Africa they will find that the cost is considerably higher than this. The possession by the employee of a registration certificate is of value as it is a certificate to the fact that he is an employee and is employable and recognises that he belongs to a class and has a definite standing. That is really the point and a point which cannot be urged in respect of any other system such as the present registration which would be put to a use for which it was never intended. I am not going into details, as I said, because these can be dealt with by the select committee, but I would like to say one thing more in regard to the natives and their views. I have made enquiries through several employers in regard to the point of view of domestic servants who have been in service for some

time. I find that these servants state that the system would protect them and they would like to have something to show that they have been in employment, such a thing as a pocket register which they can keep and which would be a record of good and faithful service. I have had experience of native domestic servants in other parts of the British Empire for twenty-eight years, and my experience is this, that the more you ask of them in this respect the better servants you get, a good servant appreciates the care taken in selecting him for employment. I do not think the system will have any effect on the question of recruitment. While wages are paid at the rates prevailing in this country you will have any number of domestic servants coming forward, and the fact that they have to register is not going to deter them from coming forward.

The question was put and carried.

HIS EXCELLENCY: I am consulting Members privately in regard to the suggested membership of the select committee.

THE CROWN GRANTS (EXECUTION) BILL.

THE HON. THE ATTORNEY GENERAL (MR. HUGGARD): Your Excellency, I beg to move that a Bill relating to the Execution of Crown Grants and other Disposition of Lands be read a second time.

Hon. Members will remember that grants and other instruments under the Crown Lands Ordinance and the Registration of Titles Ordinance have to be signed by the Governor. The object of the present Bill is to relieve the Governor of the obligation of personally signing all these documents which I am sure, as Your Excellency can testify, run into a very considerable number in the course of the year. This Bill proposes that all such documents should be signed by the Commissioner of Lands, and the Bill provides that if they are executed by that officer and are signed by the order of the Governor they shall be deemed to be duly and validly executed.

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

THE HON. CONWAY HARVEY: Your Excellency, I am very glad that Government has at last introduced this measure, a step which was advocated by Elected Members about eight years ago. There is no doubt whatever, Your Excellency, that very great inconvenience has been sustained by members of the public in land transactions owing to the interminable delay in getting documents completed. It is inconceivable to think that the Governor of a Colony is going to familiarise himself with the details and contents of all the documents he has to sign. He appends his name on the recommendation of the Commissioner of Lands and that being so there seems

to me to be no real reason against and a great many reasons in favour of the Governor delegating the power to the Commissioner of Lands.

THE HON. R. S. NEHRA : Your Excellency, I wish this Bill had been brought in much earlier than it has been to-day, because it will mean a great deal to everybody concerned. The work, for example, particularly the form of signing, is executed by the officer in charge of the department rather than by the Governor himself. It is absolutely unnecessary for the head of the State to familiarise himself with the details of all transactions, especially as all details are practically carried out by the head of the department concerned and I say that such methods, such duties, are only wasted time of the head of the State when they can be suitably carried out by the head of the department.

His EXCELLENCY : As the Governor himself is personally concerned to some extent in this Bill I should like on behalf both of the Land Department and myself to say that the delay to which hon. Members have quite properly referred is to my knowledge, due to no lack of zeal on the part of that Department, or I hope of myself, as I have always signed these papers without delay when they have come to me, although the task is exceptionally arduous and involves a great deal of time, as it involves not only signing the document but also initialling all alterations that may have been made, but the delay arises through the documents having to leave one office and come to another, and it arises particularly when the Governor is absent from the capital as it is not the practice that these documents can be signed by the Governor's Deputy. The delays have been due to this and I am very glad that Council approves of this measure.

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

The question was put and carried.

#### THE ASIATIC WIDOWS' AND ORPHANS' PENSIONS BILL.

THE HON. THE TREASURER (MILITARY) : Your Excellency, I beg to move the second reading of a Bill to make provision for granting pensions to widows and children of deceased Asiatic Public Officers.

As stated in the printed statement of Objects and Reasons at the end of the Bill, this Bill has been prepared on the instructions of the Secretary of State. The rate of contribution will be four per cent. on salaries and there will be a flat pension in all cases of £50 a year.

It has not been possible, Sir, as in the case of the European Widows' and Orphans' Pension scheme to frame pension tables based on the amount of contributions and the ages of the contributors and their wives and in this sense the

Bill is of course defective. Nor is it possible to say with any degree of accuracy what the condition of the fund will be from year to year because it is impossible to say how many members of the present Asiatic service will become contributors to the scheme and also because it is not possible to say, with the lack of statistical data, the number of pensions which are likely to become payable from year to year or what length of time such pensions as do become payable will continue to be paid. It is the fact, however, that had this fund been in existence during the five-year period 1922-26, and had all the Asian staff contributed to the fund, it would not only have been entirely self-supporting but there would have been a very handsome surplus to its credit at the present day. It may be noted that during the five-year period referred to the sum of .819 has been paid in the form of gratuities to the families of deceased Asian officers, which sum would have been saved to the Colony had this measure been in operation.

The account of the fund will be kept quite separate and distinct from the Colony's revenue and expenditure account and provision is made in the Bill for an actuarial enquiry into the fund after a period of ten years and for the revision, if necessary, of the rates of contribution and of the pensions payable, so that any uncertainty which now exists owing to the absence of statistical data, will cease to exist at the expiration of that period.

The Secretary of State has expressed the opinion, with which I would respectfully say I entirely agree, that the adoption of the scheme is unlikely to involve the Colony in any material expense.

Hon. Members, I am sure, will agree as to the real necessity for a fund such as that which is contemplated in this Bill and I commend the Bill to their favourable consideration. I may say that a Bill in the same terms was passed in Uganda in July last.

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

CAPT. THE HON. H. E. SCHWARTZ : Your Excellency, in discussing this Bill yesterday amongst the Members on this side of the House it was considered that there was no necessity for it to go to a select committee and all Members on this side of the House intended to support this measure, which we all consider is an excellent one and one that has come in none too early. After reading the Bill carefully I am going to ask that it goes to a select committee as there are one or two points which I think require a little more consideration than would perhaps be possible in a committee of the whole Council. There are three points which strike me. The first one is the question of the pensionable age. I am not sure that 18 to 21 are the correct ages. The second one is that a wife under this Bill will cease to be a dependent if divorced by a competent court. There are other ways of divorce open to the

race to which this Bill applies. A husband can divorce his wife without going near a court, competent or otherwise, and finally what does the Attorney General say would be the case if a man has four wives when he dies? Do they each become a widow and is each able to claim £50 per annum? These are all points which require consideration. I do not think it will delay the House, and I think this should go to a select committee. So far as the principle of the Bill goes I support it.

THE HON. R. S. NEEIRA : Your Excellency, I wholeheartedly support the principle of this Bill and I think there might be a few details which might usefully be adjusted in select committee. The ages of pensionable males and females if they need adjustment they should rather be reversed, which could be mentioned in select committee. There are a few other minor alterations and amendments which can be gone through in select committee and I congratulate the Government for doing everything it has done for the consolidation of its services. So far as the Pension Fund is concerned it is a very useful pleasure and I am sure there will be very few people who will not benefit by this measure when it goes through. I support the Bill and ask that it should go to a select committee.

THE HON. THE COLONIAL SECRETARY : I am prepared to say that this Bill will be referred to a select committee of this House.

The question was put and carried.

#### THE NAVIGABLE WATERS (CONSTRUCTION OF WORKS) BILL.

THE HON. THE ATTORNEY GENERAL (MR. HUGGARD) : I beg leave to move that a Bill to provide for the Construction of Works in or over Navigable or Tidal Waters be read a second time.

The object of this Bill is to enable the construction of works in navigable and tidal waters to be properly regulated. Hon. Members are probably aware that there exists by virtue of common law a public right, of navigation over tidal waters and that right may not be interfered with except under the authority of the legislature. Now what is proposed by this Bill is that the legislature should confer on the Governor in Council general powers to authorise the construction of certain works in these waters. The acceptance of the Bill will render it unnecessary to come to the legislature for special legislation whenever such works are required. Under clause 2, after the commencement of this Ordinance no person may construct any wharf, bridge, tunnel, pier or other structure of work or works in any navigable or tidal waters, or upon the beach, bed or lands covered by such waters, without first obtaining the consent and order of the Governor in Council. The Bill then goes on to indicate the procedure which is to be adopted



by any person who is desirous of constructing such works. Such person is required before the commencement of any such works to submit to the Director of Public Works, for the approval of the Governor in Council, a plan and description of the proposed site for such work, and a general plan of the work to be constructed, and such other plans, drawings and specifications as the Governor in Council may require. These plans and specifications are then submitted to the Governor in Council and the Governor is empowered to make an order authorising the works to be proceeded with. The Governor in Council is also empowered to make alterations in the plans, drawings and specifications, to give directions respecting the supervision of any such works, structures or equipment, and to require that such other works, structures, equipment, appliances and materials be provided, constructed, maintained, used and operated, and measures taken, as under the circumstances of each case may appear to be best adapted, for securing the protection, safety and convenience of the public.

Then, Sir, clauses 7 and 8 may be described as the penalty clauses. Under clause 7, if any person commences work of this character without the consent or order of the Governor in Council, the Director of Public Works is empowered to remove the work and to restore the site to its former condition at the cost of the person responsible for constructing it.

Clause 8 provides for the protection of works which are constructed in accordance with the provisions of this Ordinance and imposes penalties for damage to such works.

I may add that legislation, of this kind is, in my opinion, necessary in this Colony. Similar legislation exists in England and in the Dominions and this Bill which is now before the House is based on a similar enactment in force in the Dominion of Canada.

I beg to move the second reading of the Bill.

THE HON. THE DIRECTOR OF PUBLIC WORKS (MR. SIRE)  
Your Excellency, I beg to second.

THE HON. CONWAY HARVEY : Your Excellency, while favouring the principle of this measure, to my mind, Your Excellency, there is one serious omission. I am very sorry that no arrangement has been made by which interested parties, or local authorities such as individuals whose interests might be prejudicially affected by the construction of these proposed works, or the district committees, or whatever local authority may exist, should have the fullest opportunity of going into this matter with the great advantage of their knowledge of local conditions before either the Director of Public Works or the Governor in Council makes a decision.

I am not going to vote against the second reading I should like an assurance from Government that interested parties and local authorities will be given every opportunity of expressing their opinion before definite action is taken.

THE HON. G. G. ATKINSON : Your Excellency, I wish to associate myself with the remarks of the last speaker.

The Bill itself provides that the Governor in Council is to safeguard and secure the protection and convenience of the public, and I think it would be as well if a clause were added to the Bill providing that before the final order is issued the local authority, whose interests are to be safeguarded, should have an opportunity of expressing its view on the proposed works.

THE HON. R. S. NEHRA : Your Excellency, I support the remarks made by the two previous hon. Members and I hope some provision will be made, or some understanding will be given by Government to that effect.

THE HON. THE ATTORNEY GENERAL : Your Excellency, as far as an assurance is concerned, I am sure I can give the assurance that has been asked for, that in any case where a local authority is concerned in the construction of any such works the Governor in Council would obtain the views of such authority. If on the other hand the hon. Members consider it desirable that it should be specifically provided in the Bill that the Governor in Council should take into consideration the views of the local authority concerned, then I personally would not oppose it for a moment, and perhaps an amendment might be moved in Committee.

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

The question was put and carried.

#### THE NATIVE LIQUOR (AMENDMENT) BILL.

THE HON. THE CHIEF NATIVE COMMISSIONER (MR. MAXWELL) : Your Excellency, in pursuance of notice given I beg to move the second reading of a Bill to amend the Native Liquor Ordinance.

This Bill, Sir, amends the present law relating to native liquor in two respects. It deals in the first place with the manufacture, consumption and sale of native liquor in towns, trading centres or municipalities and secondly it makes provision for safeguarding the position with regard to native liquor on farms. So far as it relates to townships and municipalities the present amendments are the result of representations made by the Nairobi Municipal Council. The position is at present that the only control which the law

provides for native liquor in townships is the restriction which it imposes upon its manufacture for the purposes of sale. Now at present a great deal of native intoxicating liquor is manufactured in towns and there are reasons to believe that a very great proportion of this is illicitly sold, but while native liquor can be made privately in native houses it is impossible for any police force or any such organisation to detect the cases of illicit sales which may go on from time to time, and which undoubtedly do go on. Attached to the Bill is a very extensive statement of Objects and Reasons from which hon. Members will be able to obtain the intentions of this amending Ordinance. It is proposed that no native liquor shall be made in a township, trading centre or a municipality without a permit from the proper authority and the possession of liquor which is not covered by any permit will constitute an offence.

I am sure that hon. Members will realise that very grave conditions sometimes arise, particularly in the slum parts of the towns, where natives congregate in numbers and where large quantities of highly intoxicating liquor can be made and consumed. Naturally all the worst characters will resort to such a place and a high degree of **criminality and** much crime arise from such congregations.

The other part relates to farms. So far as native reserves are concerned there is quite a considerable **amount of** control exercised under the Native Authority Ordinance, but as soon as a native passes out of the control of his tribal authorities and comes into a non-native area the only authority he is and should be under on a farm is the occupier of that farm. We have now a system whereby in a great many cases the farm labour, consists of squatters who are unemployed for a number of days in a year, in some cases they work 180 days in the year, and in some cases a great deal more. Unless the native who works for only 180 days engages in other employment, he is free to do as he pleases for about 185 days in the year. It is necessary that the occupier of that farm should have the greatest possible measure of control put **in his** hands by the State against allowing these natives to indulge in unlimited liquor, and however much at present the farmer may wish to control the manufacture of liquor on his farm **there is no legislative sanction to such control.**

**The** purpose of this measure is to provide that no native liquor may be made on any farm except by direct permit, special or general, issued by the occupier, but in order that these permits may not be lightly given, or issued by farmers who do not recognise their full responsibility—though **I** am glad to say most do realise it—it is provided that such permits should only be given under **a** general authority by **the** **magistrate.**

In practice the magistrate would always consult his District Committee as to the degree of control to be exercised.

There are other minor amendments. Advantage has been taken of this amending Ordinance to put in definitions which were doubtful before. The main provisions are the two measures of control, namely, that in towns and that on farms.

I beg to move the second reading.

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

LIEUT.-COL. THE HON. C. G. DURHAM : Your Excellency, I would like to ask the Attorney General whether a " police officer " includes an ordinary askari.

THE HON. THE ATTORNEY GENERAL : The answer is in the affirmative. A " police officer " includes any member of the police force.

LIEUT.-COL. THE HON. C. G. DURHAM : I would also like to ask that power be given to the owner of the farm to make arrests on his own property. The question is this, that where you can get the askari handy he can arrest one, but there are a thousand cases where there is no askari handy. Nobody can stop them unless the owner of the farm has such power. Can the Hon. the Attorney General answer that now?

HIS EXCELLENCY : The Attorney General answers at the end.

THE HON. R. S. NEHRA : Your Excellency, I notice that this Bill contains very desirable improvements on the existing legislation so far as natives are concerned. I have noticed in many cases that natives go to the bar and drink so much that they are incapable of going to their houses, and when questioned why, they say it is because they cannot take liquor to their houses, and in this Bill it lays down that they can take a certain specified quantity to their premises and can drink there, which I think is a very desirable improvement on the existing conditions and I think the whole of this Bill contains legislation which is very useful in the interests of natives and the employers, and especially because it is very difficult to make the natives understand that they should drink to a reasonable extent unless there is some legislation to enforce it, and on these grounds I support this Bill very heartily.

THE HON. A. H. MALIK : Your Excellency, the evils of liquor are far more great than its benefits. I consider, Your Excellency, that the hon. Mover should make a little more strict the manufacture of native liquor. As a matter of fact.

I would welcome *any* suggestion from the Government or some official body to stop the possession of all the liquor in the country. (Hear, hear.)

I should like to hear the views of the hon. Mover why it is at all necessary that permission should be given for the manufacture of native liquor. I think this stuff is harmful to the natives and to the other communities with whom they come in contact and I suggest that provision might be made prohibiting natives from possessing any intoxicating liquor unless there is some very substantial reason why natives should be allowed at all to manufacture liquor, because its tendency is more criminal, and I dare say if the manufacture of liquor is controlled and the prohibitive clause passed there would be very few criminals in the country. The question, of course, is whether native liquor is to be used as a medicine or a drug for some ailment, otherwise generally its effect is dangerous.

THE HON. THE ATTORNEY GENERAL : With regard to the suggestion of my hon. friend the Member for Kikuyu that the powers of arrest as provided for by section 20 should be extended to private individuals, quite frankly I do not like it. It seems to me to be dangerous if you so extend this power of arrest and at present I am not quite satisfied that it is necessary. The section to which the hon. Member refers is section 20, which provides :-

" Any person who is found drunk and incapable or drunk and disorderly on or near any licensed premises, or on any road or on any farm, or in any place to which the public ordinarily have access whether as of right or not, or in any place which it is a trespass in him to enter, shall be guilty of an offence and any police officer may arrest such person without a warrant."

Does my hon. Friend suggest that all licences should have the right of arrest, or that if any person finds an individual drunk and incapable on a public road or a farm he should have the power to arrest him ? I am afraid I am not quite clear as to what exactly my hon. Friend's suggestion is, but if he means that the right of arrest should be given to all licensed public-house keepers and owners of farms and the public generally, I am afraid his suggestion goes further than I should be prepared to accept.

LIEUT.-COL. THE HON. C. G. DURHAM : On a point of explanation I had no intention that it should apply to Europeans outside any licensed houses. I do submit that power should be given to farmers in view of the fact that we have no protection from the askaris.

His EXCELLENCY . The hon. and gallant Member can hardly develop his points on a point of explanation. I would suggest that he should consult the hon. the Attorney General in the interval, who will no doubt be able to elucidate the points put.

*Council adjomrued until 10 o'clock on Wed.nesday, the  
14th September, 1927.*

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WEDNESDAY, 14th SEPTEMBER, 1927.

The Council assembled at 10 a.m., on the 14th September, 1927, at the Supreme Court, Mombasa, His Excellency the Governor (SIR EDWARD W. M. GRIGG, E.C.V.O., C.M.G., D.S.O., M.C.), presiding.

His Excellency opened the Council with Prayer.

MINUTES.

The Minutes of the meeting of the 13th May, 1927, were confirmed.

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EASTERN TELEGRAPH COMPANY : DIRECT DEALING WITH PUBLIC.

MAJOR THE HON. R. W. B. ROBERTSON EUSTACE asked :

In view of the representations made by the Chambers of Commerce in direct dealing with the public by the Eastern Telegraph Company, will Government announce their decision on this matter?

THE HON. T. FITZGERALD (POSTMASTER GENERAL) : The Association of East African Chambers of Commerce recently passed a resolution favouring direct relations between the Eastern Telegraph Company and the public at Mombasa. Government is prepared to permit direct dealings at Mombasa provided a satisfactory arrangement can be arrived at in regard to the loss which would be involved, this loss being the difference between what it would cost the Cable Company to set up its own collection and delivery services and what the Post Office would save through being relieved of the work.

Government has offered to share this loss with the Company, but the latter has declined the offer. Government is not prepared to improve upon the offer it has made.

THE HON. A. C. TANNAHILL : Your Excellency, will the hon. the Postmaster General tell us what the loss is or what the amount is that should be glared?

THE HON. T. FITZGERALD (POSTMASTER GENERAL) : The loss referred to is £1,350.

RAILWAY RATES.

• THE HON. P. O'B. WILSON asked :

What is the estimated loss to Railway revenue that would be incurred by the abolition of classes 8 and 9 of the Tariff Rates and transferring articles now in those classes to class 7.

WEDNESDAY, 14th SEPTEMBER, 1927.

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What further loss would accrue by the abolition of class 7 and by transferring all articles in that and higher classes to class 6.

THE HON. THE GENERAL MANAGER, KENYA AND UGANDA RAILWAY : The estimated loss to Railway revenue by the abolition of classes 8 and 9 and transferring the goods in those classes to class 7 would be £132,000 per annum.

The estimated loss to Railway revenue by the abolition of classes 7, 8 and 9 and transferring the goods in those classes to class 6, would be £262,000 per annum.

#### KITALE-ELGON PROPOSED RAILWAY.

LIEUT.-COL. THE HON. J. O. KITUCWOON asked :

Will Government please lay on the table the Report of Economic Survey, Kitale-Elgon proposed railway?

THE HON. THE COLONIAL SECRETARY : The report will be placed at the disposal of the Railway Branch Lines Committee of which the hon. Member is a member.

### BILLS.

THE HON. THE COLONIAL SECRETARY : I beg to move that Council goes into Committee to consider the following Bills on the Order of the Day :-

- The Supplementary Appropriation Bill,
- The Ancient Monuments Preservation Bill,
- The Public Holidays (Amendment) Bill,
- The Crown Grants Execution Bill.
- The Native Liquor (Amendment) Bill.

It is proposed that the Navigable Waters (Construction of Works) Bill should not be taken in Committee to-day.

HIS EXCELLENCY : The question is that Council resolve itself into a Committee of the whole Council to consider the Bills on the Order Paper, with the exception of the Navigable Waters (Construction of Works) Bill.

The question was put and carried.

#### *In Committee.*

##### THE SUPPLEMENTARY APPROPRIATION BILL.

The Bill was considered clause by clause.

##### THE ANCIENT MONUMENTS PRESERVATION BILL.

Clause 11. *Protection of places of wierehip, etc., from /misuse, pollution or desecration.*

TUN HON. SWEITCH AM BIN SALIM : Your Excellency, I am not fond making speeches, but I think the present occasion of the passage of this Bill an exception. I congratulate Government on taking the matter in hand and stopping people who are trying to destroy these ancient monuments.

. Ancient monuments used to be seen all along the Coast in considerable numbers, but I am very sorry to say that there are very few now owing to their; destruction by those who sought to use the stone for other purposes. This was due to the absence of legalised control. I am not going to mention the whole of them because there are so many. I am not going to waste the time of the hon. Members of the Council, but I would like to mention some ancient monuments at Takaungu. These monuments as existing at Takaungu are several forts at the end of the cliff, which proved that the people who built them had strong forces attacking them from the sea. Anyone who has commonsense will see that. The forts as they existed were loopholed and both forts and loopholes faced the sea, from which the menace came. Then again at Kilifi there are ancient monuments also, and a tower, which I believe were built by the Persians, because the Persian writing is there. Many years ago I took the trouble to make a tracing of that inscription, which I gave to Mr. Hopley to send to London for translation. That was twelve years ago and I have not yet had an answer.

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THE HON. B. S. NEHRA : On a point of order, Your Excellency, is the hon. Member making a general speech on this Bill or is he making an amendment to any clause?

HIS EXCELLENCY : I understand he is dealing with the contents of clause 11, which he is entitled to do in the Committee stage. I will call him to order if he is to be called to order.

TIM HON. SHEIKH AU BUS SALIM : Again, at Mida Creek there is something worthy to be taken care of. There exists the ruins of a very large city, the city of Geda, which began at the inland end of the creek and ran down to the ocean, probably a distance of five miles, which showed the extent of the ancient city. Besides a stone wall blocked the channel of the creek so that no ship or dhow, or even a canoe, could get in even to-day. Indications also show that these people who inhabited that city feared a force from the sea. This wall which blocks the channel is very, very strongly built, and it shows also these people must have had a sense of defensive precaution to do what they have done.

Your Excellency, I received a letter a year ago from the Assistant District Commissioner at Malindi, asking me for particulars of an old building there. He wanted to know what it was. He said that some people at Malindi say that this is a Portuguese tomb, and some say it is a Portuguese house. I wrote to him to say that it is a church built by the Portuguese. How I came to know of this is that people believed it was an old mosque and all Mahommedans used to go there and pray there and ask God to give them rain during the dry season. That is what they did until Admiral Fremantle happened to visit Malindi and he asked me one day to go with him. On going out to the mosque he asked me what it was and I told him it was a mosque, and he said : " I would like to have a look," he went and had a look and after searching he said : " No, it is a church." I said I did not think it was a church, but a mosque; he said : " You come and have a look, there is the cross, it is a church built by the Portuguese." From that day to this any Christian who died there is buried there.

Now at Mamburui there is a tower which is very strong indeed. On the top of this tower is a china bowl embedded in the stone. I am not sure whether it will be believed, but I trust that every hon. Member of the House will not take it as a matter of suspicion of what I am going to say; because it is true. During the time Sir Arthur Hardinge was Consul General in Zanzibar he heard the story of the tragedy and went to see it himself immediately. The story is that an Arab took a gun and went on top of this tower. He got on the top of the tower and took his gun and fired at the bowl. The bowl broke into two pieces. One piece remained on the tower, the other piece fell down. After that he came down and dropped down dead. This is very strange and hard to believe, but it is a fact Sir Arthur Hardinge was there himself and gave orders that no one was to touch this ancient monument, and neither child nor old man or anything would touch this thing. Since then he has left the country and no more steps were taken by the Government and there is no law to stop people from doing what they want to do there. They are destroying all these ancient monuments and they use the stone for their Owri houses. •

If this Bill is to be passed by hon. Members, and I hope they will pass it, the old ancient monuments in this country will be preserved, as these ancient monuments indicate the unknown things that took place in the past, and I think myself it is just the time now for Government to introduce a Bill in this House to make it a law to look after these monuments so that no more destruction will take place to these ancient monuments.

The Bill was considered clause by clause.

#### THE PUBLIC HOLIDAYS (AMENDMENT) BILL

##### Clause 2. *Amendment of the Schedule to the Principal Ordinance.*

THE HON. T. J. O'SNEA : Your Excellency, I must apologise that the wisdom of second thoughts should be expressed so late in the day. I have been so busy lately that I have not had an opportunity before of notifying Government that I shall move an amendment to this Bill. I entirely agree, Sir, that it is advisable to include the day after Good Friday in the public holidays of the year, but I think that at the same time we do that we should remove one from the already long list of single-day holidays. Undoubtedly a single-day holiday is of very little use to the people of this country because our communications are so difficult and our population so scattered. We have so many of these holidays that the Colony must be losing a considerable sum of money by them. If you take the less of the Railway alone for the cost of closing up for one day it must be an appreciable sum, I would put it down at £1,000. I think also that the Civil Service closing down for an extra day would mean at least a similar sum.

And the private employer is also affected. He has of necessity to give all holidays to his employees. They expect and demand them and you are placing a distinct burden on trade and commerce if you increase the number of holidays. There is no great urgency about the passing of this Bill. It will only affect us next year and in the circumstances I would be glad if Government could see its way to postponing it. Failing that I would plead that the schedule be amended by the deletion of New Year's Day. There is a lot to be said for New Year's Day being dropped. At Christmas time it has become the practice of having a three-day holiday because we have found from experience that anything less than three days is of very little use as a holiday, and when Christmas falls on a Thursday or Friday or on Monday or Tuesday it is the practice to give an extra day. Then business has again to be stopped a week later for New Year's Day and it makes things very awkward indeed, and I feel certain that a great majority of people would gladly welcome the abolition of New Year's Day because they have already had sufficient holiday at Christmas from every point of view. There is, of course, a section of the public in this country who come from Scotland who might resent it because I understand in Scotland it is a very public holiday indeed. On that account I am sorry that I have to fall back upon New Year's Day. I would much rather that Government would agree to postpone consideration of the Bill until the public has had a chance of considering it. There is no urgency about it because it will not effect anything for another twelve months.

CAPT. THE HON. H. E. SCHWARTZ : Your Excellency, it is interesting to find that the hon. Member who loses no opportunity in this Council and outside it of hurling Jeremiads against the inefficiency of the legal profession is at last hoist with his own petard. It is refreshing to see that while this Hebrew profession is prepared to give up for one full day the earning of those enormous fees which I understand we are supposed to receive, the hon. Member is not prepared to forego his earnings for like period.

Seriously, Your Excellency, I do not agree to putting back this Bill. This motion, which was passed in Council months ago now, foreshadowed quite distinctly that an amendment to this Bill would be introduced making the day after Good Friday a public holiday. There has been plenty of opportunity for the country to consider the matter. There has been plenty of opportunity for the ubiquitous scribe to write to the papers. I think it is a bad thing always to put back a measure, and thereby pander to the adventitious protester who generally becomes vocal not when, it

14th September, 1927

ssd. If we take away

when it is pa  
but  
New Year's Day holiday to put in a half-day holiday and take out a  
measure is under

a great benefit  
The hon. Member has suggested that a one-day holiday is no good  
:\whole day holiday.  
at all. I cannot agree. I think in a country like this it is means two days  
to all classes of persons occasionally to have a day's holiday. I might

first fifty per cent of New Year's because if New Year's Day comes on a  
Sunday or a Monday, it means two days holiday for people  
Day comes on a Friday and no. the Colonial  
Saturday Year's years. The trust that the

Year's off. This Bill will affect what has been the custom for  
Security, if that will be passed, will stand the Bill financial strain without  
incurring any lasting harm. I find myself rather in a predicament as

ii. KEN AND -UGANDA it  
ilou. VIE OGNETHA, MANAGG

TIM  
I like to oppose publicly a Bill proposing an Railway

consulted about this business which I know when the hon. was absent, but I as General/ Manager must take exception to this Bill. I

for my  
Eastern Monday public holiday even though we can close our office  
other things to be considered  
position of the Railway Department is this, workshops is sometimes no  
on the Saturday there are the machinery in the workshops in countries with  
day like that intervenes between two  
worth while tiling hip recall it is a duty for the Civil Service as a  
to allow that half-day to be taken

Have piece of 7 sinrltou offices  
holiday Half that is a totally different thing to declaring that training all  
and Railway Headquarter you declare it a public holiday you must run, you  
trains station staff  
the \corking station and departments like the Railways the your  
the \corking station and departments like the Railways the your  
do is

must have the this Bill is going to work. r, oppouste ik.stalee !lffe  
away. I all for public holiday w. It an t. G

I think I must, therefore, as General Manager, these declared public holidays are  
quite apart from these declared public holidays, there are other religious holidays  
here enough declared

are taken by members of various sects, aYIC1 terthe  
holidays are taken. And  
these do suggest we should go no further than it is. necesstay  
whatever arrangements are made internally to allow certain sections of the  
which are very strongly

off in: this haardaY. Your Excellency, I  
to support the Ron. Member for Nairobi South and I was very surpris  
TIM 1104 Ron. the General Manager raise an objection to this Bill.

I believe that all business people do not consider a public holiday a loss  
to they consider it a very proper and a very remunerative of  
expenditure. Their staffs get the benefit and the general -working of their

offices also gets the benefit of these holidays. It has been  
for the last three years, at the very last moment generally, to  
Special Gazette declaring the Saturday and Good Friday as public holidays

Nairobi in which this Bill was  
and I believe almost unanimously asked that Saturday after Good

of do hope that the hon. Member will not be too much influenced by the words  
of the hon. Member for Plateau South. I think most people know that  
he considers work not as work but as rather a hobby and there are other  
people, particularly the junior members of one's staff, who have other views

at the Ron. Member for Plateau South wish

on the subject Does not not done so.

its Existenzet :  
40 move his amendment? He has  
Yes, Sir.

Tat Ilea. T. J. O'Snas :

if he wishes EXCELLENCY: I think before I put perhaps unfortunate would say to the hon. his amendment—I will people and also affects their arrangements. Member d that it seems to do so Perhaps if p give kin at such very short lives of many through, that may satisfy hon. Member an assurance that Government take his point into consideration immediately after the Bill has gone THE HON. T. J. O'Stss: Thank you, Sir. His EXCELLENCY: The am endment is withdrawn.

GROWN GRANTS (EXECUTION) BILL

THE HON. A. T. e and Preamble.

I think was given yesterday, I would like to ask General has considered whether it of the notice of motion which Bill provisions for a quarterly s might not the Hon. the Attorney His EXCELLENCY: tatement of be advisable to insert in the pending transactions and past

Clause I. THE NAT/FE LQUOR (AMENDMENT) BILL. er will be in order if this hardly be taken on the

Tun How. move a small a THE ATTORNEY GENEtAX in line 3 of clause 1 this Bill in order to r Excellency, I desire to substituted therefor: 1 the figure s correct a printers error—

HIS EXCELLENCY: "143 " should be deleted and " 133 "

The question is that in line 3 of Tux Hosr. be deleted and that " 133 " be substituted therefor clause the lency, on the subject of this tenth clause: I want

Ills Exezzuwey: We have to speak, Your Excel- with clause 1. not yet reached clause 2.

substituted therefor. The question is that in line 3 the words " 143 " be deleted and We are dealing

The question was put and carried, " 133 " Clause 2. Interpretation.

the TirEttel2ste If)AltTED MDHAMED BIN I amu " excluded from SS : Your for house hold purposes and not altogether as an intoxicating liquor. It is quite often used for making vinegar and other things, and I think used the deletion of the words " Lembo tamu " in that way. I would like to move His EXCELLENCY: deletion of the words " Lembo

" Lembo tamu " in clause 2 be deleted. I understand the hon. Member wishes to move the in HON. The question is that the words

will raise THE CHIEF NATIVE COMMISSIONER: considerable difficulty. The difficulty is that this li Your Excellency this from the trees and or It is a point that has been considered hours it can become highly or intoxicating—the trouble starts on fermenta- intoxicating almost immediately and w

His EXCELLENCY: clause 2 be deleted. The question is that the words " tenth

His EXCELLENCY: The MN. Does the hon. Member wish a division ?

The quei HAMED MOHAMED B/N ISSA : Yes, Sir. Aye : Mr. Named Mohamed bin by 34 votes to 1. Isla.

Noes : Mr. Atkinson, Major Brassey-Edwards, Messrs. Bruce, Campbell, Sir Edward Denham, Mr. Dobbs, Lieut.-Col. Durham, Messrs. Felling, Fitzgerald, Dr. Gilks, Messrs. Grannum, Harrison, Conway Harvey, Hemsted, Haggard, Capt. Kenealy, Major Kent-Lemon, Lieut.-Col. Kirkwood, Canon Leakey, Messrs. Malik, Martin, Maxwell, Montgomery, Nehra, O'Shea, Orr, Pandya, Major Robertson-Eustace, Capt. Schwartze, Sheikh Ali bin Salim, Messrs. Sikes, Tannehill, Walsh and Wilson.

His EXCELLENCY : I must apologise to the Committee for a verbal error on my part which made the division necessary.

Clause 2 stands as part of the Bill.

Clause 8. *arrest and punishment of persons found drunk.*

THE HON. THE ATTORNEY GENERAL : POUT Excellency, in accordance with notice given I beg leave to move an amendment to this clause in order to give effect to a suggestion which was made yesterday by the Hon. Member for Kikuyu on the second reading of this Bill.

The amendment is that section 20 of the Principal Ordinance, as set out in clause 8 of the Bill, be amended as follows :-

- (a) By inserting the words "or justice of the peace" after the words "police officer" in the sixth line.
- (b) By the addition of the following proviso :—" Provided that where any person is arrested under this section by a justice of the peace he shall with all practicable speed be either handed over to the police or brought before a magistrate to be dealt with according to law."

The amendment, if accepted, will enable a person who is found drunk and incapable or drunk and disorderly in any of the places mentioned in the clause to be arrested either by a police officer or a justice of the peace.

His EXCELLENCY : The question is that the section quoted in clause 8 of this Bill be amended as follows :

" That section 20 of the Principal Ordinance as set out in clause 8 of the Bill be amended as follows :—

- (a) By inserting the words " or justice of the peace " after the words " police officer " in the sixth line.
- (b) By the addition of the following proviso :—" Provided that where any person is arrested under this section by a justice of the peace, he shall with all practicable speed be either handed over to the police or brought before a magistrate to be dealt with according to law."

The question was put and carried.

THE HON. THE COLONIAL SECRETARY : I beg to move that Council now resume its sitting.

### *Council resumed its sitting.*

HIS EXCELLENCY : I have to report that the Supplementary Appropriation Bill, the Ancient Monuments Bill, the Public Holidays (Amendment) Bill and the Crown Grants (Execution) Bill have been considered in Committee of the whole Council and have been reported back to Council without amendment, and that the Native Liquor (Amendment) Bill has been considered in Committee of the whole Council and has been reported back to Council with amendments.

THE HON. THE COLONIAL SECRETARY : I beg to give notice that I shall move at a later stage of the Session the third readings of the following Bills :-

The Supplementary Appropriation Bill.

The Ancient Monuments Preservation Bill.

The Public Holidays (Amendment) Bill.

THE HON. THE ATTORNEY GENERAL: I beg to give notice that at a later stage of the Session I shall move the third reading of the Crown Grants (Execution) Bill.

THE Hon. A. C. TANNAHILL : I would like to ask the Hon. the Attorney General whether he would consider it appropriate to include in the Bill a provision whereby a return is made to the Council quarterly of Crown Grants of land pending and of Crown Grants of land which have been settled.

**tnn** HON. THE ATTORNEY GENERAL : Subject to what my hon. friend the Commissioner of Lands may have to say about it, I think that a provision of that kind would be inappropriate in the present Bill. This Bill has been introduced for one purpose only, namely, to enable Crown Grants and other Instruments to be executed by the Commissioner of Lands instead of by the Governor, and the insertion of a provision on the lines suggested by the hon. Member would appear to be out of place.

THE HON. THE CHIEF NATIVE COMMISSIONER : I beg to give notice that I shall move the third reading of the Native Liquor (Amendment) Bill at a later stage of the Session.

CAPT. THE HON. H. E. SCHWARIZE : I want to give notice of a motion, Your Excellency, to the effect that I would like this Bill re-committed as regards clause 9.

Consequential on the amendments that have been passed this morning to clause 5 I wish to move that clause 9 be amended by adding after the words " officer in charge of police station " the words " or justice of the peace. An officer in charge of a police station or a justice of the peace may give written authority to a police officer to effect an arrest.

THE HON. THE ATTORNEY GENERAL : I think the hon. Member's appropriate procedure is to move to recommit the Bill on third reading.

HIS EXCELLENCY Will that meet the hon. Member?

CAPT. THE HON. H. E. SCHWARTZE : I was only giving notice. Your Excellency.



## REGISTRATION OF DOMESTIC SERVANTS BILL.

HIS EXCELLENCY : I have to inform Council that I understand by agreement on the part of all hon. Members of Council the following Select Committee will be appointed to deal with Registration of Domestic Servants' Bill :-

Colonial Secretary (*Chairman*).

Attorney General.

Chief Native Commissioner.

Lieut.-Colonel C. G. Durham.

Mr. F. O'B. Wilson.

Mr. A. C. Tannahill.

Mr. J. B. Pandya.

The Rev. Canon H. Leakey.

## ASIATIC WIDOWS' AND ORPHANS' PENSIONS BILL.

And the following Select Committee will be appointed to deal with the Asiatic Widows' and Orphans' Pensions Bill :—

The Treasurer (*Chairman*).

The Attorney General.

Captain H. E. Schwartz.

Mr. A. H. Malik.

Mr. R. S. Nehra.

THE HON. THE COLONIAL SECRETARY : I would now inform Council that it is proposed to take a photograph of the Council at five minutes to ten to-morrow morning.

*Council adjourned to 10 a.m. on Thursday, September 15th, 1927.*

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THURSDAY, 15th SEPTEMBER, 1927.

*The* Council assembled at 10 a.m., on the 15th September, 1927, at the Supreme Court, Mombasa, His Excellency the Governor (SIR EDWARD W. M. Once, R.O.V.O., C.M.G., D.S.O., M.G.), presiding.

His EXCELLENCY opened the Council with prayer.

O

MINUTES.

The minutes of the meeting of September 14th, 1927, were confirmed.

ORAL ANSWER TO QUESTION.

RESIDENTIAL PLOTS, MOMBASA.

THE HON. J. D. PA NDYA asked :

With reference to Notice No. 738 appearing in the Official Gazette of 23rd instant, regarding tender for certain residential plots in Mombasa Township, will Government state :

1. If these plots are reserved for Europeans only?
2. If the reply be in affirmative, will the Government remove these restrictions according to 1924 White Paper Policy laying down the principle of no segregation in township areas?
3. If the reply be in the negative will the Government state reasons therefor?
4. Will the Government state reasons of asking for tender in this case instead of the usual procedure of sale by public auction?

THE HON. THE COLONIAL SECRETARY (SIR EDWARD DENHAM):

The reply to the first part of the question is in the affirmative.

As regards the second and third parts of the question, the hon. Member is no doubt aware that the declaration of the White Paper of 1923 against residential segregation as between Europeans and Indians cannot in practice be applied without qualification in areas governed by covenants made before 1923 when segregation was, under Imperial sanction, part of the settled policy of the Colony. In such areas the policy of the declaration of 1923 is limited in application by the facts of the situation, since Government

can neither unmake covenants entered into before 1923 nor accept the liability involved in ignoring them. The question whether or not a particular area comes under this limitation must depend upon legal opinion as to whether sales without restriction would adversely affect existing interests or render Government liable to claims from holders of existing titles in the area. Government has been advised that in the Mombasa area to which the hon. Member's question refers unrestricted sale would affect existing interests and could expose Government to claims from existing holders. The course taken by the Government is therefore the only course possible, if the plots in question are not to be withheld indefinitely from residential occupation.

4. With regard to the fourth part of the question, tenders were called for at the urgent request of the District Committee and Town Planning Authority. The urgency is due to the lack of houses in Mombasa, which is still very serious.

#### MOTIONS.

LATE MR. SLIADI RAM.

THE HON. THE TREASURER. (MR. GRANNUM) : Your Excellency, I beg to move the first resolution standing in my name on the order paper :-

" In consideration of the destitution of the widow of the late Mr. Shadi Ram, who after rendering 12 years, 2 months and 2 days' satisfactory service in the Post and Telegraphs Department of this Colony, died at Nairobi on the 7th of March, 1927, this Council is pleased to award her a compassionate gratuity of Sh. 2,160 which amount is equivalent to six months' salary of her deceased husband at the rate drawn by him at the time of his death."

THE HON. THE COLONIAL SECRETARY beg leave to second the motion.

The question was put and carried.

LATE MR. A. A. E. ROZARIO.

THE HON. THE TREASURER: Your Excellency, I beg to move the second motion standing in my name on the order paper :-

" In consideration of the destitution of the widow of the late Mr. A. A. E. Rozario, who, after rendering 19 years, 10 months and 15 days' satisfactory service in the Provincial Administration of this Colony, died at Mombasa on the 22nd January, 1927, this Council is pleased to award her a compassionate gratuity of Sh. 2,820 which amount is equivalent to six months salary of her deceased husband at the rate drawn by him at the time of his death."

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

The question was put and carried.

KENYA AND UGANDA RAILWAYS AND HARBOURS ESTIMATES.

THE HON. THE GENERAL MANAGER, KENYA AND UGANDA RAILWAYS : Your Excellency, I beg to move the resolution standing in my name :-

" That this Council approve the draft Estimates of Revenue and Expenditure of the Kenya and Uganda Railways and Harbours (including main and branch lines, lake marine services, motor services, and Mombasa Port Administration) for the year 1928, as laid on the table."

The Estimates for 1928, as now submitted to the Council for discussion, are comprehensive estimates of the revenue and expenditure of the Kenya and Uganda Railways and Harbours Administration, including the main and branch lines of the railway, the marine services on the three large inland lakes (Victoria, Kioga and Albert), the motor services, and the Mombasa Port Administration.

The form adopted shows the revenue and expenditure accounts and proposed expenditure from reserve funds for the Railway, Lake and Motor Services, and for the Port Services, separately, with a combined net revenue account for all services.

So far as the Railway, Lake, Marine and Motor Services are concerned, Sir, we are estimating for an increase of £128,660 in earnings as compared with the estimate passed for 1927. This increase should be realised, unless the Uganda traffic fails to come up to expectations. On the expenditure side we are providing for working an additional 116 miles of open line, and increased traffic throughout, but the estimated expenditure shows a decrease under most heads.

Members will remember, Sir, that the estimates for 1927 were separated as between Port and Railway at the very last moment in great haste, and it is probable that in the division between Port and Railway insufficient deduction was made from both railway revenue and railway expenditure figures as certain items of expenditure and revenue were left in under both heads. This has now been adjusted. On the expenditure side I have made considerable reductions on the figures submitted to me by my departments, but I think I should say there is ample margin for eventualities. In other words, I think I shall be able to secure for the year 1928 expenditure returns below what we have allowed on these Estimates.

We anticipate that, after providing for depreciation on the scale which has been in operation since the commencement of

1023, we shall, at the end of 1928, have a balance for the year to carry from the Railway to the combined Railway and Port Net Revenue Account of approximately £253,000.

These Railway Estimates have been passed by the inter-Colonial Railway Council, and they do not really call for further comment from me at this stage. I shall, of course, as usual, be prepared to answer any questions Members of this Honourable Council may desire to put on principles or details.

The Mombasa Port Estimates, Sir, for 1928 have presented more difficulty. As now submitted they cannot be described as framed in close consultation with the Port Advisory Board, for the reason that that Board has only just come into existence and has had no opportunity of making itself fully acquainted with the revenue and expenditure details before these figures were compiled. The figures were prepared with due regard to the experience in 1027, but it must be understood that in the course of the next twelve months changes may take place at the Port which may seriously disturb these figures. Meanwhile we have done our best to provide a fair basis to work on.

It will be observed, Sir, that we are estimating for a loss at the Port next year of 09,311. The Council will remember that the loss estimated for this year was £20,700; but there is every hope now that the final figures for this year will show the actual loss as not more than 00,000.

Next year, however, we have to take into account increased interest and redemption charges of approximately £22,300 ; and this accounts for the increased loss as compared with this year's probable actual figures.

I will not take up the time of Council, Sir, by a long statement in regard to the settlement arrived at in England in connection with the control of Mombasa Port. The main conditions of that settlement are very well known. Whether the country as a whole is satisfied with the arrangement made I do not know ; but for myself I would say just this, that while the position at the Port is not free from difficulty, I believe that the settlement arrived at by those entrusted with the work of negotiation in London was the best obtainable under all the circumstances. I believe also, Sir, that the co-operative working spirit at the Port of Mombasa to-day is better than it has ever been, and I think we can look to the new Port Advisory Board, which is fully representative of all interests concerned and what is essentially a commercial undertaking, to do its best to evolve and establish a sound system of working, finance and development.

The financial side, Sir, must receive attention. Unless we are to stop railway development inland, the Port loss must be reduced, and it can only be reduced by changing the system

of charges. I see no reason why charges in operation at other ports should be taken exception to at Mombasa. I think I can say I have reason to believe that the thinking section of the community now realise the wisdom of making the Port more self-supporting.

In the combined Railway and Port Net Revenue Account it will be observed that the general balance for 1928 is reduced to £154,590. This, Your Excellency, is without taking into consideration the possibility of a change in connection with the £3,500,000 loan granted to us free of interest for five years for Uganda extensions, etc. I take it, however, that if there is any change in connection with that loan it will affect the interest accumulated in London rather than our current balances, so that that has not been taken into account.

I propose now to give this Honourable Council some information as to the probable actual results for 1927 as compared with the estimates passed last year ; then, if the Council will bear with me, I wish to make some remarks on our position now as compared with five years ago, and the probabilities for the next few years, and then deal with some questions of general interest.

Taking first the probable results for this year—I refer to the year 1927—this Council will remember that when I introduced the estimates last year I mentioned that railway expenditure had increased very considerably in the first half of 1926. I attributed this increase to three causes—

- (1) additional facilities, speeding up cotton traffic, and greatly increased cost of work generally on the lake piers ;
- (2) the working of new non-paying branch lines in Kenya ; and
- (3) the high expenditure necessarily incurred by the railway on fuel for locomotives and for lake steamers, so much of our fuel being necessarily imported.

During the latter half of 1926 every possible action, Sir, was taken to reduce working costs and this process has continued ever since. In our estimates for 1927 submitted to this Council, we anticipated a credit balance on the Railway and Marine Services of £189,000 after providing for contributions to renewals fund. After the estimates were prepared it was decided that the Railway was to bear the loss on the working of the Port, This reduced our estimated balance to approximately £68,500. Thereafter we reduced the rates on building material and we temporarily reduced the rate on cotton for export. These reductions were estimated to cost us £90,500 per annum, with the result that our estimates as framed show the balance on the wrong side. On the other hand, as I have already pointed out, some small items of expenditure were probably left in both the Railway and Port Estimates.

I am glad to say now, Your Excellency, that so far instead of the balance being on the wrong side at the end of the year, it is evident now that we can rely on a balance on the right side, after making full provision for renewals fund of at least £275,000. This is due, to the extent of about £35,000, to reductions in the Port losses anticipated, to some extent to the Railway earnings exceeding estimates, but in the main to keeping the Railway working expenditure below the estimates.

Our traffic earnings to date show an increase of approximately only £13,000 above the estimate. We are at present passing through what is ordinarily a very slack period. This figure is right up to date, but I think we can reasonably expect that the revenue for 1927 will not be less than £40,000 above the estimate. In addition, our earnings on net revenue will be above the estimate.

It is, however, on the expenditure side that the position shows such great improvement in comparison with the estimates presented last year. During the first six months of this year we carried a tonnage of traffic for the public no less than 58.96 per cent. in excess of the tonnage carried during the same period last year, and we carried a total tonnage (*i.e.*, including railway material) 22.80 per cent. in excess of last year. Notwithstanding this greatly increased work and increased open mileage, the working expenditure was actually 6.54 per cent. below the expenditure in 1926. Compared with the estimates passed last year for 1927, our anticipations now are that our normal working expenditure for 1927 will not be far short of £200,000 (or about 14.8 per cent.) below the estimate. In calculating this figure I should like to say I have not taken into account a heavy claim payment which may perhaps have to be made this year as the result of a decision made against us by the East African Appeal Court in the event of our not appealing to the Privy Council.

I quote these figures with some satisfaction—the more so as there has been no policy of retrenchment of staff. It is quite true, Sir, that, to some small extent, minor works have been postponed, but it really means that we have in fact done considerable additional work without corresponding additional staff and by better traffic control and operation and the better use of labour. I suggest, Sir, that these results could not have been obtained without hard work and the most loyal co-operation with the management and departmental heads, by the railway and marine officers and the railway and marine staff as a whole.

Our current financial position now is as sound as it is likely to be for years to come. It is now almost five years since an improvement in the previously unsatisfactory financial position of the Uganda Railway commenced to manifest itself, and as our position to-day is so totally different from the doleful



prophecies put forward by various authorities with which the country was treated in 1921 and 1922, I trust I may be permitted to refer briefly to just a few salient comparative figures for the Railway and Marine services for this period of five years. I do not wish to quote names but all the prophecies have turned out wrong.

In the year 1922 the total tonnage carried was 518,412. For the year ended June last it was 1,158,095—an increase of 123 per cent.

For the year 1922 the earnings amounted to £1,092,488. For this year the earnings for the Railway and Lake services alone (*i.e.*, excluding the Port of Mombasa) should amount to £2,190,000—an increase of over 100 per cent, needless to say that is an increase of 123 per cent. in tonnage and 100 per cent, in earnings.

As against that, in 1922 our expenditure amounted to £952,784; whereas this year it should not exceed £1,152,000 or an increase of only 21 per cent.

These figures, of course include estimates for the few remaining months of this year, and I have taken them on a strictly conservative basis.

It is, however, to the ratio of gross working expenditure to gross earnings (excluding contributions to renewals funds, so as not to disturb the comparison), and to the receipts and expenditure per ton mile, that I wish to draw special attention. In 1922 the percentage of gross earnings to gross expenditure was 87.21 ; in 1927 it should not exceed 54.

The earnings per ton mile have decreased considerably. In 1922 the earnings per ton mile for all traffic carried amounted to 14.33 cents. For the latest period of twelve months for which figures are available, the receipts per ton mile are only 11.61 cents.

This reduction of 18.98 per cent. in earnings per ton per mile is partly due to the increased tonnage of railway stores and low-rated material for new construction, partly to the transfer of bulk tonnage from higher to low-rated commodities—a process which hon. Members opposite will realise must go on automatically as the country increases its exports and becomes more self-supporting—and largely also to reductions in railway rates made during the past five years.

Nothing that the Railway does is received in this country in such silence as reductions in rates (laughter). Newspapers and public seem to combine in referring to reductions in rates either not at all or only in whispers ; but the simple fact is that during the past five years rates have been reduced on no less than 367 commodities, and while in the case of the great majority of these commodities the revenue surrendered may be small, we have made substantial reductions on some

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commodities which have involved large sacrifices of revenue in ratio to the work done. I will deal later with the general question of rates. I have a lot more to say about it.

But it is to the ton mile expenditure that I wish to draw special attention. I find, Sir, that in 1922 the expenditure per ton mile was 12.29 cents. For the latest period of twelve months for which figures are now available, the expenditure per ton per mile was only 5.99 cents; in other words, there has been a reduction of 51 per cent., whilst in one recent month when traffic was heavy, the ton mile expenditure was actually as low at 4.75 cents. In the Transportation Department our ton mile expenditure has been reduced from 5.21 cents in 1922 to 3.12 cents for the twelve months ended June last, and I would ask hon. Members in fairness to take note of these figures because they show what some of my efforts have done.

Of course we all know that fixed charges do not increase in direct ratio to increase in tonnage, but, making all allowances, I think that these figures are satisfactory, the more so as we are working in this country under difficult and in some respects expensive conditions. Our fuel bill is high—relatively much higher now than in 1922—our train loads are restricted because we have a line which rises from sea level to 9,130 feet and then drops again to the lake level of 3,700 feet, and we also carry the heavy expenditure involved due to so very large a proportion of our traffic requiring to be transhipped, owing to the breaks in the through railway chain caused by the existence of marine services on three lakes along the existing main routes to the interior. Moreover, our European rates of pay are high in amount—I am not speaking of the relation of wages to cost of living because our rates are not too high in comparison with other countries. Our average remuneration per European (allowing for quarters) is at least 331 per cent. above the remuneration on the Southern Rhodesian Railways. Our leave conditions are quite exceptionally liberal compared with general railway practice, in long leave, passage time, local leave, statutory holidays, religious holidays, and the like.

Then, Sir, there is also the unfortunate fact in this country it happens that various classes of bulk exports require transport about the same time. This, of course, makes a big difference to railway expenditure, because it means the use of rolling stock is not evenly distributed throughout the year. We have seasons of great strain and seasons of slackness.

Our earnings, Sir, have increased substantially, but I think any reasoning examination of our figures makes it quite clear that the improved results are due more to the decreased relative expenditure than to increased earnings, and this most important feature must not be lost sight of in assessing the interest bearing capacity in connection with future development.

I think at the same time we can claim that the reduction in relative expenditure has not resulted in less efficiency, but that, on the contrary, the record of the last five years has been one of steady improvement in working, even although much I admit candidly as the responsible officer, still remains to be done—that much is still undone which I should like to see done by now—but nevertheless I think there is a decided improvement.

During the last five years the open mileage of railway will have been increased from 685 to 1,275 or by 86 per cent., while lake marine mileage has been considerably extended by new services, and we have taken over and extended motor services. The additional open mileage which we shall be working by the end of the year, as compared with five years ago, will include the line from Thika to Naro Morn, the Solai line, the Kitale line, the Uasin Gishu Railway, and the extension of the Uasin Gishu Railway from Turbo to Mbulamuti, total of 510 miles. In addition, we have also taken over the Magadi Railway in our working accounts.

The cost of the Uasin Gishu Railway now stands in our books at the unfortunate figure of T16,731 per mile. The other lines to which I have referred have all been built under departmental control, and on present estimates, taking theta together, they should stand in our books at T5,815 per mile. The three branch lines were built with second-hand material at an average cost of £5,040 per mile. The line from Turbo to Mbulamuti, which is being built with new material, is estimated to cost £6,527 per mile.

The cost of the Uasin Gishu Railway it must be admitted was inflated, but, apart from that, it was high. I do not suggest that it could have been built under departmental control at the same cost as the line into Uganda, because there was some very heavy work on the Plateau line which does not exist on the Uganda extension; but if our costs are compared with the estimates prepared before departmental control of construction was authorised, then it must be admitted, Sir, by all concerned that departmental construction has been more than fully justified and has saved the country large sums of money. I mention this, Sir, because of the opposition and even unpleasantness—probably my own fault—I encountered when I contended for the policy of departmental control in railway construction. We have, Sir, no doubt made many mistakes—I admit frankly that the excess on the estimated cost of the Kitale line, the high cost of works in Uganda, stores losses and other difficulties have at times upset me considerably—but I claim that whatever mistakes we may have made under new and complex conditions, our engineers on the whole have done very good work for East Africa, and some of them have secured excellent results under the system of control.

While, Sir, this new construction has been going on, we have proceeded steadily with the relaying of the main line, strengthening of bridges, building of new stations, additional housing for the staff, hygienic housing for natives, re-organisation of the workshops and general improvements all along the line, all round the lakes and in the craft on the lakes. Apart, Sir, from several millions of capital expenditure on new lines and on improvements to existing transport facilities (and I would like hon. Members to take note of these figures because they cannot really discuss the Estimates without being in possession of these figures), I estimate that from 1923 until the end of this year we shall have spent also from funds created from revenue for renewals and betterments approximately £1,500,000; our expenditure in the same period from revenue contributions alone towards work the cost of which can legitimately be capitalised will amount to £900,000. This, of course, Sir, means permanent freedom from interest on capital expenditure to the extent of £45,000 per annum, on the top of that Members will be aware that we are steadily making heavy sinking and contributions on all our loans.

This brings me to the general financial position. This requires constant attention, because of the increasing interest charges. Let me say, however, that there is no need—no need whatever—(hear, hear) for alarm about our financial position, on the contrary, Sir, I think there is every justification for satisfaction, that some of the inferences drawn from a statement made by the Acting General Manager in May last were not warranted. Our financial position is sound in every respect.

Our loan charges on the Railway and Port, in 1922 amounted to only £77,964. In 1928 they will amount to £563,516. In 1929, on the basis of present commitments only, they will amount to £713,000; and in 1930 to £511,000.

This, I repeat, is based on present commitments only. We have not allowed for interest charges on the suggested extension of the railway line to Kampala, on any further branch lines contemplated in he:Iva, or on additional rolling stock and equipment.

Now, Sir, can the Railway face these additional interest charges? I am quite satisfied, Sir, that we can (hear, bear), and I am quite satisfied that we must, and can, also face what is involved in the extension to Kampala. I feel, Sir, we must connect the commercial capital of Uganda with the main railway system. Certain branch line development in Kenya is also necessary and should be undertaken, subject to Government guarantees; but further commitments must receive the most careful consideration until the interest burdens to which we are committed and in which these new lines will involve us are fully digested.

On current accounts our position to and at the end of this year will be this—I hope that the Hon. Member for Plateau South will like these figures : for five years we shall have contributed to the renewals and betterment funds approximately 12,557,000, of which approximately 11,500,000 will have been spent, leaving at the end of the year a balance on renewals and betterment funds of £1,057,000. In addition, we shall have a balance of approximately £36,000 on a Marine Insurance fund invested in England, and we shall have a Reserve Fund against Stores of approximately £242,000. This latter reserve, Sir, may have to be increased, because the value of our necessary stores balances now amounts to 1485,000. We have no working capital, so we must carry stores against our reserve funds.

For next year we are submitting in these estimates a betterment and renewals programme amounting to approximately 1650,000 ; but all my proposals, Sir, are based on the principle that we must always have a large balance on reserve funds to tide us over a bad season in view of our increasing interest charges.

I think I have made it plain, Your Excellency, that we have large reserves and that there have been very large relative reductions in railway expenditure, but it must be understood that on the expenditure side there is a point beyond which we cannot go. Additional facilities are constantly being asked for, and a proportion of the demands must be met, as the country develops. It is, therefore, rather in increased traffic and traffic earnings, concurrent with a tight grip on expenditure, that our future soundness lies.

About Kenya I must say I am optimistic. In Kenya there has been, and will continue to be, substantial agricultural development. I think the European settler can be relied upon for that, as the example of the European settler unquestionably is an inspiration to the native who works for him and to the native reserves ; but in Uganda, Sir, traffic has not been satisfactory this year and the Uganda proportion of railway earnings has unfortunately shown a considerable decrease at the very time when we are expending large sums in Uganda. This is regrettable, but I think I can say now I hope and believe that the Uganda Government will be able to shape its policy in such a way as to inspire substantially increased production in Uganda in the near future.

I would now like to make a few remarks in regard to the financing of future through main lines and connecting links between the existing separate Railway Administrations in East Africa.

We all know, Sir, that a Commission is shortly coming to East Africa to inquire into the problems connected with the suggested closer union of Kenya, Uganda and Tanganyika, and

no doubt, Sir, the future control of railways and lake services will be an important matter into which that Commission will inquire.

I would like to say, Sir, that, to my mind, speaking as General Manager of the Kenya and Uganda Railway, unless some central authority for railway matters in East Africa is established fairly soon, we shall find it most difficult, if not impossible, to avoid competition between the railways. Apart, however, from the question of competition for traffic at given points, there is an urgent need for a well-considered policy in connection with development ; an urgent need also for a central authority to face and reconcile administrative and executive differences, to inaugurate and press forward action towards standardisation in legislation and working regulations and working conditions and railway appliances, uniformity of principles of railway finance, railway rates, and other matters of importance to the three East African territories, in connection with which it will be fatal for us to develop on separate lines.

In my opinion, the problems facing us can only be dealt with by the institution, as soon as possible, of a central authority located in East Africa, with a properly constituted Advisory Board of Government and public representatives of Kenya, Uganda and Tanganyika, who must be brought together to face each other's problems.

I have not hitherto, Sir, suggested at any time that there should be an amalgamation of managements as between the Kenya and Uganda Railway and the Tanganyika Railway, but circumstances may arise to make me advocate one management. One management will come in due course, but there is no urgent need for an amalgamation of managements; and in any case such an amalgamation would be very difficult to arrange until there is a definite railway link connecting the two territories. Far more important than the question of the amalgamation of managements is the question of central control of policy in consultation with a fully representative Council.

Now, Sir, to my mind also it is clear that it is necessary for the general development of this part of the Empire that there should be rail communication between Kenya and the (Central Tanganyika line, also a steady programme of railway construction to connect the Tanganyika Railway with Northern Rhodesia and Nyasaland. In addition, everything points to the desirability of proceeding steadily with the building of a railway line, or perhaps two railway lines to the Congo.

The problem, Sir, is how is the expenditure involved to be financed? We can hardly expect the comparatively small number of European settlers already in East Africa, and the natives in their present stage of development in Colonies and Protectorates which are almost entirely agricultural, to produce

immediately sufficient to pay interest charges not only on their own development lines but on those through lines through the different territories.

Then, Sir, is private enterprise in railway development in East Africa obtainable except with onerous subsidies or guarantees? I doubt it, and I doubt also whether, even if obtainable on reasonable conditions, construction and working of railways by private enterprise would be a wise policy for East Africa. There has been a lot of talk of private railway company development, and also of railway development and management by a form of public private company, but so far no definite proposals have been made which could be regarded as in any way practicable or acceptable to East Africa.

The disadvantages of Government ownership and management, Sir, are numerous; but there are also great advantages, and in my opinion, in young, developing territories they more than counterbalance any possible disadvantages.

So far as private enterprise is concerned, the inducement of substantial mineral development does not as yet exist; while land grants to private companies would be impracticable with our existing land alienation and native reserve principles.

No doubt, Sir, discussion will proceed, I suggest; but I think, Sir, it will be found that further extensive railway construction in East Africa will have to be undertaken by the Governments concerned.

Through trunk lines, Your Excellency, should be built by the State, but how are the East African Governments to finance them? Through trunk line development will, I fear, be very slow if we rely on local efforts unless we can be assisted, and I venture again to suggest that the Imperial Government should seriously consider ways and means of providing for the capital cost of these through trunk lines to be free of interest for a long period—say ten years—but subject, of course, to a revision of the terms if it is found that any particular line can pay its way within a shorter period.

If such lines were built, all material required would be purchased in Great Britain, and markets would be created for Great Britain.

I think, Sir, that such railway development in East Africa should not be looked upon so much as an East African investment as a sound Imperial investment, as in the interests of the people of Great Britain even more than in the interests of the Europeans already here, and as decidedly in the interests of the native inhabitants of the territories concerned. I sincerely trust, Sir, that the time will come when the Imperial Government will find itself able to look at the matter from this point of view.



I would now, Your Excellency, like to refer to the question of railway rates. I have already remarked that rates reductions are generally received in silence, to which I may add that demands for further reductions in rates in this country seem to be endless, and there appears to be an impression that I, spend most of my time obstinately turning down or dodging such demands.

I have heard arguments to the effect that charges paid for the conveyance of goods by rail form portion of the taxation of the country. That, of course, is quite ridiculous, because the Governments of Kenya and Uganda do not receive a penny out of railway rates, and railway charges are no more taxation here than they are in England.

I have also heard it suggested over and over again that our railway rates as a whole are high. I need hardly say. Your Excellency, that I deny it.

As General Manager of Railways, I must judge the position from the point of view of average receipts, hauls, etc., but perhaps the figure that will appeal to hon. Members most is average income received per ton of traffic per mile, and I say emphatically that, taking into consideration the local working conditions and rates of pay, an average income of 13.33 cents per ton per mile of total traffic carded, and 13.33 cents per ton per mile of revenue earning traffic carried, cannot in East Africa be regarded as other than low. Now, Sir, it may interest this honourable Council to know that the average earnings per ton. mile on revenue earning traffic carried on the Nigerian Railway, as set out in the latest report to hand here, is 18.50 cents as against our 13.83 cents, and the Nigerian Railway includes in its traffic a large tonnage of coal, which is usually a very low-rated railway traffic. We have no international traffic. We actually carried valuable cotton this year, including handling costs at the piers en route, at a through rate one cent per ton per mile lower than the rate on coal in Nigeria. Compare the value and the bulk of a ton of cotton with a ton of coal ! Normally, also, we carry even our most valuable exports at extremely low rates. If it were possible for us to obtain the Nigerian average, our income would be increased by 1,574,727 per annum for goods traffic alone, our ratio of expenditure would be just about a low record for the railway world, and our ability to carry increased interest charges would give me no concern. Please do not construe these words into a criticism of Nigerian practice. Their conditions are totally different from ours, and I neither wish to judge the Nigerian position nor do I pretend to have the necessary knowledge to enable me to do so. Railway rates must fit in with railway revenue and expenditure requirements and other conditions, and I again wish to point out that rates

are not high, and it is interesting to know that in the month of April last the average ton mile receipts in Great Britain for traffic other than coal and minerals was 19.65 cents, and including coal, 12.68 cents; so that in the country where railways have been established longest, with much competition, the average is much higher than ours. My point is not that the Nigerian rates are high in view of their conditions and requirements, but that ours on the average are not high, bearing in mind our working conditions, and that on the great bulk of our traffic our rates are extremely low.

Our average receipts are really low, and a good many of our rates are very low, in comparison with other railways. During the six months ended June last no less than 18.85 per cent. of our public traffic consisted of export maize, that traffic is carried from any point on our main line, and from some branch lines to the coast at Sh. 1 per bag, and for this shilling we give services in addition to carriage. I am fully aware that on the South African Railways maize for export was also carried at Sh. 1 per bag, but, according to the last annual report, export maize in South Africa represented only a small proportion of the total South African Railways' public tonnage. Then take our cotton seed traffic, a most unsatisfactory class of traffic if I may say so. In this traffic we carry a very large tonnage at a very low rate. I do not wish Members to gain the impression that the rate on maize for export should be increased at the present time, the future must look after itself, but I do suggest that the public in this country should, in fairness, concentrate attention on our low rates as well as on some of our individual rates which are admittedly high.

From time to time, Your Excellency, we are asked to reduce rates on petrol, kerosene and crude oils. It is a fact that since I have been in the country we have reduced (on an average) the rates on petrol by 29.93 per cent., kerosene by 35.85 per cent. and crude oils by 30.36 per cent.; and throughout this period the Governments concerned have made no reduction in Customs duty or, in the case of petrol, in the consumption tax. The whole burden has been thrown on the Railway, and yet the Railway is asked again and again to do more.

Now, Your Excellency, I want to be quite clear, I am here only as a servant and a trustee of the public, and I say in all seriousness that I am only too anxious to reduce rates. There is nothing that pleases me so much as to be able to reduce rates, but I must face the responsibility of not reducing railway rates in such a way that the Railway, and consequently the country, will suffer financially. I know, Sir, that the subject of railway rates is one which many people think they can handle better than those who have studied the subject throughout their Working lives, but my advice to the Railway Council must be based on my own experience and judgment. I personally

have really devoted a very considerable amount of personal attention to rates questions, and I can say quite frankly that I am more than anxious to change our whole classification and to put it on a more scientific basis, and the Mwanza connection may, in any case, precipitate matters; but to do what I want to do would cost us at least 10 per cent. of our present income, and I cannot at the moment see that the Railway can face it. When I can see my way to do so, I will advise the Railway Council to act.

We could, of course, refrain from authorising further railway construction and so avoid increasing our interest charges, reduce rates, and then wait until the general financial position has adjusted itself before incurring further capital expenditure, but any such policy would be very shortsighted. We cannot have it both ways. We cannot proceed with substantial rate reductions which have the effect of reducing our earnings in comparison with tonnage carried, and at the same time work additional main and branch lines which will be non-paying for some time to come. East Africa has the choice, but in my judgment the choice should lie with such further development expenditure as we can carry, and retention, as far as practicable and as long as the need is there of existing rates, which, I think I have made clear, are on the average by no means high whatever individual rates may be and for exports I may add, Sir, are low in accord with what I regard as sound policy for an agricultural country, and I think that is the general feeling.

I feel, Sir, that popular as rates reductions may be, and popular as increased, but expensive, facilities on new lines may be, I feel that I must, in the general public interest, take a stand against precipitate reductions in railway rates and luxuries in working which we cannot afford.

Naturally the position would be greatly improved if the Port finances were put on a better foundation, it is essential that this will be done. Indeed, it is essential for this to be done if the Railway is not to suffer badly in consequence of having to carry so heavy a loss at the Port. If we could wipe out the bulk of the Port loss, we could again examine the railway rates position. I would like to say here that I accept it as a principle that the Railway must pay for the services rendered to it at the Port, and I accept it as a principle also that as the Port position improves railway rates should be adjusted.

I have dealt, Sir, with the rates position in these terms because I observed that during my absence in England the Acting General Manager made a very important statement in regard to the Railway financial position, and the only response he got in this Council was a request for further reductions in rates.

This, of course, arises from the fact that during the past five years the Railway financial position has been so good that it has occasioned no concern in the country. Memories are short—personally I am naturally anxious that a sound position should be maintained, and I suggest that Members of this honourable Council should realise that the Railway Council has made numerous reductions in rates during the past five years, and is constantly studying rates matters, but that it must have regard to sound finance rather than speculation when considering demands for railway rate reductions. The public should also realise that the Railway traffic officials have by close attention to their working conditions done remarkably good work in improving efficiency and reducing working costs, but that there are limits to what is possible further to do in that respect.

. There is just one matter to which I would like to refer before I sit down, and that is the extension of the railway from Jinja to Kampala because I consider that of great importance. I am satisfied, after a long consideration of all the issues involved, that we must build a line to Kampala as part of the main line system, and I am satisfied also that the Jinja-Kampala route is the best. On this point I differ from the opinion expressed very ably and with courage by General Rhodes. I differ further from him in that I think that, instead of aiming at a 1 per cent. grade and 10 degree curve line on the connection to Kampala as portion of the probable future through line to the Congo, we should cut the cost by adopting 2 per cent. grades and 14 degree curves unless, of course, we find on further survey that 11 per cent. is obtainable at about the same expenditure. I think such a line should be capable of handling all the traffic likely to be offered for very many years to come, and would not embarrass us seriously if the line at some future date becomes portion of the through line to the Congo.

The Jinja-Kampala line, however, is likely to show a direct loss, while there will also be a consequential loss to the marine services, and we may have craft temporarily idle and staff not fully employed from time to time on the lakes, but I think these difficulties must be faced. I do not wish to hide that fact, we must face that figure.

The marine service is by no means the inexpensive service it is generally regarded as being. The mileages are much too short, there is far too much transshipment at each end, the number of officers carried of necessity is too large ; and the carrying capacity of the steamers too small, to make the working economical ; but, so far as I can judge, Sir, whatever through lines we build will not do away entirely with the *need* for the lake services, and that also must be faced. Allowing for that, however, I believe that the connection from Jinja to Kampala is the most important step in railway development

which the Kenya and Uganda Railway, and East Africa as a whole, could take at this stage. I believe that the line will attract fresh capital to Uganda; will produce additional traffic; will encourage the growing of mixed crops instead of cotton only; will promote Inter-Colonial trade and improve Inter-Colonial feeling and trust as between Kenya and Uganda; and will stimulate general development in the whole of Uganda itself.

That, Your Excellency, is all I have to say at present, but I shall, of course, be prepared to give any further explanation Members may desire on any points they care to raise.

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

THE HON. CONWAY HARVEY : Your Excellency, at the risk of wearying my hon. friend the General Manager who must be getting rather tired of the monotonous storm of applause which greets the introduction of his estimates year after year, I feel I must again follow that precedent which can hardly fail to be gratifying to all of those concerned in the preparation of what I may accurately describe as a very clever statement of revenue and expenditure. At the same time, Sir, I should like to express my own very deep thanks and the very deep gratification which will be felt by the whole of the country for the magnificent exposition that the General Manager has given us this morning in regard to the numerous services under his control. To those who knew the Uganda Railway twenty years ago the transformation that has taken place especially during the last five years savours of magic.

No doubt, Your Excellency, some of my colleagues with greater experience of commercial concerns and industrial concerns will find weak links in the chain, but so far as I am concerned at the moment, Your Excellency, I wish to express my admiration for the wonderful achievement of the General Manager in having greatly reduced the costs of this essential service, in having greatly increased traffic at the same time, and in having very generally improved to a marked degree all the services under his control. This, Sir, I venture to suggest is an example which might well be followed by other Government departments. (Laughter).

There is, however, one portion of this comprehensive financial statement that I am not quite satisfied about. I allude particularly, Sir, to the enormous sums of money which are being devoted to the essential work of maintenance. In addition to that, Sir, we see fairly colossal sums at the same time going to what is known as Renewals and Betterment. In addition to this, Sir, we have a very substantial item for depreciation and it appears to me and to many others, Your Excellency, that the present generation is being bled almost to

the point of death for the benefit of coming generations. In this matter, Your Excellency, I regret that the General Manager does not exhibit the same callous disregard as to the future as he indicated in his remarks regarding the flat rate on maize when he said that the future could look after itself. (Laughter).

THE HON. T. J. O'SHEA : Your Excellency, I have much pleasure in associating myself with the congratulations that have been showered upon the Hon. the General Manager by the previous speaker though not perhaps in the same unmeasured terms. I should like to add that in my opinion the greatest benefit he has conferred upon the country is the spirit he has introduced into the whole of the service of which he is the head. (Hear, hear). It must be obvious to anybody studying the working of the railway that the co-operation of the people working under him, imbued with the spirit which emanates from him, is responsible for the achievement set forth in the statement he has given us to-day. Having had some experience of the railway for eighteen years I take great pleasure in expressing my deep regard for those who are now running it and my appreciation of the improvement made in the service, which manifests itself from top to bottom. It is to some extent a pleasure to-day to travel on the Uganda Railway. It is not a very great pleasure, perhaps, except for the tourist but the staff of to-day has certainly modified its discomforts to a remarkable extent.

Your Excellency, last year I ventured some little criticism of the accounts which were placed before us by the hon. the General Manager. In doing so I felt very much like a small schoolboy criticising the expositions of the august headmaster. I felt very small indeed, but I venture to suggest, Your Excellency, that the very lucid statement made by the hon. the General Manager himself to-day is the very best justification I could have for my temerity on that occasion. He has proved himself to the hilt that I was right.

First of all I contended that there were large hidden profits in his accounts—hidden away in a manner which is very plain to him but not so plain to his critics. I should also like to point out that he has proved to day my second contention that during the past four years the country has been called upon to contribute to an unfair extent out of revenue for the capital expenditure of the Uganda Railway. Your Excellency, nobody has greater admiration than I have for the ability with which the hon. the General Manager is running the railway from a business point of view. The policy he is pursuing is undoubtedly sound. But the more I study his accounts from year to year the more I think that he is following that conservative policy to an extreme extent. He is pursuing it to an extent that places an undue burden on the community. The shareholders of this concern, the people of

Kenya, and they alone are the shareholders, are beginning to feel more and more every day that they are paying too much for efficient management. They feel there should be an increase in the distribution of profits, the profits on a State railway being in the form of a reduction in rates. Your Excellency, it is strictly laid down in the Railway Ordinance that the service shall be administered on business principles—that has certainly been complied with—but with due regard to agricultural and industrial development in Kenya and Uganda by the means of cheap transport. The question arises, have we got cheap transport? The hon. the General Manager has endeavoured to show in comparison with other countries that in fact we have cheap transport. But has he himself proved that we have not got cheap transport, the proof of it being that he is in a position to extract something in the neighbourhood of £600,000 out of one year's revenue for various purposes, and in all £2,500,000 over a period of four or five years.

He justified that by his statement that in the past couple of years there have been reductions in rates and he expresses surprise and not a little disappointment that there should be <sup>so</sup> little notice taken of these reductions. Now, Your Excellency, I feel no more grateful for these reductions than I would feel grateful to a cat burglar who after stealing my entire wardrobe returned me a soiled shirt and a pair of tennis shoes. (Laughter).

The hon. the General Manager only went back five years in his retrospection of what has happened on the Uganda Railway. Had he gone back a little further he might have treated us to an exposition of what was the position prior to his taking over. He took it over when it was in a most unsatisfactory state—when the cost of running was colossal. Obviously if you improve the efficiency of an organisation it should as a part and parcel of that improvement reduce the cost of its operation. We naturally expected that a more efficient manager would reduce the cost of operation. Furthermore, before the present General Manager took over, the Railway was used as a source of raising general revenue, so that the rates were based not only upon the cost of transportation, but upon the cost of transportation plus a contribution to general revenue.

Then again, during the war the rates were increased very considerably and on the settlement of the currency question were again automatically increased fifty per cent.

When the present General Manager took over, this railway was generally agreed to be one of the most expensively and most inefficiently run railways in the world and one that was endeavouring to exist on rates that were out of proportion to the value of the services rendered. Further I think that

in a concern such as the railway increased turnover means less cost and lower prices. In the early days of the Uganda Railway I remember there were only three trains a week running between Nairobi and the Coast ; to-day it appears to me there are three trains in the course of half a day and from the very illuminating figures which have been given by the hon. the General Manager to-day it appears that the traffic has increased by 123 per cent. Surely that in itself would lead to a reduction in costs.

I am very largely concerned with the question of the reduction of rates because of the benefit it would confer on the country as a whole.

I am not aware that the Railway authorities have been pestered day after day about lowering the rates or that the variety of rate reductions asked for is very wide. So far as one can gather from meetings of Chambers of Commerce and from public meetings generally the most persistent demand is for a reduction in the charge for carrying power kerosene. Those who have studied that question are satisfied that it is essential to future development of this country that it should be lower. The hon. the General Manager argues that because our rates compare favourably with the rates operating in other countries that there is no justification for lowering them further.

I contend first of all that if he can take £2,500,000 out of revenue for capital expenditure in a period of four years and secondly by his own admission manipulate his estimates to the extent of £275,000 in one year he can very well afford to lower his rates. The fact that our rates compare favourably with the rates prevailing in other countries does not impress me very much, because the conditions prevailing in different countries may not be analagous. I might as well argue that the Railway should be in a position to lower its working costs and rates by 50 per cent. because I know that at least one railway in America operates at very much lower working costs than in this country and charges very much lower rates.

Take the case of an industrial concern. In one particular business employing 80,000 men and equipped with the most modern machinery, the owners make a profit per annum running into millions sterling on the basis of a very small profit indeed per man per hour. I might argue from that that if our railway were run on scientific principles of management the railway would not be so expensive to run and rates would be very much lower.

I am not alone this year in my contention. Other Members on this side of the House have made a very close examination of the railway estimates and they are convinced that there is room for money to be devoted to freight reductions next year. We are convinced of it and I speak for myself and



I should imagine for them when I express great disappointment that the hon. the General Manager has held out no hope of any reductions during the forthcoming year. We have endeavoured to satisfy him that in the matter of the particular rate with which we are concerned a reduction in that respect would be of an immense benefit not only to the country as a whole but also to the line which he is so ably administering. He has contended time after time that such reduction as he could afford to give would not be of any material benefit to the farmer. I leave it to others more closely identified with farming to satisfy him that it would in fact make a very big difference in the cost of farming operations. I attach the utmost importance to it because it would lead to the substitution of mechanical power for manual labour and oxen, which would have far-reaching effects on the country. It means a lot to this country and I sincerely hope that the hon. the General Manager has not definitely closed the door upon us for the forthcoming year.

Also I would ask him for once to have a little faith in us on this side of the House and put himself in our hands, and if we do not justify ourselves in our statements we will take the full consequences.

It is very largely as a result of agitation by the plain people in this country that the policy of subsidising the export trade was adopted. The success of that movement has been proved to the hilt and I feel certain that if the hon. the General Manager on this occasion also will have the same trust in us he will not be disappointed. I believe that within a year or two he himself will be among the first to acknowledge that we were right.

Your Excellency, there are one or two minor matters that I would like in a very short space of time to mention before sitting down. I should like to ask the hon. the General Manager whether he is satisfied with the efficiency of his present police force. I am aware that since that force was organised the position in regard to thefts from railway carriages has been much improved, but can he say that the position has been improved in other respects. In the last few months one or two things have occurred that make me think the force is not altogether as efficient as it might be. I very nearly had my head smashed in by a stone thrown at the train in which I was travelling to Legislative Council under circumstances that I thought should have made it comparatively easy to effect an arrest, but I have since heard nothing of the matter. Then there were two bags of postal matter stolen off the railway between Hoey's Bridge and Nakuru a few months ago, unfortunately one of them contained about £300 worth of survey plans and notes and no trace of them has since been found. I should have thought that this class of theft could readily have been traced.

I would further ask the hon. the General Manager whether he is satisfied that " graft " has been eliminated from the railway service. Some of us are aware that in the past the Uganda Railway was subject to graft to a very large extent. We also believe that the position in that respect has been very much improved in recent years, but I have come across several cases in the last twelve months which lead me to believe that it still exists in the service.

Then again I should like to draw attention to the attitude adopted by the Administrative headquarters towards the running staff. I realise that a popular representative is treading on very dangerous ground when he interferes to any extent between the management of such a concern as the railway and its employees, and I hope that I am not raising unnecessary fears or false hopes in just touching upon it. I have during the last twelve months come across several cases of members of the running staff being reprimanded by headquarters for minor breaches of discipline. I feel quite certain that the disciplinary action taken by the Administration was perfectly justified, but I was very much astonished at the tone of the correspondence that passed between the Administration and the men concerned. I think I am not doing any Harm in asking the hon. the General Manager to let his associates know that, while these men may fail on occasions, although working comparatively very efficiently and doing their utmost to give service, they should not be dealt with in a way that unnecessarily injures their self-respect.

Lastly, I would draw attention to two remarks of the hon. the General Manager on the subject of leave conditions.

In pointing out that the cost of personnel of the railway in this country was comparatively high he mentions leave conditions. Now that the railway is distinct from the rest of the Civil Service I certainly hope it will be possible for him to entirely reconsider the terms of service in relation to leave. Every year more and more people in this country are beginning to realise that the 21 years period is not really necessary or desirable. More particularly in the case of the subordinate staff it is a hardship and I feel certain that they would welcome a readjustment of the conditions of service under which owing to a longer period being brought in a saving which would be effected thereby would be distributed as between the Administration and the men.

THE HON. J. B. PANDYA : Your Excellency, it is agreed on all sides that the hon. the General Manager has run these railways during the last few years very efficiently and that he has improved the service comparatively to a very great extent.

With regard to the policy of freights, I do not think that I can agree with the statement made by the hon. the General Manager that the rates at present are not following the policy of taxation. To my mind he is purely and simply following the rules and principles of taxation in every way and therefore they can be treated as part and parcel of the taxation policy of the country.

Your Excellency, the freights are based not on the business policy of any industrial concern that they should be charged what it costs, but on a policy of ability to pay, and it is well-known that the export industry to a certain extent is subsidised at the expense of imported articles.

Whilst I do agree that to a certain extent an important industry in any country has got a first claim on the reduction of tariff rates, to my mind it seems in this country the railway has gone a little too far. It is impossible that any industrial concern could transport a bag of maize from any railway centre 500 miles away for Sh. 1. Sh. 1 is demanded by a hamili cart for transport from Kilindini to Mombasa Station and therefore it is quite clear that this rate is absolutely low, much lower than could be justified in any other country.

The hon. the General Manager has stated that during the last two years a very large reduction has been made in regard to 367 commodities. I find that only during the last year, however, the rates have been actually increased on crushed salt. Up to the present the Railway Authorities have been treating this salt as coarse salt and we have been charged a lower rate accordingly, but on account of circumstances of which I am not aware it has been found necessary to increase these rates on crushed salt, which is used mainly by natives in Uganda.

Your Excellency, the hon. the General Manager has expressed very great satisfaction at the way in which the staff has worked for him, and I do feel that he also includes in his speech the Asian staff. May I appeal to him again this year to see that the leave rules and conditions applicable to this staff are improved ; they are not considered satisfactory. The Asian staff to a certain extent is not satisfied with the present leave rules.

There is also differentiation between the running staff and station staff as regards overtime and privileges and these small things I hope the hon. the General Manager will see are looked into and remedied at the first opportunity. This matter has every year been put before the hon. the General Manager.

Another thing is in regard to the accommodation of second class passengers on the railway. The second class coaches which are now running on the railway are nothing but

a disgrace to the country. Your Excellency, these coaches are only fit for horses. They were imported into this country I suppose at the time the railway was built and very often the hon. the General Manager has said that these coaches will be replaced at the first opportunity. I have seen these coaches running only a month ago when I came from Nairobi.

Your Excellency, I think that to a certain extent no doubt the new coaches are being imported, but sufficient have not been ordered to replace the coaches which are now being used for second class traffic. I do appeal to the hon. the General Manager and hope that he will try to replace these coaches at the first opportunity. He claims to run this concern as a business concern ; therefore he will no doubt feel that anyone who travels on the railway ought to get value for what he pays. It amounts to this that a man paying the same fare gets different treatment ; that if a man is fortunate enough to come early he gets better accommodation in the same train than the man who is late. I therefore trust that the first opportunity will be taken to replace these coaches, which are very unsatisfactory.

In regard to the Port, I think I ought to say that I feel there has been very little time since the hon. the General Manager took over the control to judge whether it has been a success or not, but there is a certain dissatisfaction on the part of certain sections of the mercantile community with regard to this Port working. Perhaps when they have had better experience these troubles will be removed. No doubt the present rates of rent charges at the Port are considered to be necessary in order to expedite the traffic, especially the transit traffic, but these high rates are being used as a means to add to revenue. In certain cases where it is proved that delivery could not be taken earlier—it is a contingency that can always arise—consideration should be given towards the reduction of these rates. I believe the Port Manager cannot reduce these rates because he has not got the authority to do so. In these matters I feel that the hon. the General Manager ought to see his way clear to giving the Port Manager certain powers to reduce rates where he finds it is necessary or justified.

CANON THE HON. H. LEAKV : Your Excellency, I would like to take this opportunity of congratulating and thanking, on behalf of the African community in this country, the hon. the General Manager of Railways. We appreciate very much the great improvements he has recently made in the coaches for third class passengers—the Africans travelling in that class. Often, Your Excellency, in the past I have been perfectly ashamed when visitors from Europe and America saw the way in which the Kenya natives were herded together like cattle in trucks. I trust that the hon. the General Manager will see his

way clear to continuing this excellent work he has done, and if it is at all possible perhaps he will provide special coaches and accommodation for females as apart from males.

CAPT. THE HON. E. M. V. KENEALY : Your Excellency, the reason why these estimates are placed before the Council is because this Council consists of reasonable and well-balanced men. To the average man the specialist is invariably mad and the more enthusiastic and more efficient that specialist is the madder he is. That is an invariable rule. He has a disproportionate view of the value and importance of his own interests and department and the average man is the co-ordinating factor who decides values between one department and another. It is ridiculous, I suggest, to allow the specialist to decide for himself, to allow the case to be judged by the prisoner, to allow the General Manager to use the knowledge of his efficiency. It is because he is efficient that he is vulnerable. The hon. the General Manager has said that because he has stated that they cannot reduce rates on the railways and because you consider him efficient you will admit that they cannot reduce the rates. But it is not only a matter of efficiency but of judgment, and in this respect we all recognise that the hon. the General Manager's efficiency is far greater than his judgment. We know that by imposing upon him against his will a further reduction in rates we have so much faith in him that his efficiency will pull him out of the situation and he will be able to meet it.

Your Excellency, the hon. the General Manager has an element of a threat in one of his statements which was that of course if we wanted reductions in rates it might be effected at the expense of the construction of branch lines. I do not think that is really a very fair way of meeting the suggestion that there should be a reduction in rates. It can be met in another way. The railway mind, Your Excellency, is very hungry for maintaining its own internal welfare and I think it has lost its sense of balance in starving the rest of the internal welfare of the Colony to the apotheosis of his stomachic requirements. (Laughter).

I think, Your Excellency, that we on this side of the House are definitely agreed to oppose these estimates unless we have a promise of a reduction in rates on fuel oils, and I think we should state that definitely now. We are making a specific application for a specific reduction—and it is on fuel oils. I am sorry that any extraneous matters have been introduced—not by me—in regard to these estimates. I thought we were going to concentrate and work for that very reduction and no other, and if we get that we will have accomplished a great deal. I hope that the hon. the General Manager will agree in regard to fuel oils to reduce these rates as soon as possible.

THE HON. R. S. NEHEA : Your Excellency, it is very difficult for me to add to the praises already earned by the hon. the General Manager, but I feel that in view of the state of affairs of the railway in this Colony there is one thing which is very important, and that is that no reference has been made to the railway needs of the Coast.

I might point out that at this present moment the Coast may not be quite so productive as up-country, but I think it is on account of the fact that there are not so many facilities at the Coast as there are up-country.

I might point out also that the local Mazaras service which is for the benefit of the Coast and Mombasa town is so highly defective that it could do with a great improvement in its efficiency and also in the coaches which are utilised in serving this place. I submit that it is many times seen that the type of coaches, the number of coaches is not adequate to carry all the passengers and also for commodities to be carried from one place to Mazaras and intermediate stations to Mombasa and *vice versa*. This is due I think to the fact that the hon. the General Manager is always flying much higher than the Coast area. I would like him to come down a little bit to the Coast more occasionally and take a little more interest in the local service and afterwards try to find out if possible whether it is possible and advantageous to construct an additional line on different parts of the Coast to bring the different Coast products to Mombasa Island.

I agree that the desires and wishes of the hon. General Manager are very sincere. He sincerely does his best; to reduce the rates but it is usual when annual estimates are before Council or any House of Parliament or representative body that the head of the department always foreshadows some reduction in some commodity which the country desires. I would be very glad indeed if the hon. the General Manager would take into consideration the few remarks that I have made about the Coast so that we can one day be in a position to say that travelling from the Coast to Nairobi is as pleasant as from Nairobi further on.

CAPT. THE HON. H. E. SCHWAETZE : Your Excellency in listening to this debate this morning I was most of all struck by the speech of the hon. Member for Plateau South, especially when he made that appeal to the General Manager to trust us on this side of the House and for once sink his own convictions with regard to this question of rates in favour of the convictions of others and to see whether those others were not for once right on this matter. I thought his speech an extremely reasonable one, and, if I may do so, I must congratulate him very much on that speech. I hope we all agree with the remarks of the Member for West Kenya when he said that we

are reasonable men, although some Members on either side of the House may not be well balanced, but I cannot help feeling, Your Excellency, that it is a very big thing to turn an estimated deficit into a surplus of ,250,000 and that the General Manager might reconsider this question of reducing to some extent inward rates. It is true that he says it is not only his view but it is the view of the Inter-Colonial Railway Council, but, Your Excellency, I cannot help thinking that the advice given by that Advisory body to the General Manager, or Your Excellency through the General Manager, must to a great extent be tempered by the persuasive tongue of the General Manager who speaks first.

I am not certain that a reduction in the rate on fuel oils is most necessary and there I disagree with the Member for West Kenya. I am not at all certain that the present rate of freight on kerosene is in fact having any effect on the increased use of tractors in this country. (Hear, hear). I do not know but I say I am not at all satisfied. There is no question v. ha t- ever that the increase in the number of tractors has been. very marked during the last twelve months. It could, of course, be argued that if the rates had been lower the number of tractors would be greater. That may or may not be. But I would ask the hon. the General Manager to consider before he replies to this hon. Council if he cannot put aside say £00,000 for the reduction of rates in 1928, and then get down to the question of what are the more important rates to be reduced. It is not a matter to be discussed here, but it is a matter for consideration. Before leaving rates I wish to dissociate myself, and I believe every member of this side of the House must dissociate himself, from the remarks of Mr. Pandya when he said there was no justification for the Sh. 1 export rate on maize. Your Excellency, there has been nothing in the last fourteen years since I have been in the country which has had so marked an effect on the production and wealth of this country as the result of the recommendation to the Government by the Economic and Finance Committee some eight years ago for the reduction of the export rate on maize to Sh. 1 a bag. The marked increase in production of maize is due practically entirely to that wise executive action.

There are three quite small matters I would ask the hon. the General Manager in reply to tell me.

The first one is I understand when the new carriages on the railway will be running it is to be a daily service. understand that as a result of there being restaurant cars there will be a decrease in running time. I understand it is proposed at present to leave Nairobi at 4 o'clock instead of at 1.55, and to arrive at Mombasa at 8.30 instead of 7.34. I would ask his advisors to consider when considering the time-table to further decrease the time from Nairobi to Mombasa by bringi,ig the train in at the same time as now. It seems a small matter

but it is not. If you have a daily service leaving Nairobi at 4 p.m. it means people can do their day's work in Nairobi, leave after office hours and if they get down here the same time as at present they will be able to do their work here and leave at 4.15 and get back next morning. It is the difference between 7.34 and 8.30. Offices start at 8.30. I would urge upon him and I think my colleague the Member for Nairobi North will agree with me that that is the view of the commercial community in Nairobi.

Two small points before I sit down. I would like to ask the General Manager when it is anticipated that the new railway offices will be completed and whether it has yet been decided whether the building will be two storeys as originally anticipated or three.

Finally is it his intention to continue and complete the ballasting of the line from Makindu to Nairobi so that those who come down from Nairobi to this salubrious spot can remain here without having tonsillitis.

THE HON. A. C. TANNAHILL : Your Excellency, I think I am going to confine most of my remarks to Appendix I on page 102. The hon. the General Manager said in his most admirable speech that there was no fear for alarm in regard to the finances of the Uganda Railway. I do not think there is any need for fear. What I am so frightened of is that the Kenya and Uganda Railway as exemplified by Appendix I will accumulate the whole of the money in the whole of *the* world. According to this statement, in 1928 the railway anticipates an excess of receipts over expenditure of some £462,000 as against the extremely cautious figure of £154,000 shown on page 4. To that the hon. General Manager adds that he anticipates another £100,000 making the excess of receipts over *npendi*-ture over £562,000. This figure is made up of depreciation, allowance for depreciations, the net profit and a sum which I cannot trace elsewhere in the estimates of £6,000 for insurance. Now I ask myself, in view of the increase which appears in the estimates whether there is any need for this figure for depreciation. Going through the abstracts one by one we find on very nearly every page allowances for maintenance and renewals which I have totalled and they are in the neighbourhood of £178,000. Maintenance of ways, works, rolling-stock and steamers and exclusive of salaries and wages in connection therewith and exclusive of Mombasa Port ; and on top of that during 1928 it is proposed to spend on renewals a further £186,000 according to Abstract M on page 100. In other words a quarter of a million pounds is being spent on maintenance and yet on top of that the hon. the General Manager with, if I may say so, an excessive caution is laying aside a very large sum for depreciation. It appears that at the



end of 1927 there will be a net accumulative reserve amounting to approximately £1,287,000. I am sure, Sir, that every member of this House is satisfied with the financial position to-day, and that the hon. the General Manager's anticipations are ample and very full justification for the declaration of a dividend. In a concern such as this if it were run by a company I think the first thing that the shareholders would do would be to arrange for a set of directors who were pledged to declare a dividend, the next thing they would do would be to insure the life of the General Manager for a considerable term of years because he would run a considerable risk, after the figures had been disclosed, of being shot by some unfortunate shareholder whose doctor had told him he had only six months to live, and would not be able to share in the profits which ought to have been distributed before. (Hear, hear).

In a concern like the Kenya and Uganda Railway the shareholders obtain their dividends by a reduction in tariffs. £262,000 is required, as the hon. the General Manager informed this House yesterday, to abolish Classes 7, 8 and 9. This can be provided for even if the present system of finance and capital expenditure from revenue is insisted upon to the detriment of this generation. The reduction on power kerosene should, Sir, in my opinion be granted without further consideration. The system of capital expenditure from revenue we submit, Your Excellency, is an intolerable burden to this generation, a generation which is struggling with a large amount of pioneer difficulties. The obligation should be extended over a period of years.

In Abstract M on page 100 it is proposed to spend on betterments in 1928, a sum of £467,000. If, Your Excellency, the hon. the General Manager could see his way to borrowing £467,000, to pay interest on it at the rate of 6 per cent. per annum and write it off in about 20 years in equal annual instalments, I think he would find that he would have left to spend for the benefit of settlers of to-day a sum of approximately £415,000 and I suggest, Sir, that in fairness to ourselves we should not sacrifice the whole of our lives in improving the position for future generations.

There are one or two minor aspects which I trust the hon. General Manager will see his way to refer to in his reply. The first of these and I believe the most frightfully-important is truck shortage. In this Colony, and I would like to say here with the most efficient service and the most courteous help that it is possible to imagine from the members of the transportation staff and the Railway Control, in this railway there are regular seasonal shortages of trucks with very disastrous results to everybody who is depending on these trucks to get their produce.

from one place to another. I notice again in Abstract M that the hon. the General Manager is providing a total sum of only £20,000 for betterments in locomotives, coaches and wagons. There is, Sir, an increase of mileage involved which must necessitate, so I imagine, an increase in trucks, an increase in locomotives and rolling-stock of all sorts. I cannot imagine, Sir, that £20,000 is all that is required to provide the rolling-stock necessary to deal with the increase in the length of the railway. I do hope the hon. the General Manager fully appreciates that there will be periods, if we had sufficient rolling-stock to deal with the loads at their maximum, when certain of that rolling-stock will be lying idle, but it will not be depreciating and the saving to the community will be enormous. I hope the hon. General Manager will be able to give an assurance that rolling-stock will be substantially increased.

In regard to coaching-stock and corridor trains. My hon. friend the Member for Nairobi South has mentioned that. The hon. the General Manager was good enough to allow the Chamber of Commerce a sight of the proposed new timing when the coaching-stock is available, and I think I am right in saying that the commercial community was a little disappointed that with these additional facilities the hon. the General Manager was only able to show, I think, a saving of 1 hour 45 minutes in the timing from Mombasa to Nairobi. I would also like to emphasise what the hon. Member for Nairobi South mentioned, that there is a very real difference in the arrival in Mombasa between 7.30 and 8.30, and it would I believe be greatly appreciated if the old arrival time could be maintained.

Very shortly to summarise what I have been trying to maintain, I believe and I gather Members on this side of the House agree with me that there are ample resources materially to reduce a good number of rates. Secondly I maintain that it is not a correct procedure to burden a struggling era for the benefit of future generations. Thirdly, I think that capital expenditure should come from loan money and be spread over a number of years in payment. Fourthly, we must, Sir, have trucks to do away with these always recurring seasonal shortages, and, Sir, I trust when the hon. General Manager deals with these points that he will not adopt that ruthless manner he has sometimes in this House. When it is our pleasure and privilege to meet him in the seclusion of his office he is a very courteous and extremely reasonable gentleman, and I trust, Sir, that these very timid suggestions that have been put up by me will not be dealt with too ruthlessly.

THE HON. G. G. ATKINSON : Your Excellency, I do not wish to comment at any length or at all in fact on the statement made by the General Manager. I would only like to express my gratitude to him for his extremely lucid statement

and clear exposition of the railway case. I do associate myself with most of the remarks that have fallen from the lips of hon. Members on this side of the House but again I would express my personal pleasure in the extremely clear statement which the General Manager made. But in his reply, on behalf of the people of Mombasa, I would like him to deal with one point in connection with the Port management.

He said that the figures that appeared in the estimates for 1928 in connection with the Port management were based on the working of the Port under the present arrangement, and he stated that changes that would take place in the near future would possibly lead to the necessity for revising these figures very considerably. If in his reply he would give some detail of the changes which he foreshadows it would be appreciated.

The other point on which I wish information, in which Mombasa and not only the up country community is interested, is the date of the opening of the Thomson's Falls line.

LIEUT.-COL. THE HON. J. G. KIRKWOOD : Your Excellency, I wish to associate myself with the views that have been expressed by the elected Members, that is, generally, and I appreciate the statement which has been put forward by the General Manager which shows very clearly the financial position of the railway. From a financial point of view I quite agree with the hon. General Manager's optimism as regards the future, but I also wish to stress the point from this side of the House that the present generation is paying for the future politically and economically which is unsound. I would much prefer to see these estimates withdrawn and reconstructed with a view to reducing rates and finding money out of loan funds for capital expenditure.

The General Manager mentioned with reference to the freight rate on maize that it was a matter which might be left to the future. I rather gather myself that that might lead to some misunderstanding. Whether it is intended to discuss a revision of these rates in the future I do not know, but I would like to ask for a definite assurance from this House that there is no intention of revising the freight rate on maize. It is not only the question of maize but it is going to effect the future very closely. Shortly we will have to discuss the question of closer settlement which also associates itself with new people coming into the Colony, and if they are going to come to the Colony, a maize producing country and the maize producing districts especially, if there is any question of the freight rate being revised it will have a very serious effect on any closer settlement scheme that may be put up by this House.

There is another point which has been mentioned casually and that is the question of competition of motor transport against the railway. It is no fault of the railway, but there

is one that can be remedied, and which is the fault of the management and that is the time-table from Kitale and the time-table from Eldoret. Down line the one train leaves Eldoret at 11 o'clock to go down, and one train leaves the same day from Kitale at 1 o'clock and I do not see why these trains cannot be synchronised and turned into one train. The result at the moment is that the majority of first and second class passengers travel by car from Eldoret to Kitale making it a 90-mile return journey to catch the train at Eldoret. The Kitale line will be affected later on because people travel by road instead of by train because there is no suitable train.

I also realise, and many members on this side of the House do realise that I am probably a voice crying in the wilderness when we look at the opposite side of the House.

I am not going to ask for a free vote, but I do ask that full consideration be given to the views which have been put forward by the Elected Members.

THE HON. THE GENERAL MANAGER, KENYA AND UGANDA RAILWAY: Your Excellency, I can give an assurance on behalf of the Railway Council that the views put forward by the Elected Members will be given full consideration. I do not know, Your Excellency, whether I am praised or blamed, whether I have put up a good show or not. I am like the curate's *egg*, good in parts. I think members are under a misapprehension in regard to railway rates. It is not for this hon. Council to move a reduction of rates. Under the Order in Council there is a Railway Council, an Inter-Colonial Railway Council to which body all rates questions must go and we can only express an opinion to that Council and it is considered on an Inter-Colonial basis. On that Council we have no railway officials, we have four Government representatives, two from Kenya and two from Uganda, and two public representatives from Kenya and two from Uganda. So it cannot be suggested that the General Manager is in a position to use undue influence on that Council. I can give hon. Members a prospective assurance that the public representatives are very wide awake. They have not gone to sleep on this question of railway rates. There is not a single meeting of the Council at which railway rates are not discussed. There has certainly not been a single meeting at which rates have not been discussed and at not a single meeting are rates not reduced.

An hon. Member suggested that the railway should set aside £50,000 next year. I cannot recollect a single year, Your Excellency, when we have not spent more than that in rate reductions. When I spoke this morning about reductions I was speaking in a general way on reductions of rates. What will happen now is that as the import traffic comes in we shall know gradually how we are likely to stand next year and then

the Railway Advisory Council will of course again consider rates reductions. Furthermore the Railway Council will know better next year what is going to happen in connection with this Port of Mombasa. I made it very clear this morning that whatever improvement is effected by the Port Advisory Board will be reflected similarly in railway rate reductions. I can only suggest that this hon. Council leave it there.

While I am on the subject. The question was asked by the hon. Member for Mombasa what precisely I meant by saying that the harbour estimates were subject to adjustment as a result of changes that might take place. What I meant was this : that the Port Advisory Board has only just come into existence ; that Board is studying the general question of harbour charges and if that board enters into a different scale of charges all our figures will have to be reversed. That is what I mean, but if that scale results in the Port being more self-supporting as it should and as every one hopes it will then you will get a reduction in railway rates. Whether the rate on kerosene will be reduced I cannot say. The fact has not been proved to the Railway Council. It has certainly not been proved to the General Manager of Railways that a reduction in the rate on kerosene is going to increase the use of kerosene in tractors. I have seen a memorandum circulated showing how to improve the use of kerosene in tractors.

It has been stated that a reduction in rates would lower the farmer's working cost by Sh. 1 per acre. Perhaps that memorandum is the result of a misunderstanding of the general conditions of using tractors, but the fact is that the difference would not be Sh. 1 an acre. That has not been disproved and if anyone can disprove that I shall be glad. I do not think that the rate on kerosene affects the use of tractors. I think that the rate on kerosene taken with other things may affect the use of tractors, but there is far more likelihood that farmers are not maintaining their tractors properly.

THE HON. T. J. O'SHEA : On a point of order. Your Excellency, is the hon. Member entitled to introduce a fresh point in his reply?

Its Excithi, ENcv : I understand he is dealing with a point which the hon. Member raised—the question of the rate on kerosene which the hon. Member raised.

THE HON. T. J. O'SHEA : Has he the right to introduce fresh arguments in his reply?

His EXCELLENCY He is certainly entitled to introduce fresh arguments.

THE HON. THE GENERAL MANAGER, KENYA AND UGANDA RAILWAY. My information was that from experience in other countries what is wanted in connection with the use of tractors is not so much a reduction of the rate on kerosene but the better looking after of the tractors.

The point I wish to make is this. No reduction will improve the position and furthermore as I said this morning it is a little unfair after the reductions which have been made to keep piling on this question of rate reduction. There has been a statement made on a previous occasion that the railway has never been pressed to do it.

Now, Sir, it is rather difficult for me to deal very briefly with some of the general remarks regarding financial matters made this morning. Personally I am extremely pleased that Members of this hon. Council are at last commencing to realise the real position in connection with the finances of the Railway. It is the first time so much interest has been taken and I think that in itself is an excellent sign, and if I may be excused for saying so, I was quietly chuckling to myself during the speeches. When I first came to this country in 1922 and took over, there was no question of the Government living on the Railway, because the Railway in fact was showing a loss. The Railway was actually showing a loss in 1921, and for 1922 there was a nominal profit which was due to the high rates charged. Now, Sir, what has made the change? The adoption of the very policy criticised this morning. Now, of course, hon. Members say: "But you have gone too far—you have too much money and you should give it away as soon as you can." Your Excellency, if I adopt the policy put forward by the hon. Members the country is going back to the very position in which it was in 1922. I suggest that we ought to be very careful—extraordinarily careful—before we walk into the same trouble again.

I tried to explain the position. In 1922 our loan charges were £77,964. For 1928 they will be £563,516. In 1929 £743,000, and in 1930 £814,000. How could these heavy loan charges have been met if money were not being put aside for your renewals and betterment funds instead of being given in reduction of rates in the low interest period? You could not possibly reduce rates permanently against a temporary freedom of interest. The Railway must secure its ability to pay its interest charges. Statements are in existence which prove that the time is very near when the possible provision for betterment will not exceed £100,000 a year. It is also the case that we may have to reduce our provisions for depreciation. That is well known to the members of the Railway Council and I suggest to the hon. Members of this Council that they put a little trust in a matter of this sort in their representative on the Railway Council, because it is quite impossible to drag some of these matters into public

discussion. It is unwise to do so. But I can assure hon. Members that the Railway Council is fully alive to the position and that provision for betterment will come down while the rate for depreciation will probably have to be reduced.

May, I explain, Sir, that our contributions to renewals fund are based on the life of the assets. We do not in this country indulge in special scales; we have no such thing. We adopt a simple percentage of three per cent. Now, Sir, I admit that is high, but it had to be so because the line was in such a shocking state and no provision had been made for betterment and renewals for many years. Therefore we had to start off on a fairly reasonable basis. I know we cannot have that basis indefinitely, but I want to see it maintained as long as possible, so that if we do again strike financial trouble we shall be ready for it.

Reference has been made to the fact that provision is also made in Estimates for maintenance, and that maintenance of course includes large renewals. That is not so. I would point out, however, that the principles with regard to allocation from Loan Funds, Betterment Funds, Insurance Funds, Renewals Funds, Railway and Marine, were drawn up here in 1923 and approved in England. They are in accord with principles laid down by provincial authorities. If any hon. Member wishes to see the regulations and will call at my office I shall be only too pleased to let him see them. They are well defined principles. In fact, the renewals fund actually exists for the purpose of replacing or renewing wasting assets. In spite of all that can be done to maintain an asset it does wear out and the time comes when the asset must be replaced. A line is drawn between minor works charges against maintenance and renewals charges against the Renewals Fund in the cost of the work.

It has been suggested that we are doing too much for posterity and that we are doing a lot of extension out of Revenue. Of course we are doing a lot of extension, but that is all coming out of loan funds. I do admit, however, that we are doing rather a lot for posterity in providing for redemption of loans on top of all the provision for renewals and betterments. But it must be borne in mind that Colonies cannot obtain loans very easily to-day unless there are redemption conditions. The East African Colonies are not yet sufficiently far ahead for me to say that redemption can be put on the Government and not upon the Railway.

With regard to hidden profits, I would just like to say there are no hidden profits at all. The Acting General Manager published a most comprehensive balance sheet in the General Manager's report, giving full information. Every figure is shown there in the balance sheet. We cannot do more than that. Everything we possess is there.

The Insurance Fund contribution for 1928, which one hon Member was rather stuck in understanding, is simply interest expected on the balance invested.

In regard to provision for rolling stock, the biggest expenditure is on capital account. We have just ordered another £531,000 worth of rolling stock this year against capital account. More than that we cannot do. I do not think we have ever really suffered from truck shortage in this country, but that is a point on which the general public and the Railway never could see eye to eye. I have never known any country where the public has admitted that the railway has a full supply of trucks. In this country we have a very full supply of trucks in comparison with other railways, and as I say, we have ordered still more. We can do no more in that respect. In this country, owing to the seasonal conditions there may be times of strain but we have a very full supply of trucks compared with other countries. We cannot do more because there are limits as to what it is possible to carry in dead capital for the bulk of the year.

The Hon. Member for Plateau South referred to a certain railway in America. I would invite the attention of the hon. Members to the reply of the American railroad authorities to the points he made. My recollection is that the American railroad authorities and not the gentleman who owns the railway had the best of the argument.

I was asked a question about the Police Force. It is well known, I think, that I myself am not at all satisfied with the position with regard to the Railway Police. I am not blaming the Police Department, but I regard the present system as simply a case of off-loading Government expenditure on to the Railway—it is a case of Government police doing work they would have to do in any case for a private company and for which no private railway company would pay. A real railway police force still remains to be established in this country and nothing can be done until we get an officer with considerable experience of railway police work to organise the force. The matter is still under consideration, but I must say I do not consider the Government Police as such have done their work badly. They have certainly improved very considerably in the last few years. My point is not so much that they are inefficient as that they are not really railway police. They are Government Police watching the Railway.

As regards the question of "graft," I would be the last to suggest that with a mixed staff there is no graft, but I think the position is very much better than it has been in the past, and as far as I personally am concerned I have prosecuted every case where I have found sufficient evidence for the Railway to prosecute. I admit it is very unfortunate that irregularities do occur in this country from time to time, and one can only hammer away at it and eliminate it as rapidly



as possible. If hon. Members and their friends would only help the Railway by bringing every case of which they know to the notice of the Railway, the Railway officials' task in stopping dishonesty would be very much easier.

With regard to the remarks regarding the running staff, I know from experience that you do not always get polish in a practical railway man and what appears to be discourteous to an outsider does not always appear in the same light to the railwayman. I will, however, make enquiries.

In so far as leave conditions are concerned, the Hon. Pandya appears to want the conditions of leave for the Asiatic staff improved, while the Hon. Member for Plateau South suggested that the General Manager should reduce the leave conditions further. Well, Sir, we already have leave conditions which are not the same as those in the Government service. It must be admitted that both our rates of pay and our leave conditions for Asiatics are lower, *i.e.*, less liberal than they are in the Government Service, but they are extraordinarily liberal compared with other railways. Having regard to supply and demand, we pay our men perhaps more than they would be paid, but they are not as highly paid as in the Government Service. I cannot say more than that I am not prepared to recommend any further reduction in our leave conditions while Government conditions remain as they are, and I am also not prepared to recommend any further reductions in the Asiatic pay conditions under present circumstances. On the other hand I do not see, on the merits of the case, any justification for recommending any increase in the pay or leave.

It was suggested on the question of the Railway rates that we seemed to be basing the rates on what the traffic can bear. Most railways charge what the traffic can bear and I am quite satisfied that in this country our charges, on the average, are very reasonable.

Regarding crushed salt, there has been no increase whatever. The simple fact is that advantage had been taken of an abbreviation in the Railway tariff book and the Railway staff did not spot it for some time, but when they found it out a change was made and adherence to the tariff book insisted upon. Since then a general reduction has been made by the Inter-Colonial Railway Council. The fact is that our classification was misused for a time.

Speaking of second-class carriages, the position is that we are putting more and more coaches on the line. Regarding the local coast services, this is a matter I will go into with the Superintendent of the Line as soon as I get back to Nairobi, but I know he has always studied the running conditions.

With regard to the new time-tables, I cannot recall whether the Chamber of Commerce suggested any changes to be put forward, but a new time-table cannot come into operation for a time and we are quite prepared to consider any other recommendations. We must, however, consult the whole country and it is extraordinarily difficult to suit everybody—Nairobi, Mombasa, Nakuru and Eldoret ; all these places must be considered. It is very difficult to find timings acceptable to all centres throughout the country from Mombasa bath to Jinja, but the Traffic Department will always be willing to discuss any recommendations that are made.

The new offices will take about eighteen months to two years to complete. The intention now is to have a third storey, but I have not yet heard definitely from the Government whether or not they are going to pay for this third storey. (Laughter.)

As regards the ballasting we will <sup>80011</sup> have contracts all along the line for this work. It is proposed next year on the Makindu-Nairobi section that ballasting should take place simultaneously with relaying. I hope that the line will be relaid with the heavy rails and properly ballasted as fax as Nairobi by the end of 1930.

I think if the necessary authority is given by this Legislative Council we ought to commence the Thomson's Falls line in January, and it should not take more than eighteen months to complete.

The motor transport question may become a very serious one in this country at any time. My own view is that there should be more control over the use of roads. I think the Hon. the Director of Public Works knows something about the subject and I certainly do hope that that officer will look into the matter. It is hardly fair to tell the Railway that they must reduce their rates on petrol while Inc tioverfintent collects the revenue from the consumption tax on petrol to pay for the roads which are being used in competition with the Railway.

I would like to thank some of the hon. Members of Council for their remarks and praise of the work which has been done by the Railway during the last year. I want to make it clear, Your Excellency, that as General Manager of Railways I am only the co-ordinating force, and I consider that my heads of departments and their staffs have done really good work and it is a great pleasure to hear this recognised. (Hear, hear.)

HIS EXCELLENCY : The question is :-

" That this Council approve the draft Estimates of Revenue and Expenditure of the Kenya and Uganda Railways and Harbours (including main and branch lines, lake marine services, motor services, and Mombasa Port Administration) for the year 1928, as laid on the table."

The question was put and carried.

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*Council adjourned to 10 a.m. on Friday, September 16th, 1927.*

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FRIDAY, 16th SEPTEMBER, 1927.

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The Council assembled at 10 a.m. on the 16th September, 1927, at the Supreme Court, Mombasa, His Excellency the Governor (Sul EDWARD W. M. GRIGG, K.C.V.O., C.M.G., D.S.O., M.C.), presiding.

His Excellency opened the Council with prayer.

ADMINISTRATION OF THE OATH.

The Oath of Allegiance was administered to :—  
ETIIMFREY TRICE MARTIN, Commissioner of Lands.

MINUTES.

The Minutes of the meeting of the 15th September, 1927, were confirmed.

PAPER LAID ON THE TABLE.

BY THE HON. THE TREASURER •

Report of the Select Committee on the Asiatic Widows' and Orphans' Pensions Fund.

THE HON. THE TREASURER : Your Excellency, this report has been signed by five members, but Mr. Nehra has communicated to me the fact that he is ill and his signature *has not* been obtained to the report.

ORAL ANSWERS TO QUESTIONS.

JUDGES' TRAVELLING EXPENSES.

THE HON. CONWAY HARVEY asked :

What is the total mileage covered by judges of the Supreme Court and on Court of Appeal work for the eighteen months ending the 30th June, 1927?

2. What was the total sum expended on :-

- (a) Transport allowance ;
- (b) Travelling allowance?

3. On how many occasions in the said period were sessions held at Meru and how many cases were tried at such Sessions?

THE HON. THE COLONIAL SECRETARY (SIR EDWARD DENHAM) :

1. (a) The mileage travelled by Kenya judges on Supreme Court work during the eighteen months ending the 30th June, 1927, was :-

- (1) 5,777 miles by road ;
- (2) 4,728 miles by rail.

(b) Mileage travelled by all the members of Court of Appeal in attending sessions during the same period was :—

- (1) 2,781 miles by road ;
- (2) 7,365 miles by rail ;
- (3) 880 miles by sea.

2. (a) Total amount expended during the eighteen months ending 30th June, 1927, on transport for :-

- (1) Travelling of Kenya judges on Supreme Court work, £388;
- (2) Travelling of members of Court of Appeal, £438.
- (6) Travelling allowance paid to :-
  - (1) Kenya judges on Supreme Court work, £332.
  - (2) All members of Court of Appeal, £274.

3. During the said eighteen months three sessions of the Supreme Court were held at Meru and six cases were tried, involving nine accused persons. There was no separate circuit journey to Meru, Meru being visited in conjunction with the circuits to Fort Hall, Nyeri, Embu, etc.

THE HON. CONWAY HARVEY : Your Excellency, arising out of that answer, can Government give us any idea as to the cost of members of the Attorney General's staff in addition to the judicial charges?

HIS EXCELLENCY : The hon. Member should give notice of that question, which is a separate question.

THE HON. CONWAY HARVEY : Can this be taken as notice and may I have a written reply in due course?

SUGAR MILLS, KIKUYU RESERVE.

THE HON. F. O'B. WILSON asked :

Is it a fact that the Government is closing down sugar mills in the Kikuyu Reserve. If so, what compensation is being paid to the owners of the mills and out of what funds is the compensation being provided?

THE HON. THE CHIEF NATIVE COMMISSIONER (MR. MAXWELL) :

A marked increase in drunkenness among natives in the Fort Hall Native Reserve, which was attributed to the existence of a number of small native-owned hand-power sugar mills in the area, led to a request by the local Native Council for the closing of these mills.

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The Sugar Ordinance has accordingly been applied to the Fort Hall Native Reserve and the sugar mills have had to *cease* operations.

No compensation to owners from public funds is contemplated, but the question of an *ex gratia* partial compensation from the Local Native Fund is under consideration by the Local Native Council.

THE HwY. F. 0'13. WILSON : Your Excellency, arising out of that answer, is it not a fact that these natives in many cases were encouraged by the district officials to erect such sugar mills?

THE HON. THE CHIEF NATIVE COMMISSIONER : Your Excellency, so far as my information goes the answer is in the negative. Records in my office show that some time ago the natives who proposed to establish these small mills asked the permission of the District Commissioner. The then District Commissioner informed them that as the Ordinance was not in force he could not refuse them permission, but he warned them that if as a result of the establishment of these mills there was an apparent increase in drunkenness, Government would undoubtedly have to take steps to apply the Ordinance.

#### DISEASE AMONGST CoAST PEOPLES.

CANON THE HON. H. LEAKEY asked :

Can the Government give any information as to the incidence of disease among the Coast people and the steps, if any, which are being taken to combat same?

THE HON. THE DIRECTOR OF MEDICAL AND SANITARY SERVICES (DR. GILXS) : During the past year it has been possible to maintain a medical officer in the Digo District.

A survey of the population has been undertaken and is being continued. The facts ascertained indicate that a high percentage of the population is infected with hookworm and that the physical condition of the people is seriously affected by this cause. The incidence of yaws is considerable and the amount of tuberculosis is disquieting. Coincident with the carrying out of the survey, dispensaries have been instituted where treatment for yaws is being given. Arrangements are

being concluded by which a campaign involving the treatment for hookworm of every individual will be carried out. Combined with the provision of treatment to individuals an educational campaign directed towards an amelioration of sanitary conditions is being conducted and will be continued. Pit latrines are being constructed throughout the Reserve.

It has been possible, as a temporary measure, to post a second medical officer to the Digo Reserve to assist in the heavy work of the campaign.

One medical officer is posted to the Malindi and Kilifi districts. Data as regards the condition of the people are being collected. The figures indicate that much the same state of affairs obtains North as well as South of Mombasa. Appropriate measures are being and will be taken.

Necessary financial provision is being considered in connection with the estimates for 1928.

#### GILGIL-THOMSON'S FALLS RAILWAY.

CAPT. THE HON. E. M. V. KENEALY asked :

Will Government state the approximate date of the commencement of the construction of the Gilgil-Thomson's Falls branch line?

THE HON. THE GENERAL MANAGER, KENYA AND UGANDA RAILWAY (MIL C. N. L. FELLING) : Arrangements are being made for the commencement of the construction work of the Gilgil-Thomson's Falls branch line in January, 1928.

#### STANDING RULES AND ORDERS.

CAPT. THE HON. E. M. V. KENEALY asked :

Will Government state when the report of the Committee appointed to consider standing rules and orders of this hon. Council will be submitted to Council?

THE HON. THE COLONIAL SECRETARY : A revised draft of the Standing Rules and Orders approved by the Committee will be laid on the table at the meeting of Council in October.

#### MANUFACTURE OF BRICKS BY THE KENYA AND UGANDA RAILWAY.

THE HON. G. O. ATKINSON asked :

1. Does the Kenya and Uganda Railway manufacture bricks for sale to the public?

2. Is there in the Mombasa district on the mainland another brick factory which also offers bricks for sale to the public?

3. If the answer to the above two questions is in the affirmative is it not contrary to the declared principle of the Kenya and Uganda Railway that the Railway does not compete with or against private enterprise?

4. Does the Port Authority of Mombasa charge Shs. 2/- per 1,000 bricks manufactured in the Mombasa district on the mainland and landed on Mombasa Island by boat, or make any other charge therefor, and if so, by what authority?

5. Does the Port Authority make any charge for any other article coming from the mainland and landed on Mombasa Island by boat?

THE HON. THE GENERAL MANAGER. KENYA AND UGANDA RAILWAY :

1. Bricks are manufactured by the Kenya and Uganda Railway for Railway and Port purposes. The Railway does not lay itself out to sell bricks to the public but does not decline offers to purchase bricks not required by the Railway.

2. The answer is in the affirmative.

3. The answer is in the negative.

4. The Port Authority has the right to control the use of the Port and Port lands, wharves, etc. A temporary charge of Shs. 2/- per 1,000 bricks is being made for landing after certain high-handed action by a company which had to be stopped. Any complaint on the subject should be addressed to the Port Manager, who can be asked to refer the matter to the Port Advisory Board.

5. It is the case that during the long period of uncertainty about Port Control some users of the Port have escaped charges but the Port Authority should charge. It is understood to be the intention now to charge *all* who use the Port, including Government Departments, the Railway, the public, steamship companies, etc., etc.

## MOTIONS.

### NATURAL HISTORY MUSEUM.

THE HON. THE COLONIAL SECRETARY (SIR EDWARD DENHAM) : Your Excellency, I beg to move :-

" That this Council approve the expenditure of £6,500 out of revenue under head Public Works Extraordinary for the acquisition of and in payment of compensation to the Lady Northey Home in order that the present site and buildings of the Home may be utilized to provide a natural history museum in Nairobi in connection with the Coryndon Memorial Fund, the present natural history museum being taken over by Government."



Some hon. Members of this Council, Your Excellency, who were present on the occasion when the first insertion of an item on behalf of the Natural History Society was made in the Estimates, may remember the speech made on that occasion by Sir Robert Coryndon, in which he stressed the importance of there being a proper museum, a fully equipped museum in Nairobi. He said that such a museum would not merely be a collection of trophies or a collection of different kinds of specimens. It should go further than that. It should be in the nature of a research museum. A museum which should contain specimens of the flora and fauna of the country and should give opportunities for the study of agricultural, medical and other branches of research in this country. He spoke of the importance that this country plays in the study of natural history throughout the world. He reminded hon. Members of the fact that we draw every year large numbers of distinguished visitors to this country who always make it a point to visit the museum and see for themselves objects which are shown there illustrating the natural history and flora and fauna of this country.

Now, Your Excellency, when considering the form the memorial to Sir Robert Coryndon should take, it was unanimously agreed that his name could not be better associated with anything than such a museum as he had suggested that this Colony should provide for present and future generations. It was felt that a sum might be collected in subscriptions for such a memorial which might well take the form of a hall which should be called the "Coryndon Hall" and which should be joined up with the natural history museum building. Well, our first difficulty was to decide where such a hall was to be erected and how it could be worked in with any existing building.

Now, I do not wish in any way to criticise the present museum building. I know that that building was only made possible by the enthusiasm and ability of Dr. Van Someren and individual subscribers who helped to get that building put up, but I think that we can all agree that it is not, as it stands at present, a worthy natural history museum for such a country as this. If we are going to use the sum which has been subscribed for a memorial to Sir Robert Coryndon, a sum which amounts to £5,250 and altogether to £6,000 with payments and promises, if we are going to utilise this in connection with the museum it is essential that we should have such a museum, a real museum, a research museum, at a spot which will be suitable for such a building. Now the Committee made several visits all round Nairobi, they searched the town itself, they searched the immediate neighbourhood for a suitable site and it was agreed that the best site was on that hill where the Lady Northey Home now stands, and that they could not do better than purchase that site and its buildings which could be adapted and used for the purpose required.

Now the advantages of having such a building there are that it is well situated, overlooks the town, it does not get that dust which we have far too much of in Nairobi to the extent that it would be felt if you had such a museum placed in Government Road or in the heart of the town of Nairobi. A museum is not merely a collection round which curious strangers wander, it is not intended merely for the person who wants to go in and see a record head. **It is** intended for those who are really going to study a subject and who want to see what they can learn from the specimens on view there. Such museums have rooms connected with them in which studies can be followed up. It needs a library too. It needs a lecture room and it needs to be a real centre of natural history and research generally.

Now the site of the Lady Northey Home at present has the further advantage that it is quite close to the present European school and the new school which is being put up there. It will be quite easy for children to go down there and see the collection. A museum is of great importance not merely to the present generation but to subsequent generations and who will make this country in the future. The Lady Northey Home Committee was approached in regard to this matter and were asked if they were willing to agree to the suggestion that they should take land in another part of Nairobi. The land suggested is five acres in place of the four acres which they now have at the present Lady Northey Home, This site is close to Nairobi Club, near the polo ground, off Hurlingham Road. It is a very good site indeed. It is a good site and also has land round which will be protected from building ; and the Lady Northey Home unanimously agreed that such a site was preferable to the site which they occupy at present and they were willing to agree to such an exchange. They stipulated, of course, that if they were moved from their present premises they should be given a sum which would enable them to build a, similar home on the new site, they also asked for compensation in respect of removal and they also asked that they should not be removed from their present building until they were able to erect a new building on the new site.

After considerable negotiations, which are one of the reasons why this matter was not put before Council earlier, a decision was reached that £6,050 should be paid to the Lady Northey Home which will enable them to erect a building of the same type and size on the site at Hurlingham Road, plus a sum of £450 which was awarded them as compensation in respect of removal, the total being a sum of £6,500. They get five acres in place of four. The value of the land is perhaps not so great in Hurlingham Road as it is on the present site, but the fact of having an additional acre When you are dealing with small children and dealing

with the type of people who use the Lady Northey Home, I think, is a very great advantage indeed. It is recognised as such by the Committee of the Lady Northey Home.

What we propose therefore is to give the Lady Northey Home £6,500 with which they will erect a building on the Hurlingham Road site and we will take over the present site and the buildings thereon, which can well be adapted for the purpose for which they are required and to which it is proposed to add a central hall in memory of Sir Robert Coryndon from the funds subscribed by subscribers to this memorial.

Now Council may ask why this matter cannot wait over until the estimates for 1028, and why it should be brought forward to Council at this time. Well the matter is really very urgent indeed. You have here a charitable institution which is giving up its land according to the terms offered them by Government and willing to make the exchange at this time. That Home makes an appeal to the public for funds and, as we all know, if appeals are qualified in the minds of the public by any uncertainty as to the future of the institution for which funds are asked it must prejudice that appeal. The longer this stands over, the longer the public is in doubt as to what is to happen and the less they will be inclined to support this institution in the way they should support it. Further, the Lady Northey Home Committee has made a considerable sacrifice in dealing with this matter, for they have at present a sum of £800 subscribed for a new wing to the building. They cannot spend this £800 while this question is in doubt. The Lady Northey Home will be a better institution, better equipped and better situated for the purpose than it is at present, but we do not want to delay them in the matter. The more delay we have in this matter the more is the institution prejudiced and the more seriously the home must suffer. Government is asked to provide out of funds which are available and to put this proposal through, not wily because it is a very sound proposal—I believe we are getting an excellent site and excellent buildings at a reasonable cost—not only because we have a site worthy of this Colony, but also because it will enable us to give effect to the wishes of one whom we wish to commemorate in connection with this natural history museum, and it is a memorial which we can no longer delay.

I trust Council will approve the motion which I have to move to-day.

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

LTEUT.-COL. THE HON. C. G. Duncan : Your Excellency, I admit that the Hon. the Colonial Secretary has done his best with his mimic little patient, but I hope with the help of my colleagues on this side of the House to strangle it before it is many hours older.

\* I look on this as a gross waste of public funds. I main-  
 a Lain that if the Lady Northey Home were put up to auction  
 you would not get £6,000 for it. I do not think you would get  
 £3,000 for it. With regard to the position, Sir, for this  
 museum, I still disagree with the Hon. Colonial Secretary  
 and submit that the proper place for the museum is in the  
 town. With regard to the additions to this Lady Northey  
 Home I do not think that the present building is at all  
 suitable and I am afraid that in the near future we will  
 be asked to vote a further sum of money to erect a suitable  
 building.

With regard to what has been said about the position  
 of the Lady Northey Home on the new site, I suggest that  
 the present site of the home is more suitable for mothers  
 who are working in the town to go and see their children  
 at the end of the day. Further, I would like to ask, as it has  
 been stated that the Committee has agreed to this transfer or  
 exchange, whether the donors of the Lady Northey Home  
 have ever been approached on the matter. Finally I would  
 also like to know what the Government's intention is in regard  
 to the present museum. What is going to happen to it?

CAPT. THE HON. H. E. SCHWARTZE : Your Excellency,  
 I regret that I cannot agree with the Hon. Member for  
 Kikuyu (Lieut.-Col Durham). Of the two points he made one  
 was the payment of £6,000 which he said was a gross waste of  
 public money, presumably because it was 100 per cent. more  
 than it should be as he places the value of the building at  
 £3,000 ; and a further point is that the new site for the Lady  
 Northey Home is not an appropriate or suitable site. Now,  
 Your Excellency, with regard to these two points, taking the  
 last one first. The position is that the Committee of the Lady  
 Northey Home, as the Hon. the Colonial Secretary has said,  
 unanimously approved the new site. Those who were present  
 at the meeting unanimously approved it. As a result of a  
 certain outcry and certain criticism which appeared in the  
 Press, a further meeting of the Committee was held, at which  
 the trustees were present and agreed that they unanimously  
 approved of this site.

It seems to me that if the people responsible for the  
 Home are unanimous as to the new site that this hon.  
 Council has a duty to follow that opinion. If the opinion  
 were equally divided, if there had been a cleavage in the  
 matter, it would have been turned down.

In regard to the second point, namely, how much payment  
 should be made to the Lady Northey Home provided the  
 move is decided on, this figure was reached, if I am right in  
 saying so—the Hon. Colonial Secretary will correct me if I  
 am wrong—this figure was reached by a Committee consisting  
 of representatives of the Home and representatives of the

Government, to which was attached an impartial valuator, and I believe I am right in saying that this figure was the mean figure reached. It is very much less than what the Lady Northey Home asked for in the first instance and not very much greater than the Government valuator was prepared to offer. For these reasons I trust that the opposition to the payment of compensation for the moving of the Lady Northey Home will not be a strong one.

Your Excellency, there is 'one point. I cannot but think it is wrong to put this in Supplementary Estimates. The Hon. Colonial Secretary has told us that there is a certain amount of urgency, but I would remind this Council that the Estimates are coming on in little more than a month now, and if approval is given in the Estimates for 1928 to the expenditure of this amount the delay in fact only means a matter of six weeks or two months. I realise the money cannot be spent before the end of the year but the Lady Northey Home will know at the end of October or the beginning of November that it has been approved of, and I would ask Government to consider, in view of the line taken by Government and this Council in regard to Supplementary Estimates, that even though the matter is urgent, they should consider the matter is not so urgent as to come with the 1928 Estimates in the ordinary way and not push it through in Supplementary Estimates. If the Noble Lord were here he would agree with me that it is not a matter to be included in Supplementary Estimates.

CAPT. THE HON. E. M. V. KENEALY . Your Excellency, it is suggested by the wording of this motion that this sum of money—16,500—is coming out of revenue and that nothing is being sacrificed because it is coming out of revenue. It must be recognised, however, that this is not the case and that something in the Public Works Department Extraordinary Vote is to be sacrificed for this. I think it is entirely improper that it should be suggested that this money should be diverted from the other purpose until this hon. House has been told what the alternative is. I think if money was to have been spent in some other way this House should properly be told what the other purpose was.

I agree with the Hon. Member for Nairobi South that this is the wrong time to introduce this measure. With the Estimates coming up next month the value of his suggestion should bear comparison with other suggestions for the expenditure of Kenya funds and I agree that Government should at least postpone this issue until the Budget is considered. I am inclined to agree with the suggestion that the new site for the Lady Northey Home is a most unsuitable one and I suggest that the women of the town who are in such circumstances that they cannot afford to employ nurses to look after their families and so have to send them to the

Lady Northey Home will find it is too far and too costly to pay for transport to the Home in order that their children may be looked after by someone else.

We have been told that the trustees or the body responsible for dealing with the Lady Northey Home unanimously approved of the new site. If they unanimously approved of the new site did they offer to buy that new site and at what figure? I submit that this motion should be postponed for discussion when the Estimates are being considered. I shall vote against it.

CAPT. THE HON. P. O'D. WILSON : Your Excellency, I should like to support the point of view put forward by the Hon. Member for Nairobi South. I do believe all these things involving the voting of money should be weighed and carefully considered with other requirements for money. The funds may be available, as is stated in the motion on the Order Paper, but there are funds wanted for other important things in this country—for roads, for buildings in out-stations, and we have not got the money for these various things available and something has got to come out every time. The bringing forward of a motion such as this one is liable to obscure the interests of these other things which are urgently wanting money to help them. I do hope the Government will be able to see its way to putting consideration of this question off until the Estimates come up, when it can be judged on its merits in relation to other proposals.

THE HON. THE DIRECTOR OF PUBLIC WORKS (MR. SIKES) : One point has been raised by the Hon. Member for Kikuyu in connection with the value of the present building on the site. It is the case that the Chief Quantity Surveyor in my Department valued the present building at £3,406, but this was the value of the building if placed in the market for sale. It was subsequently estimated by the Executive Engineer that the cost of erecting a new building covering approximately the accommodation of the present building would be £6,050. This was subsequently confirmed by a local architect.

THE HON. CONWAY HARVEY : Your Excellency, I would urge Government to postpone taking a vote in connection with this matter. I submit that it would be a thousand pities if a vote of this nature was forced on us by the sweating steam-roller of the Government in face of the unanimous opposition of all elected Members, and I would urge Your Excellency seriously to consider whether or not it would be a tactful thing and a wise thing to postpone taking a vote on this issue at the present time.

THE HON. THE COLONIAL SECRETARY : Your Excellency, Government does appreciate the view that has been put forward by the unofficial Members with regard to the question of

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THE HON. THE COLONIAL SECRETARY : YOUY Excellency, Government does appreciate the view that has been put forward by the unofficial Members with regard to the question of

urgency in respect of supplementary supply. Government does realise supplementary supply should only be asked for on very urgent and very good reasons, but the reason why Council has been asked to approve this, sum is in the interests of this charitable institution. There must be occasions arising when Government must come to Council for Supplementary Supply and when it comes under Public Works Extraordinary I think it is a Head to which this Council should give additional weight. When the Estimates were framed last year the Public Works Extraordinary Vote was put very low indeed. The provision made for buildings is extraordinary low, in fact far below that made in other Colonies—Uganda, Tanganyika and Nyasaland. When the case of this kind comes up you have to consider it on its own merits, and I would appeal to members of this Council to deal with this matter not from the point of view of Government asking for supplementary provision in order that Government may get a building for a specific purpose, but in order that money may be voted now instead of four months hence, so that the Home may know what the position is. They want to make an appeal at the end of the year—a Christmas appeal—and they must know how they stand. No money will be able to be spent at all until January next year if we do not bring this matter up now and get it settled. I am asking Council to vote this money in the interests of the Home.

His Excno. ENor The question is :-

" That this Council approve the expenditure of £6,500 out of revenue under Head ' Public Works Extraordinary,' for the acquisition of and in payment of compensation to the Lady Northey Home in order that the present site and buildings of the Home may be utilised to provide a natural history museum in Nairobi in connection with the Coryndon Memorial Fund, the present natural history museum being taken over by the Government."

The question was put and carried by 21 votes to 13.

*Ayes* : —Major Brassey-Edwards, Messrs. Bruce, Campbell, Sir Edward Denham, Messrs. Dobbs, Felling, Fitzgerald, Dr. Gilks, Messrs. Grannum, Harrison, Hemsted, Huggard, Major Kent-Lemon, Canon Leakey, Messrs. Martin, Maxwell, Montgomery, Orr, Sheikh Ali bin Salim, Messrs. Sikes and Walsh.

*Noes* : —Mr. Atkinson, Lieut.-Col. Durham, Messrs. Harvey, Hamed Mohamed bin Issa, Captain Henealy, Kirkwood, Messrs. Malik, O'Shea, Pandya, Major Robertson-Fustace, Capt. Schwartze, Messrs. Tannahill and Wilson.



## SECOND SUPPLEMENTARY ESTIMATES.

THE HON. THE COLONIAL SECRETARY : Your Excellency, I beg to move :-

" That this Council do approve the Second Supplementary Estimates, 1927, as laid on the table."

THE HON. THE TREASURER seconded.

On Motion of the Hon. the Colonial Secretary, Council resolved itself into a Committee of the whole Council to consider the Second Supplementary Estimates, 1927.

*In Committee.*

Head IV.—His Excellency the Governor, £208.

THE HON. CONWAY HARVEY: It is a source of very deep regret to myself and my colleagues that we are again confronted with an epidemic of Supplementary Estimates, more especially as, so far as we are able to judge at the moment, the very large number of the items before us now are not such as come within the terms of the Colonial Office Regulation, which specifically lays down that Supplementary Estimates should only be provided for cases of urgency and cases which could not be reasonably foreseen . . .

His EXCELLENCY: Order, order. I must ask the hon. Member to deal with the Head which is now before Council.

THE HON. CONWAY HARVEY: Your Excellency, I am dealing with the Head under discussion. My objection is that it does not conform with the Colonial Office Regulation, which clearly lays down that Supplementary Estimates should only be confined to such items as are inevitable and could not be foreseen. I suggest with all due respect, Your Excellency, that the matter of an acting allowance for a head gardener could quite easily have been foreseen when the Estimates for the year were under discussion, and pending further information I fail to see the immediate urgency in this matter involving the expenditure of public funds.

THE HON. THE COLONIAL SECRETARY: Your Excellency, it was not possible to foresee that this would be required because it was not anticipated at the time that the head gardener would be going on leave. This particular temporary man was seconded from another department and it was necessary to make some provision whilst the permanent gardener was on leave.

Head XXVI—Miscellaneous Services, £12,792.

CAPT. THE HON. E. M. V. KENEALY: Your Excellency, in the item " Acquisition of Land for inclusion in Masai Reserve," may we have a statement from Government in regard to the land in North Laikipia which was ceded by the Masai for European settlement, because it is pertinent to this . . .

His EXCELLENCY: Order order. I am afraid I cannot allow discussion of such a matter in Committee. It has no bearing on the question before Committee.

THE HON. T. J. O'SHEA: Under this Head, may I ask when the public is likely to have the benefit of reading the 'Census taken some eighteen months ago >

CAPT. THE HON. H. E. SCHWARTZ: In regard to the item " Contribution to the Survey of Air Route, Khartoum to Kisumu, £2,524," I understand that £2,000 of this is merely money revoted, and that £524 is an addition which I understand is a further contribution from Kenya, and that other Governments are doing the same. May I ask for information as to whether some definite arrangement has been made whereby the Company will carry out their side of the agreement and make the trial flights? So far a lot of money has been already spent.

Carr. THE HON. E. M. V. KENEALY : May we have further information about the compensation paid to Mr. A. Cartwright, £504.

THE HON. THE COLONIAL SECRETARY : Your Excellency, with regard to the contribution to Survey of Air Route, I may say that this Council was asked for a further contribution. I do not think it is included in this particular amount ; that is merely a readjustment, but we made it a condition of this contribution that we should be advised that these surveys would be carried out and continued, if it is considered essential that the whole of these twelve flights should be made.

With regard to the question of the Census Report, attention has been given to this matter and I hope the Report will be laid on the table of this Council at the October Session.

The other question will be answered by the Ho', the Commissioner of Lands.

TUFTIION. THE COMMISSIONER OF LANDS (MR. MARTIN) : With regard to the compensation paid to Mr. Cartwright, this is one of a number of cases which have cropped up during the last two years—cases of discovery of errors in old original surveys. I suppose that sort of thing is inevitable in a country like this. The initial surveys are not as accurate as they might be and where complications arise is in the transfer of land where a *bona fide* purchaser finds he has bought land which does not exist, and it is an obvious matter for rectification. The Government has to pay for its past mistakes. This survey was made in the region of twenty years ago. The error was discovered recently on its sub-division.

THE HON. CONWAY MA VITT : MON I ask on what basis this valuation was arrived at ? What are the qualifications of the valuers and exactly how was this sum arrived at and decided upon ? It seems an enormous sum of money, Your Excellency, for land in that area.

THE HON. THE COMMISSIONER OF LANDS : I regret to say I have not all the papers in front of me at the moment, but I will make a special note that information is required and I will supply this to the hon. Member at the first opportunity, but I think every possible source of information was tapped.

THE HON. CONWAY HARVEY : I take it they are right in assuming that this money has not yet been paid ?

THE HON. THE TREASURER (MR. RANI:IM) : I am afraid, Your Excellency, I am not in a position at the moment to say whether it has been paid ; with a few minutes' search I may be able to do so. But if it has been paid it has been done on a Governor's Warrant.

HIS EXCELLENCY : With regard to the question asked by the Hon. Member for Nairobi South, I may tell him that when I was at home I went into the question of the Air Survey with the Air Ministry and those concerned with such Air Survey. The question of granting the Company further contributions for completing these Air Surveys was very carefully gone into and supported by the Air Ministry, and I was given an assurance that the Air Survey would be carried out in the present year. The other Colonial Governments were also represented and all agreed that it would be a pity that the results of the survey should be lost.

THE HON. CONWAY HARVEY : I should like to congratulate the Government on the belated justice indicated by the compensation paid to the Lumbwa native with a peculiar name.

Head X XI X—Public Works Recurrent, £16,620.

CAPT. THE HON. H. E. SCR WARTZE : Your Excellency, in view of the note which appears in the appendix with reference to the £16,000 asked for rent of Government houses, I would be grateful if the HON. the Director of Public Works could give us information about the rents paid to landlords and I should like to ask the Hon. the Colonial Secretary if it is not a fact that a large number of Asiatics in Nairobi paying rent have petitioned Government to take some steps to prevent rents being raised by their landlords.

THE HON. THE DIRECTOR OF PUBLIC WORKS : (MR. SIRE) The portion of the £16,000 which is due to the decision of Government to pay the difference between the house allowance of Asiatic Civil Servants and the rents which they pay as at the 1st July, 1927, is £5,678. I cannot give any details regarding the negotiations which took place between the Government and the Asian Civil Servants on this matter. As far as my Department is concerned, we are only required to pay that difference and perhaps the Hon. the Colonial Secretary will reply to that part of the question.

THE HON. THE COLONIAL SECRETARY : It is the case, as stated by the Hon. Member for Nairobi South, that representations have been made to Government in this matter. There is no doubt that the Asiatic staff have suffered very considerably on account of the way rents have been raised, but there are obvious defects in dealing with landlords in this manner, and a proposal was made by the Asiatic Civil Servants' Association that a Rent Restriction Ordinance be instituted. The need must be very urgent indeed to justify such a measure being brought before Council, and the deputation was informed that Government was not prepared to take such steps, but that Government was prepared to open up Eastleigh as rapidly as possible and give every assistance in building houses for Asiatic clerks, and the Works Committee have approved the erection of a number of houses and steps have been taken which I hope will result in the reduction of rents.

THE HON. CONWAY HARVEY: I observe that there is a sum of money to cover the cost of importing road foremen from Australia. May we be informed, Your Excellency, what the organisation is by which these foremen were recruited in Australia? I wish to give my hon. friend the Director of Public Works an opportunity of contradicting a rumour current in Nairobi to the effect that the methods of recruitment in Australia are very slipshod. It has been stated that one of the road foremen recently imported was a member of a theatrical company. I do not know whether his special line was comedy or tragedy but perhaps he possesses the necessary qualifications for functioning as a road foreman?

THE HON. THE DIRECTOR OF PUBLIC WORKS : The hon. Member is referring to the Head "Public Works Department," which has already been passed. The recruitment of these foremen from Australia was undertaken by Government on the advice of the Road Engineer. We have actually obtained seven from Australia now and the indications are that these are very capable and competent men. This is the first I have heard that one of these men was really a member of a theatrical company. The men were selected after a great deal of care, I believe by the chairman of the Victorian Road Board, which is a large organisation carrying out a large amount of road work every annum. If the hon. Member will give me information regarding the foreman whom he mentions, I will certainly look into it.

CAPT. THE HON. H. E. SCHWARTZ : Your Excellency, I am not quite certain if I am in order. If I am not I crave your indulgence. Your Excellency will remember some years ago the question arose with regard to the building of a road from Nairobi to Mombasa and at the last session in Nairobi the question arose with regard to expenditure on that road, especially in regard to bridges, and it was decided upon by Council ...

HIS EXCELLENCY : Order, order. I am afraid that there is no vote for roads and bridges in these estimates.

CAPT. THE HON. H. E. SCHWARTZ : Yes, Sir, there is a bridge here twice.

HIS EXCELLENCY : There is no bridge in these estimates . . .

CAPT. THE HON. H. E. SCHWARTZ : A bridge over the Nyanga River, £800.

HIS EXCELLENCY I am sorry to call the hon. Member to order. There is no opportunity to raise that point but he can raise it in another way. I cannot allow the discussion of a question which does not appear under a head in the Supplementary Estimates.

CAPT. THE HON. H. E. SCHWARTZ : I thought the road had got so far that provision might be made . . .

THE HON. CONWAY HARVEY : Your Excellency, may we hear what the particular urgency is that the Kacheliba-Lodwar Road, £1,800, should be included in Supplementary Estimates?

HON. THE DIRECTOR OF DUBUC WORKS : A road has already <sup>Tax</sup> been made out to Logitanyala, near Lodwar, which was suitable to a certain extent for ox-drawn wagons. I went over a portion of that road not long ago and found that for ox wagons it is extremely difficult. It is <sup>in</sup> a road along a line of foothills and as a matter of fact the alignment of the road is like the teeth of a saw. You go up very steep gradients and down steep gradients and the ox wagons now employed are constantly getting out of action and so <sup>on</sup>. It is now intended to make a road which will be suitable for lorry traffic because it is contended, and I think I may say it has been proved, that lorry transport in that area will be more economical than ox wagon transport. The road as at present aligned is unsuitable for motor lorries and only an occasional car can get over the road. Rot if the road were not made the motor lorries would be constantly going out of action. An alignment has been found on the west Side of the road which avoids these steep gradients, which are due to drainage from the Suk Hills, and the cost of making up that alignment of 58 miles between Logitanyala and Lekibeimet is estimated at £1,800. The necessity for this work is agreed upon. At present it is impossible to keep the troops out in that area supplied and it is desirable immediately to inaugurate mechanical transport for proper supplies for the K.A.R. and for the Administration.

THE HON. THE COLONIAL SECRETARY : I beg to move that the Committee HOW report to Council.

HIS EXCELLENCY : The question is that the Second Supplementary Estimates as considered by this Committee be reported to Council.

The question was put and carried.

*Council resumed its sitting.*

HIS EXCELLENCY : I have to report that the Second Supplementary Estimates, 1927, have been considered in Committee of the whole Council and have been returned to Council without amendment.

THE HON. THE COLONIAL SECRETARY : Your Excellency, I beg to move that the Second Supplementary Estimates be now adopted.

THE HON. THE TREASURER : I beg to second.

The question was put and carried.

LAND FOR ELDORET SCHOOL.

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

That this Council do not approve the purchase of more and for Elderest School Site than is essential for the new building programme.

In view of the very big programme laid before us to-day, Sir, I propose to be as brief as possible and in case I do not stake my argument extensive I hope hon. Members will make allowance for me.

Your Excellency, I take a pride in being associated with the development of our town and I believe I have something of a reputation among my colleagues for making demands on the common purse for our requirements. On this occasion, however, I am refusing to vote public money for the town from which I come. The reason for that is because after consideration of the requirements of the School I am perfectly satisfied that it is not necessary to spend upon the school site all the money contemplated. Doubtless, Sir, your advisers will have let you know that since my original motion has been tabled a number of my leading constituents have deserted me in the matter and are quite prepared to have this money expended. The explanation of that is easily understood. They have been assured by an army of Government experts who have honoured us with visits during the past few weeks that the future of the school is jeopardised unless we include a comparatively large area of land and they need not worry about the financial side because Government is coming forward with the money. Naturally if Government is going to provide the money there is no need for them to jeopardise the future of the school. I told them quite plainly that while they fully approve the efforts of their Member in Council to curtail unnecessary Government expenditure they are not prepared to support curtailing it in their own territory.

I went into the matter of the new plots with the architect and others and I am satisfied that it is necessary to include a small area of land on the east side. There is no necessity to make a mess of this thing and I have seceded from my original intention of opposing this expenditure to the extent of agreeing that it is desirable to buy a small area of land for these requirements, but at the same time as that is going through, the Education Department have made an offer to carry out a much more ambitious programme using the architectural requirements as a lever to get through their belated scheme. I do not question for a moment that the Eldoret school will be the better off with having an area of approximately 45 acres, but that is no reason why we should spend money. If it belongs to the school well and good, if it belongs to Government and is merely a transfer of land from one purpose to another, well and good. But there is no justification whatever for the purchase of privately owned land in order to say that the school would be better off. Of course it would be, but does the school require it? Having gone into the matter I am perfectly satisfied the school does not require it. An area of approximately 25 acres has already been laid out as an educational site and an additional area of 22 acres has recently been purchased for an extension of that site in the form of playing grounds.

Your Excellency, it is only a few months ago since we were asked to vote the money for these playing grounds. At the time we were asked to vote that money very strong reasons

were given as to the necessity for the purchase, and not a breath of suspicion nor any objection was raised to the purchasing of this piece of land, but now when it is considered desirable to improve on that by another scheme, we have been told that it is most undesirable indeed to have this piece of land for playing grounds because there is a road between it and the existing school site. I contend that the arguments have not been changed in the past few months and that the land purchased four months ago is a perfectly sound purchase to-day. Therefore there should be no reason why the choosing of the playing grounds should be mixed up with the architect's requirements.

Your Excellency, I understand the Government is prepared to give favourable consideration to the motion as now drafted. That being so I think it is necessary to emphasise what I have in mind—what I mean by the use of the word "essential," and I would ask before the motion is finished with, whether the Government's ideas on the site are the same as mine. I believe, Sir, that the general requirements at Eldoret school can be met by the purchase of an area of approximately twelve acres on the south-east corner of the existing school site. That is what I mean when I say "essential requirements." What I meant to exclude was the purchase of 45 acres and the purchase of a house standing thereon. I amended my motion and now submit it for the favourable consideration of the House and presumably I shall have an opportunity during the course of the debate of supplementing my arguments.

CAPT. "THE HON. E. M. V. EEN EALY I beg to second the motion.

THE HON. THE COLONIAL SECRETARY (SIR EDWARD DENHAM) : Your Excellency, whether Council agrees with the Hon. Member for Plateau South or not, I think we must all admire his manifest sincerity in this matter, because he has taken a line, as he told Council, which is not in accordance with the general views expressed at a meeting held at Eldoret, and he has satisfied Government by his representations in this matter that further investigation should be given to it. One point appeals very strongly to me and that is that Eldoret school should not be delayed any longer. The construction of it should be pushed forward and the architect should get the land required by him in order to get the correct layout for this building. That will involve the purchase of an additional twelve acres and, Your Excellency, I am authorised to state that Government, on the understanding which I now give to Council, will acquire those twelve acres for this particular purpose and is prepared to give a further undertaking that no additional land shall be purchased on account of this school without Council being previously informed at the earliest opportunity.

There is a difficulty in regard to a road. A road is a very serious difficulty to a school. If you have a road running through a school or close to a school with the motor traffic to-day passing on the road, it is undoubtedly not only a disadvantage but a danger to the school and Government has to satisfy itself with regard to this road, that there is no danger for children passing from the school to the playing grounds. I will give an undertaking to the hon. Member that the matter will be further investigated, and that no further land other than this twelve acres will be purchased without reference to Council.

THE HON. T. J. O'SHEA: I wish to express my thanks for Government's action in the matter. I have fortified myself with a plan to demonstrate that the road issue can be satisfactorily settled.

HIS EXCELLENCY: Does the hon. Member withdraw his motion or does he wish it to be put?

THE HON. T. J. O'SHEA: I understand it is going to be put.

CAPT. THE HON. H. E. SCHWARTZE: May I move to report progress? I understand Government cannot accept the motion as it stands. The whole matter must be considered by Government and brought back to this Council.

HIS EXCELLENCY: I would ask the hon. Member if he presses the motion as it stands now, because the undertaking has been given as asked for. The hon. Member has asked that Government will not purchase more land than is required unless the matter is referred to Council and an undertaking has been given to that effect.

THE HON. T. J. O'SHEA: As I am satisfied with the assurance given and in view of the difficulties in the way of putting my motion I agree to the withdrawal of the motion.

HIS EXCELLENCY: The motion is accordingly withdrawn.

#### DAYLIGHT SAVING.

CAPT. THE HON. H. E. SCHWARTZE: I have been asked by Government to postpone the introduction of the motion standing in my name until the October Session to be held at Nairobi, the reason being, I understand, that Government is anxious to get into communication with the Governments of Tanganyika and Uganda in regard to this matter, and also to consult the Inter-Colonial Railway Council.

In view of this fact I think I have no alternative but to agree to postponing this motion and I therefore do so. I need hardly say that I am extremely disappointed to have to postpone this matter, because I very earnestly hoped,

seeing that Lord Delamere is absent and unable to propound old chestnuts about Wednesday and Italy, that when I returned to Nairobi I would be in a position to take back with me the achievement of eight years of endeavour.

**HIS EXCELLENCY:** I should like to express on behalf of Government the sense of its very great obligation to the hon. Member who, at great personal sacrifice, has agreed to this matter being postponed, in order that enquiries might be made which I believe are necessary to enable daylight saving to be carried out.

#### WATER LEGISLATION AND CONTROL.

**CAPT. THE HON. E. M. V. KENEALY:** Your Excellency, I beg to move that :

" Government appoint a Committee of this House to make recommendations concerning water legislation and control."

In this country we have not even the elementary principles of water legislation laid down. I will summarise the advantages of having water legislation and the disabilities Kenya suffers from their lack. There is in existence a draft Ordinance dealing with water legislation and it is admirable, but it represents to a certain extent the limitations from the specialist's point of view which I commented on yesterday. The greatest disability from which Kenya suffers from the lack of water legislation is that it actually and actively prevents settlement ; because it is wasteful. Where there is no legislation there can be no development. There are certain regulations governing the control of water, but they are not water regulations, but based on two Land Ordinances which are inadequate. The present system is one under which one gets an annual licence, I believe, from the Public Works Department, and that is based on the advice of the local authority. But it is an uncertain method and there is not sufficient data for the Public Works Department to deal with it adequately. It is essential that funds should be provided to enable exploration of the water resources of this country to be undertaken. We see the results of the lack of water legislation in Railway expenditure on water supplies, whereas if there had been water legislation and the Railway had been assured of a supply which could be maintained they would have been able to use a far cheaper source of supply than the one they actually adopted.

I think the principles of the value of water for certain purposes should be decided ; whether for the purpose of irrigation, or the purpose of power, and which should receive priority. I believe that this motion is acceptable to Government, possibly with some modification. I will not elaborate the subject further because I think I have given sufficient reasons to enable this motion to be passed.



MAJOR THE HON. R. W. B. ROBERTSON-EUSTACE : I beg  
to second.

THE HON. THE DIRECTOR OF PUBLIC WORKS (MR. BIKES) : Your Excellency, I am glad to be able to find myself in agreement with the principle of this motion, namely, that the question of water legislation should be referred to a Committee, and also equally to be able to agree with almost everything which the hon. and gallant Member has stated. The water resources of a country are comparable to its resources in land, in forests and in mines. The administration of water resources and the control of their alienation to individuals is just as complex, in fact in many ways it is more complex, than the control of the alienation of land and forest concessions to individuals. It is to be remembered that to acquire full knowledge of flowing water, which varies from season to season and from year to year, long investigation comprised in the term hydrometric survey has to be carried out for a series of years, whereas to acquire a sufficient knowledge on which to base the alienation of a forest concession or a land grant only one actual survey is necessary. From the nature of water it varies in quantity, whereas land is more or less immovable and unchanged. On that account it is necessary to incur considerable expenditure in acquiring sufficient knowledge of the water resources of the country before we proceed to alienate rights in water with any high degree of security of tenure. That costs a considerable amount of money.

A draft Water Bill was drafted in 1922—the one referred to by the hon. and gallant Member, and this Bill was held up because Government was not in a position to provide funds for the staff which would be required for its administration. The rock on which that Bill was wrecked still remains and it requires reference to a Committee, *i.e.*, the question of funds for acquiring knowledge of the water resources of the country by which alone any individual or any body such as a water board or department can control water rights.

Mr. Lewis in his report on the irrigation resources of this country emphasised that no state determination of water rights would be successful without proper staff to administer it. That is one of the most important things which has to be referred to a Committee. Associated with it is the other question as to whether Government should adopt the same procedure as it does with its other natural resources, *viz.*, land and forests, that is to charge for the documents granting rights to individuals to use that particular resource and to charge rental for its use by which a certain percentage of the expenditure on the administration of the law can be recovered.

For these two reasons I am in favour of the reference of the matter to a Committee, but it seems to me that there should be technical representatives on this Committee. It is

a highly technical matter and I would ask the hon. and gallant Mover if he would accept the proposal that it should be referred to a Committee not composed entirely of Members of this House, *i.e.*, that we leave out the words " of this House " from his motion.

CAPT. THE HON. T. M. V. KENEALY : Your Excellency, with the permission of my seconder I agree to that amendment.

THE HON. THE DIRECTOR OF PUBLIC WORKS : The amendment is that the words " of this House " should be omitted. The motion will then read :-

" That Government appoint a Committee to make recommendations concerning water legislation and control."

His EXCELLENCY : The question is that the motion be amended by the omission of the words " of this House " in the first line.

The question was put and carried.

His EXCELLENCY : The question is :—

" That Government appoint a Committee to make recommendations concerning water legislation and control."

The question was put and carried.

#### RAILWAY EXTENSION To NANYUKI.

CAPT. THE HON. E. M. V. KENEALY : Your Excellency, I beg to move--

" That Government give instructions for an immediate economic survey of the country north of Nanyuki River with a view to the immediate extension of the Nyeri Railway to Nanyuki—a distance of 15 miles."

This is a matter which has been given consideration before and it was decided by the Branch Lines Committee that because the Nanyuki Section of the land was prejudiced by the lack of a survey it should not be considered with other lines until such survey was provided. It is now possible to demonstrate that there may be a great saving of money by having the survey done immediately and by constructing the railway immediately. It is agreed by Government, I believe, that a new administrative centre should be established at Nanyuki or in the neighbourhood. The Civil Administration of the Northern Frontier District, which is now in being, requires the movement of personnel and stores on a fairly large scale. The presence of the K.A.R. has the same requirement. A great saving could be effected if, instead of the R.A.R. Supply and Transport Depot being in Nairobi, it

could be moved to Nanyuki and I think that the saving in the K.A.R. vote would in a year pay the cost of the Railway extension. The position at the moment is this, that if Naro Morn, the present terminus of the Railway is maintained, it would mean that Nanyuki, a township which Government started, would suffer and that ultimately an opposition township would be established 15 miles away, which, from every point of view other than the point of view of myself, would be extremely disadvantageous. It would mean that development in that area would be seriously affected and seriously prejudiced and injured by the opening up of a new township at Naro Moru, which is the natural corollary to having a terminus at Naro Moru. A small saving has already been effected and if the material necessary for building an extension is not moved back to Nairobi a very material saving in the total cost, amounting—I submit with a certain amount of diffidence—I think to possibly a fifth and probably a third of the total cost may be effected. I hope, therefore, that Government will agree to make this economic survey.

THE HON. T. J. O' SHEA : Your Excellency, I beg to second.

THE HON. THE COLONIAL SECRETARY (SIR EDWARD DENHAM) : This question was discussed at the meeting of the Railway Branch Lines Committee of this Council at their meeting the day before yesterday and it was agreed to recommend to Council that this economic survey should be made. Government is therefore prepared to accept the motion without necessarily making a promise that the work will be carried out.

THE HON. THE GENERAL MANAGER, KENYA AND UGANDA RAILWAY (MR. FELLING) : I would like to draw attention to the wording of this motion. It is certainly a very cleverly worded motion. It says : " That Government give instructions for an immediate economic survey." To that survey no exception could be taken but it goes on " with a view to the immediate extension of the Nyeri Railway to Nanyuki—a distance of 15 miles." I would suggest that the word " immediate " be taken out and the word future " inserted.

His EXCELLENCY : IS the hon. Member prepared to accept that?

CAPT. THE HON. E. M. V. KENEALY : I trust that the amendment will not be pressed because if a case can be established it is the immediate necessity of extending the Railway that we are trying to demonstrate.

His EXCELLENCY : I cannot allow the hon. Member to speak on the amendment until it is put. He can speak on it when it is put.

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

His EXCELLENCY : The question is that the motion before Council be amended by the deletion of the word " immediate " in the third line and the substitution therefor of the word " future."

THE HON. T. J. O'SHEA : Speaking against the amendment, the whole point of the original motion is that the economic survey should be carried out now with a view to reporting as to whether the results of the survey justify the immediate extension. I do not see that the result of that enquiry is prejudiced in the least either way by leaving in the original wording of the resolution. I believe that the conditions up there justify an enquiry as to whether the extension is immediately desirable.

CAPT. THE HON. E. M. V. KENEALY : Your Excellency, the point has already been met that this does not commit us to anything. I myself should vote against the immediate extension if that economic survey did not demonstrate that an immediate extension is imperative. If we can effect a very great saving by immediately extending this Railway I suggest that we should do so. If we cannot do so the existence of the word " immediate " in this motion would have no effect upon it at all.

I suggest that the original motion should not be further mutilated.

CAPT. THE HON. H. E. SCHWARTZE : It seems to me that people are rather tilting too much at the windmill. I think the motion should be amended as follows : that the words after " with a view to " be deleted and the following words substituted therefor : " ascertaining whether an immediate extension of the Nyeri Railway to Nanyuki—a distance of fifteen miles—is desirable."

THE HON. CONWAY HARVEY : I beg to second.

His EXCELLENCY • I would like to look at this amendment. It is a new motion. I cannot put it to the Council before the previous hon. Member has withdrawn his amendment.

CAPT. THE HON. E. M. V. KENEALY Will it be an " immediate " or " future " amendment?

THE HON. THE GENERAL MANAGER, KENYA AND UGANDA RAILWAY : Your Excellency, I am quite prepared to withdraw my amendment in favour of this new amendment of the Hon. Member for Nairobi South.

His EXCELLENCY : The amendment of the Hon. the General Manager is therefore withdrawn.

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His Votemih/VCIP : The motion is will not be  
is withdrawn.

## GRANTS TO NON-GOVERNMENT PUBLIC HOSPITALS.

LIEUT.-COL. THE HON. J. G. KIRKWOOD: I beg to move :—

**" That this Council approves the appointment of a Committee to investigate and report on Grants to Non-Government Public Hospitals in the Colony, with a view to finding a formula applicable to all."**

It may be, or it may not be, that the last few words of this Motion will be accepted by Government. There is a very serious situation at the moment with regard to hospitals in the Colony. We have in Nairobi a Government Hospital supported by Government funds. We have a hospital at Nakuru—a Memorial Hospital built out of subscriptions and partly assisted by Government. The new Hospital at Eldoret was originally run as a Government Hospital out of Government funds, but the buildings have been handed over to Trustees in the district, who have made themselves responsible for the upkeep. The position is now arising that there is a great need in many parts of the Colony for a hospital or nursing home, and I suggest that the whole question ought to be gone into to find ways and means for building new hospitals or nursing homes where they are so urgently required, and that people ought to know to what extent they can expect assistance from the Government. It has been suggested and very strongly supported in my own constituency, but I do not think it has been supported by the Hon. the Director of Medical and Sanitary Services, that instead of granting farms that it would have been very much better in the past, and will be worth considering in the future, to endow hospitals by grants of Crown lands. Another suggestion is that money should be advanced out of loans to build a hospital in cases where the district concerned makes itself responsible for interest and sinking fund, with the proviso that Government contribute a sum approximately, say, in the region of £100 per year for each patient.

With reference to the Tiitale Hospital, I understand the Government has offered £10 towards the payment of the rent of the nursing home. I would much prefer to leave this in abeyance and see if there is no better and more substantial way of getting the hospital on a more permanent basis, and it is with that view that I move this motion and I hope it will receive favourable consideration in this Council.

THE HON. T. J. O'SHEA : I beg to second. The situation at the moment is certainly very unsatisfactory and I think it is most desirable that it should be enquired into. I think the enquiry should be carried out thoroughly so that the requirements of the different districts in the Colony may be collected.

THE HON. THE DIRECTOR OF MEDICAL AND SANITARY SERVICES (DR. GILKS): Your Excellency, one of the subjects which was considered very closely by the recent Commission on Local Government was this very question of the provision of hospitals. I think it would be a pity in any way to prejudice what may happen to the recommendations of that Commission which have already been sent in, by trying to get on with one small section of the subjects that they have dealt with. I think all local hospitals—whether hospitals or nursing homes or something else—will have to be dealt with in the same way—they will have to be dealt with in their order.

On a point of personal explanation, I do not think that I turned down in any way the suggestion that a hospital should be endowed by a grant of Government land. I merely reported that a suggestion had been put forward. Personally I am in favour of their having Government help and support in these projects, but I do think that the whole position with regard to Local Government has to be considered as one thing and not piecemeal.

HIS EXCELLENCY: In view of the fact that the question of Government Hospitals must be considered in connection with other institutions of the same kind under the proposals of the Local Government Commission submitted to Council, does the hon. Member wish to press his motion?

LIEUT.-COL. THE HON. J. G. KIRKWOOD: Govern-  
ment give an assurance, Your Excellency, that the report of the Feetham Commission is going to be put into effect because otherwise if it is going to lie on the table for the next two or three years ..

HIS EXCELLENCY: I can give the hon. and gallant Member an assurance that the report of the Local Government Commission will not lie on the table for the next two or three years.

I understand that the motion is withdrawn.

LIEUT.-COL. THE HON. J. G. KIRKWOOD: Yes, Your Excellency.

HIS EXCELLENCY: The motion is withdrawn.

## BILLS.

### THIRD READINGS.

#### THE SUPPLEMENTARY APPROPRIATION BILL.

On Motion of the Hon. the Colonial Secretary the Supplementary Appropriation Bill was read a third time and passed.



## THE ANCIENT MONUMENTS PRESERVATION BILL

On motion of the Hon. the Colonial Secretary a Bill to provide for the Preservation of Ancient Monuments and Objects of Arclueological, Historical or Artistic Interest, was read a third time and passed.

## THE CROWN GRANTS (EXECUTION) BILL.

On Motion of the Hon. the Attorney General a Bill relating to the Execution of Crown Grants and Other Disposition of Lands was read a third time and passed.

## THE NATIVE LIQUOR (AMENDMENT) BILL.

THE HON. THE CHIEF NATIVE COMMISSIONER (MR. MAXWELL) : I *beg* to move that the Native Liquor (Amendment) Bill be read a third time and passed.

THE HON. THE ATTORNEY GENERAL (MR. HUGGARD) : I *beg* to second.

CAPT. THE HON. H. E. SCHWARTZE : I *beg* to move that this Bill be re-committed for the purpose of moving an amendment to clause 9.

THE HON. THE COLONIAL SECRETARY (SIR EDWARD DENHAM) : I *beg* to second.

The question was put and carried.

*In Committee.*

Clause 9. *Power to search licensed premises.*

CAPT. THE Hon H. E. SCHWARTZE : I *beg* to move :

" That the first four lines be deleted and the following substituted therefor " :-

23. Any magistrate, justice of the peace or police officer of or above the rank of European police constable or assistant sub-inspector and any other police officer having special written authority from a magistrate, a justice of the peace or an officer in charge of a police station.

The wording is not exactly the same as appears on the Order Paper, but this has been altered at the suggestion and with the concurrence of the Hon. the Attorney General. The only reason for this is to bring clause 9 into line with clause 8.

THE Hon. THE ATTORNEY GENERAL : I entirely agree with the amendment moved by the hon. Member.

The question was put and carried.

THE HON. THE COLONIAL SECRETARY : I *beg* to move that this Bill be now recommitted to Council.

The question was put and carried.

*Council resumed its sitting.*

His EXCELLENCY : I have to report that the Native Liquor (Amendment) Bill has been recommitted to a Committee of the whole Council with a view to moving an amendment to clause 9 and it is now reported to Council with that amendment.

On Motion of the Hon. the Chief Native Commissioner a Bill to Amend the Native Liquor Ordinance was read a third time and passed.

THE ASIATIC WIDOWS' AND ORPHANS' PENSIONS BILL.

(Committee stage.)

THE HON. THE TREASURER (MR. GRANNUM) : I beg to move that the House go into Committee of the whole House to consider the Report of the Select Committee appointed to consider the Asiatic Widows' and Orphans' Pensions Bill.

HIS EXCELLENCY : The question is that Council resolve itself into a Committee of the whole Council to consider the Report of the Select Committee appointed to consider the Asiatic Widows' and Orphans' Pensions Bill.

The question was put and carried.

*In Committee.*

THE HON. THE TREASURER : As there has not been time to circulate the report, perhaps Your Excellency will permit me to read it :-

" The Select Committee appointed to consider the Asiatic Widows and Orphans Pensions Bill have the honour to recommend that the Bill be passed without amendment."

Clause 2. *Inter pretation.*

THE HON. J. B. PANDVA : I beg to move that the words " eighteen years " be deleted and the words " twenty-one years " be substituted therefor. I am that this Bill has been brought at the instance of the Secretary of State and that therefore the Government is not in a position to agree to the amendment which I am moving, but I am moving this amendment with the view to bringing this before this hon. House and to be reported to the Secretary of State. In moving this amendment I wish to point out that the pensionable age of a boy of eighteen years should be altered to twenty-one years and justice should be shown to that effect, is it is for the girls the age for whom is twenty-one years. It is mentioned that perils of the boys at the age of eighteen are competent to earn a living, but I do not do this I think that with education and things of that nature I think it would be only fair that it should be altered to twenty-one years.

THE HON. J. B. PANDVA : Your Excellency, on this point I might mention that this question was discussed with the Asian Civil Servants' Association and it was pointed out to this Association that while it might be a very desirable thing from the point of view of a parent to educate his son to the age of twenty-one, it was scarcely fair to a fund of this sort to expect it to support a boy after he had reached the age when he was perfectly capable of earning his livelihood. The Association did not press their point and I trust this Council will not agree to it. Any such amendment will be to the detriment of the fund.

THE HON. B. PANDIA : Your Excellency, I beg to withdraw the amendment.

Clause 8. *Suit only to determine rates of contribution.*

THE HON. J. B. PANDVA : Your Excellency, in regard to this clause I beg to move that in clause 8. line 50, the words " upon the salary of the post last held by such officer before his retirement " be deleted and the words upon the pension received by such officer after his retirement be substituted therefor.

Your Excellency, the point which I wish to make in this matter is this. That after an officer has retired from the service on pension, the pension which he draws is so small that he could not afford to pay the same amount which he was able to pay on his full pay. On this ground I hope this amendment will be considered on its merits.

THE HON. THE TREASURER : Your Excellency, I cannot recommend the adoption of this proposal. It seems to me to be one of those suggestions, such as putting the age at twenty-one instead of eighteen, which are bound to have considerable effect on the fund which is proposed under the scheme.

Exactly the same conditions exist in the case of the European Widows' and Orphans' Pensions Fund, and it seems perfectly clear that the contributions should be continued on the salary drawn, and I see no reason why this amendment should be agreed to.

HIS EXCELLENCY : The question is that the words " upon the salary of the post last held by such officer before his retirement " be deleted and the words " upon the pension received by such officer after his retirement substituted therefor.

The question was put and lost.

Clause 20. *IV ho not entitled to pension.*

THE HON. J. B. PANDYA : Your Excellency, I beg to move the deletion of sub-section 2. The point which I wish to make in this matter is this, that I do not think it makes any difference if a widow is married twelve months ago or six months ago or four months ago to entitle her to get the pension. I know there is a proviso which authorises the Committee to consider such questions but from the point of view of principle I suggest that this clause be deleted so that such a widow can be considered as a beneficiary according to law.

CAPT. THE HON. II. E. SCHWARTZE : Your Excellency, the same applies in the European Widows' and Orphans' Pensions Fund. It is put in purely to stop a man on his deathbed endowing a widow to be a beneficiary. This point was discussed in Committee.

THE HON. THE TREASURER : I entirely support the remarks made by the Hon. Member for Nairobi South.

HIS EXCELLENCY: he question is that sub-section 2 be deleted.  
The question was put and lost.

THE HON. THE TREASURER : I beg to move that the Bill without amendments be reported to Council.

HIS EXCELLENCY : The question is that the Bill be reported to Council.  
The question was put and carried.

### *Council resumed its sitting.*

HIS EXCELLENCY : I have to report that a Bill to Make Provision for Granting Pensions to Widows and Children of Deceased Asiatic Public Officers has been considered in Committee of the whole Council and is reported back to Council without amendment.

### THIRD READING.

THE HON. THE ATTORNEY GENERAL : I have the honour to move the suspension of Standing Orders to enable a Bill to Make Provision for Granting Pensions to Widows and Children of Deceased Asiatic Public Officials to be read a third time and passed without due notice.

TTTS EXCELLENCY : in view of the fact that under Standing Order 7 no Certificate of Emergency is required in cases where no amendments are proposed, I suggest for the convenience of Council that the Standing Orders should be suspended in this case. I understand that is done by general agreement.

The question is that Standing Orders be suspended in order to enable a Bill to Make Provision for Granting Pensions to 'Widows and Children of Deceased Asiatic Public Officials to be read a third time.

The question was put and carried.

On Motion of the Hon. the Treasurer the Asiatic 'Widows and Orphans Pensions Bill was read a third time and passed

THE HON. CONWAY HARVEY : Before Council adjourns, Your Excellency, may I ask if Government will be good enough to give the Secretary of the Elected Members' Organisation at least three days' notice of business coming forward, especially motions, in order that Government may be made aware of the probable attitude of elected Members. I think it would tend to improve the harmony of our relations

His EXCELLENCY : Government will be very glad to give that undertaking.

*Council adjourned sine die.*

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TUESDAY, 25th OCTOBER, 1927.

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The Council assembled at 10 a.m. on the 25th October, 1927, His Excellency the Governor (SIB E. W. M. GRIGG, K.C.V.O., C.M.G., D.S.O., M.C.), presiding.

HIS EXCELLENCY opened the Council with prayer.

The Proclamation summoning the Council was read.

The Oath of Allegiance was administered to :

ACTING EUROPEAN MEMBERS.

DENNIS BURKE CRAMPTON, Plateau North.

JAMES CUMMING, Mombasa.

PRESENTATION OF INSIGNIA.

HIS EXCELLENCY : Are Officers present for the Investiture?

HIS EXCELLENCY : Edward Brandis Denham, I have it in command from His Majesty the King to invest you with the dignity of Knighthood of the Most Excellent Order of the British Empire.

In carrying out His Majesty's commands I have great pleasure in congratulating you on your distinguished services to this Colony and to the Empire.

HIS EXCELLENCY : Thomas Fitzgerald, I have it in command from His Majesty the King to invest you with the dignity of an Officer of the Most Excellent Order of the British Empire.

In carrying out His Majesty's commands I have great pleasure in congratulating you on your distinguished services to both the territories which your Department serves.

PRESIDENT'S ADDRESS.

HONOURABLE MEMBERS OF COUNCIL,

The Session of Council which now begins will be devoted to two main items of business, the Estimates for 19.28 and a new Loan Ordinance which Government is about to introduce.

This Ordinance is of very great importance to us. The Colony will be going into the London market for the first time since 1921. I think, therefore, that a full statement of

the position is desirable and I will therefore deal with the Loan question first. I may add that it will make, I think, a good setting for the few broad observations which I should like to make later on upon the Estimates.

Honourable members are aware that there are three Loan Ordinances at present on the Statute Book of the Colony. In the first place there is the Five Million Loan Ordinance raised at a moment of great depression towards the end of 1921. The allocation of that Loan was roughly as follows :-

	£	
Railway and Port	3,500,000	
Colony	680,000	..
Interest and Flotation Ex- penses	820,000	
	<hr/>	
Total ...	£5,000,000	

The advance made to the Colony under this Loan was not for Public Works or services of any kind, but was to enable the Colony to recover advances made from revenue during the War. The Loan was raised at 6 per cent. and went immediately to a premium at 112. It remains in that neighbourhood at the present time.

Secondly, there is the £3,500,000 Loan advanced by the Imperial Treasury in 1924. This Loan was known at the time, I think, as the "Cotton Loan." It was certainly so called in the House of Commons, of which I was a member when it was passed. It was devoted entirely to railway purposes such as the extension of the Railway into Uganda, the construction of branches in Uganda and 1 Cvirondo, and additional rolling stock and capital improvements. The Loan is repayable in thirty-seven annual instalments at 6 per cent. There was a five years' period free of interest and these repayments are not due to begin till 1922

In the third place, passed by this Council at an earlier date but never raised, is the £3,000,000 Loan sanctioned in 1922. This Loan, as I say, was never raised. The whole of this Loan also was devoted to Railway and Port purposes, such as the completion of the Uasin Grishu Line, the construction of the Nveri, IKitale and Solni Branches, the acquisition of the Voi-Nahe Line, the completion of two deepwater berths at Eilindini and additional equipment for the Railway. Since this Loan has not been raised, the expenditure incurred against it has been met by advances from the Crown Accounts.

Honourable Members are aware that we have also had under consideration for some time the issue of a further Loan known as the Colonial Loan, to cover colonial purposes of an urgent character. This Council has sanctioned colonial expenditure up to a total of £1,857,410, under that projected Loan, and honourable Members last year asked me when I went home to investigate the further question whether future Railway and Port requirements should be undertaken by the Colony as part of that Loan or whether they should be financed out of the Guaranteed £10,000,000 Transport Loan. Speaking in Council here in August I informed honourable Members that our advisers at home unanimously concurred in recommending us to borrow on our own credit for all these purposes and not to have recourse to the Ten Million Guaranteed Transport Loan. Acting on that advice, we have made careful enquiries as to the appropriate moment of raising a Loan on our own credit and as to the items which should be included in that Loan. We are informed that the present moment is a very appropriate one, inf<sup>ormed</sup> that we ou<sup>ght</sup> to go into the market at the earliest possible moment, not later than the middle of November. Government therefore proposes to introduce a Loan Ordinance and I shall ask The leave, of Council to introduce it under a Certificate of Emergency, in order that Council may be able to deal with it without delay. If this course is not pursued, I have ~~to~~ Ordinance, the ordinary notice being given, would be deferred until January; and we are advised that the market would not be equidly favourable at that time. I hope, therefore, that honourable members will concur in giving Government the necessary leave to introduce the Ordinance without delay.

If we are to go into the market immediately, the question arises as to what shall be included in the prospective Loan. I made careful enquiries in England as to whether the time had come when the Colony might with advantage arrange for the conversion of the £5,000,000 loan raised in 1921. The terms on which that loan was raised are onerous, and conversion is desirable at the earliest possible moment. The period of redemption is still comparatively distant and I was informed that conversion could not be carried out on sufficiently favourable terms at the moment. I therefore exclude the 1921 £5,000,000 Loan.

The next question to which our advisers gave their attention was the question whether we should include in this Loan the £3,500,000 Cotton Loan so as to provide for the immediate repayment of that loan to the Imperial Treasury. There are certain arguments against this course, chief of

which is the fact that interest payments under the present arrangement will not fall due until 1929, whereas, if we include the £3,500,000 Loan in the new loan to be raised immediately, interest payments will become due next year. In spite of this our advisers have strongly recommended the inclusion of the £3,500,000 Loan in our new Loan in order to provide for immediate repayment to the Treasury. The Treasury Loan has priority over any other loan raised by the Colony, and we are informed that a prior charge of that nature would certainly prejudice to some extent the terms on which we are able to raise our new loan. That is, I think, a sufficient argument in itself for inclusion of the £3,500,000 Loan in the new Colonial Loan.

But there are other arguments to which I should invite your attention. Not least of these is the fact that if we pay off the Treasury Loan now, we receive a discount of £1,125,000, making our total commitment if we pay now £2,375,000 as against £3,500,000 if we begin to pay in 1929.

In the second place, there is undoubtedly a strong advantage in clearing away all our actual indebtedness to the British taxpayer. To do this will put the Colony entirely on its own feet, although of course there will remain those contingent liabilities connected with the original Uganda Railway Loan aid certain War expenditure which must be under consideration here. I think I need not describe those contingent liabilities again, as I went into them very fully in my speech to Council at Mombasa on August 10th last year. The fact that those contingent liabilities will remain will not impair the advantage which the Colony will derive from paying off its present indebtedness to the Treasury so that the 1921 £5,000,000 Loan may be the only other loan raised in the future of this Colony.

I would add that since by far the greater part of the new Colonial Loan will be devoted to the Kenya and Port purposes and since further big extensions of both Railways that are already under way, it is desirable that the investing public should realise that the Railway is able and ready to meet all its obligations now, and that there is no question in Railway policy of using a period when interest charges are temporarily low for concessions not justified by the permanent position of Railway finances. I think there can be no doubt that the £8,500,000 Loan in the new Colonial Loan will strengthen the position of the Colony in every way.

It is intended that the new Loan shall also cover the £1,000,000 Railway and Port Loan, of which I spoke a few minutes ago. That will mean the repeal of the Loan Ordinance of that year.



It is also desirable that the new Loan should cover all other expenditure for Railway, Port and Colony up to the end of the present year. Our advisers in London have accordingly suggested that the amount of the Loan now to be issued should be £8,500,000 made up as follows :—

1924 Loan Ordinance	3,500,000
1922 Loan Ordinance	3,000,000
Advances from Crown Agents up to 31st December, 1927, against expenditure on Railway, Port and Colony	2,000,000
Total ...	<u>£8,500,000</u>

This sum will be actually about £400,000 in excess of the expenditure of the Colony, the Railway and the Port at the end of this year ; but it may be desirable to go into the market for a round sum of £8,500,000. We are leaving that to our advisers at home.

It may be well to recapitulate the position. if this new Colonial Loan is raised, the Colony will have the whole of its existing debt covered by two loans, namely : in the first place, the 1921 £5,000,000 Loan raised at 6 per cent. and now standing at 112 ; and secondly, this new Colonial Loan. It is suggested that our future requirements should be covered by a second instalment of the Colonial Loan, but there is no need to discuss that future instalment to-day, since the items to be included in it for the Railway, Port and Colony will require ninth further consideration and are not in any way urgent. The Secretary of State has agreed that urgent loan requirements from the end of this year shall be met as before by advances from the Crown Agents. These advances will, of course, be taken by Government to cover only loan items already approved by Council, together with certain other loan items which Government proposes to submit to Council by resolution during this Session. The most important of these are sums of :

- £200,000 for the Thomson's Falls Branch Railway.
- £100,000 for Colonial Roads.
- £100,000 for the Roads of Nairobi.

A sufficient sum will also be needed for the operations of the proposed Land and Agricultural Bank during the coming year.

Inasmuch as the Colony will now be going into the market for the first time since 1921, when its credit was low, I think it desirable that I should state the considerations by which our advisers have been guided in assuring us that we shall be able to raise a loan of £8,500,000 on favourable terms at the present time. Broadly speaking, the considerations are two—the greatly improved position of the Railway and the greatly improved position of the Colony. I will deal with both, and inasmuch as far the greater proportion of the proposed Loan is on Railway and Port account, I will deal with the Railway position first.

Too much importance cannot be attached to the favourable financial position in which the Railway now finds itself. The Railway was run at an actual loss in 1921 and at only a nominal profit in 1922. Interest charges in 1922 amounted only to £77,964. In 1928 the interest charges will be nearly ten times that amount; they will be in the neighbourhood of £740,000. The fact that the Railway will be able to carry this very greatly increased burden of Loan is due to its record in the last five years. Its earnings have risen from £1,092,458 to £2,190,000, or over 100 per cent. in five years. Its expenditure has risen from £952,784 to £1,152,000, or only 21 per cent, in five years. During all that period it has met its obligations to the full and has in addition placed a sum of £2,500,000 to Renewals and Betterments. It has also a Marine Insurance Fund of approximately £136,000 invested in England and a Reserve Fund against stores of approximately £242,000. I know that these figures cause grave concern to certain of my honourable friends in Council, who consider that the Railway shows too great a regard for posterity; but inasmuch as I am dealing with the credit of the Railway at a moment when its credit is to be tested in the London market, I hope that they will forgive me for dwelling on painful facts of this kind. I will deal a little later with the question, to which they quite properly attach great importance, of Railway rates.

It must be understood that of the total sum of £7,436,000 which we shall be borrowing on Railway and Port account in the new Loan, all that portion covered by the £8,500,000 Cotton Loan is based on the joint credit of this Colony and of Uganda. So far as Kenya is concerned, the General Manager is convinced that increased production will be steadily maintained. The production of Uganda has, of course, received a setback in the recent past, but we have every reason to believe that the Government of Uganda is alive to its responsibilities at a moment when so much

nexpenditure on new construction is taking place within its territory and that every effort will be made to see that the productive power of Uganda is steadily improved.

The small portion of the Colonial Loan to be raised for Colonial purposes will be mainly reproductive in character, and the total debt of the Colony, under the old and the new Loans, will amount to £1,415,427. The capacity of the Colony to bear this additional burden is unquestionable. In the first place, we have in the last five years built up considerable surplus balances. The Colony's Balance Sheet at the beginning of 1921 showed an actual deficit of £350,165. That deficit was increased in 1923 to a total of £673,345. In five years therefore we have not only paid off the whole of that deficit, but we have raised our surplus balances to the neighbourhood of half a million. At the moment they exceed that figure, and though the expenses at the end of the year may pull them down again, they will not be far from that figure when the accounts for the year are finally closed. That record shows that the revenue of the Colony during the five-year period 1st January, 1923, to 31st December, 1927, will have exceeded the ordinary expenditure by well over one million sterling.

In the second place, there has been during that period a very great increase of production which has so far kept pace with the inflow of capital. The area under cultivation by European farmers increased during those five years by 99 per cent., and there has also been a very considerable increase of native production. I would further point out that the total of the Colony's borrowings up to date are small compared to its annual revenue, amounting only to 53 per cent. We are, moreover, making every effort to avoid recourse to loan for minor capital works by increasing the provision for such works from revenue under Public Works Extraordinary. I will deal with that subject when I come to the Estimates themselves.

I think I should also point out that the Colony has shown an amazing power of recuperation during the last five years. The fall in prices at the end of 1921, which was world-wide, coincided here with a bad year and with a change in the currency which affected farmers very adversely for some time. In spite of those handicaps, additional to the universal blow to production caused by the fall in prices in 1921, Kenya, in point of fact, maintained a much more rapid rate of recovery than other African Colonies and had overtaken her previous high-water mark within three years. I do not wish to trouble Council with more figures, but if any

honourable Member will consult the returns given in the Colonial Office Year Book, he will see that the recovery of Kenya was a great deal more rapid than that of any other African Colony, East or West. That, I think, was due to the energy, resource and recuperative power given to the Colony by white settlement.

Let me recapitulate in a few words the allocation of the new Loan between Railway, Port and Colony, The share of the Railway will be rather over £6,000,000, and I entirely share the General Manager's confidence that the Railway will be able to carry it. The share of the Port will be just over a21,000,000. For the moment this rests entirely upon the Railway, which is able to carry this burden as well as its own. But the whole question of Port finance is now being drastically revised by the Port Advisory Board, and I hope new rates will soon be generally approved which will enable the Harbour to meet its own liabilities.

The Colony's share of the new Loan will be just over £060,000 and the total debt of the Colony proper under both Loans will be 11,415,427. That, I repeat, amounts to only 53.3 per cent. of its present annual revenue, and I have no doubt it can carry that burden with ease. No one need fear that there will be any recourse to extra taxation in order to meet the Loan burdens which have at present been incurred or are likely to be incurred by the Colony. They will be fully covered by the normal expansion of the Colonial revenue on the present basis, and they will not prevent, in my opinion, a revision of taxation when the moment for such revision comes. The Governor of Uganda, in his speech upon the

Esiboates a few weeks ago, advised Legislative Council there that Uganda might without risk increase her borrowings on Colonial account to an amount equivalent to her total annual revenue. I believe that the same principle may be profitably adopted by this Colony and that its requirements for some years to come may be met within that amount, provided adequate provision for minor works is made from revenue under Public Works Extraordinary. To this expression of opinion, I would, however, enter one caveat. If the Land Bank develops and proves its utility, as I confidently expect it will, it should, I think, be treated as an undertaking apart from the ordinary Loan commitments of the Colony, inasmuch as every pound which it issues will be reproductive and based on good security. I make the same caveat in regard to any expenditure which may be necessary to secure the transfer of the Coast Protectorate to the Colony, as honourable Members on my left desire.

Before coming to the Estimates there is one other subject to which I should like to refer, and that is to redeem the promise which I made a little earlier in my speech and say a word upon the vexed topic of Railway rates.

I am sure that no one in the Colony really believes that my friend the General Manager is an advocate of high Railway rates. He and I, and all members of the Inter-Colonial Railway Council, are only too anxious to reduce rates as soon as possible, and as much as possible ; but I feel bound to say that the present moment does not seem to me altogether a happy one for the strong criticisms which have been launched against the present principles of Railway finance.

Look at the facts. The favourable financial position disclosed in the General Manager's statement on the Railway and Port Estimates for 1928 is due to two factors. The Port loss in 1927 was less than anticipated—that was one factor—and there was a very remarkable reduction in working expenditure throughout the Railway. The latter was by far the more important element in producing the favourable position which the General Manager set out. It was due to the energy and resource of the General Manager and to the loyalty of his whole staff ; and I think it a little hard that the main result of their devoted efforts to reduce expenditure should be an attack on the too favourable position of Railway finances. There could have been no criticism at all if they had just spent up to their Estimates.

However that may be, it is most important that critics of the Railway should realise that the savings anticipated in 1927 are not yet wholly realised and that the earnings for the year are still uncertain. For this reason alone caution is desirable. I am sure, moreover, that the principles upon which the Railway Department are working are sound, for great reductions really cannot be made on the strength of a temporary period of low interest. In all rate reductions regard must be had to the permanent position and to the permanent ratio of interest charges to probable earnings. The Railway Department in all its calculations for the next three or four years is assuming a very substantial increase in earnings on the strength of increased development both in Kenya and Uganda ; but even if we assume, as I believe we can, that these increased earnings will be realised, we must not forget that our interest charges will amount to from 27 to 80 per cent. of the estimated earnings in another three years.

This calculation alone shows how wise it has been for the Railway during the low interest period to devote as much of its profits as possible to Renewals and Betterments. The

Schuster Committee, when considering the Guaranteed Loan proposals, examined the Railway figures for Renewals and Betterments and strongly endorsed the policy of the General Manager. That is testimony which I hope the Colony at this moment will not overlook.

I am not making these observations as a prelude to explaining that there will be no reductions in rates. I am merely urging caution in the demand for such reductions. I am pleading for careful finance in preference to risky finance.

With that consideration in view, the whole of the classification of Railway rates is now being carefully reviewed. The General Manager regards the present classification as unscientific, but changing it is a problem of great complexity. The Railway officials are working out various systems by which the classification may be changed and simplified, and they are calculating the possible consequences as best they can. AS soon as the opportunity arises the whole matter will be dealt with comprehensively by the Inter-Colonial Railway Council, for whose work, as I said a few days ago, I have nothing but admiration. I hope, however, that it will be generally realised that it is wiser to make rate reductions as far as possible once a year, and that the proper time for consideration of such reductions is after the close of the heavy seasonal traffic both in Kenya and Uganda. That period occurs in July or August every year, and it is a favourable period for considering rates because the Railway is then in a better position to judge possibilities than at any other time in the year.

"There is one other consideration to which I should refer. I have already mentioned the fact that the Port charges now under review by the Port Advisory Board. Honourable Members may rest assured that the General Manager will take advantage of any improvement in the Port position to reduce Railway rates.

I come now to the Estimates. They are fully explained in the Memorandum laid upon the table by my honourable friend, the Colonial Secretary. I hope that that Memorandum will be appreciated by honourable Members on my left. It is on the same lines as the Memorandum laid last year, and great pains have been taken to make it as clear a summary and explanation of the Estimates as it is possible to devise.

I will not traverse the ground covered by that very comprehensive statement. I desire—with you' permission *to* speak only on one or two aspects of the Estimates which are matters of special public interest or which are particularly close to my own heart. Honourable Members will remember that I called attention last year to the great importance of reducing the rate-

at which recurrent expenditure has been rising for some years-past. It was the fact that for some time recurrent expenditure had increased in almost the same proportion as the increase of revenue. There were two dangers in this process. In the first place it was evident that the permanent charges upon the Colony were being increased at a very rapid rate, and in the second place, too little provision was being made for minor capital works from revenue.

If honourable members will look at the figures given in the Memorandum to which I have just referred--the figures are in the middle of page 4—they will see that that process has now been arrested. The margin between anticipated revenue and recurrent expenditure, in 1926, was only £59,207. In 1927 it was £138,388, and in the 1928 Estimates it is £247,410. I hope that honourable Members will realise from these figures that a careful watch is being kept upon the rise in permanent charges upon taxpayers in the Colony. We have made progress in this respect, and I hope that we shall make even more signal progress in the next two or three years.

As I have already said, the low margin hitherto maintained between anticipated revenue and recurrent expenditure has, led in the past to inadequate provision from revenue for Public Works. The Memorandum contains a comparison in this respect between the Kenya Estimates and the Estimates of other Territories—the comparison is on page 5—and I hope honourable Members will give it their attention. It shows, I think, the great need of increasing the percentage of our expenditure from revenue upon permanent Public Works. To this principle we are also giving effect. In 1924 the percentage of our expenditure upon Public Works Extraordinary was only 1.8 per cent. and it was even lower in previous years. It was 3.2 per cent. in 1925; 3.4 per cent. in 1926; 5.1 per cent. in 1927. I am glad to say that we have managed to raise it to 9.5 per cent. in 1928. That figure represents a total sum of £190,851 appearing under the Head of Public Works Extraordinary. There is provision for other non-recurrent expenditure in the Estimates which raises the total sum devoted to non-recurrent works to £225,771. That is very nearly 10 per cent. of the total revenue.

It is from this standpoint that I would ask leave to say a word upon Supplementary Estimates. I will do it as briefly as I can, but since honourable Members have accused Government of breaking, in my absence and even since my return, the pledges which I gave to Council last year in this respect, I think they will be ready to hear a statement of Government's position upon the whole subject.

Before, however, dealing with the main question of Supplementary Estimates, I should be glad to clear away certain misapprehensions which have arisen regarding the Resolution passed at Mombasa for a vote to the Coryndon Memorial. There was some misunderstanding about that resolution, to which I need not now refer ; but I desire to repeat the assurance which I have already publicly given that Government will take no action upon that resolution without providing an opportunity for further discussion on the whole proposal, should honourable members on my left so desire. I have not given that undertaking, let me explain, in a spirit of penitence ; I have given it because I am most anxious that the Memorial to Sir Robert Coryndon should, if possible, be lifted entirely above controversy. I hope that honourable Members in all parts of Council will assist in securing that result.

To come to the main subject. 'I'lle total Supplementary Estimates for 1927 up to date amount to £115,400, less savings of £47,507. They are divided as follows :-

Recurrent Expenditure	.f45,811
Less Savings	42,592
Net Total : Supplementary Estimates on Recurrent Expenditure	<u>£3,219</u>
Non-Recurrent Expenditure	£69,589
Less Savings	4,915
Net Total : Supplementary Estimates on Non-Recurrent Expenditure	£64,674

It will be seen from this that Supplementary Estimates on recurrent heads are only £3,219 in excess of expected savings on the recurrent heads. If consideration is given to the fact that supplementary expenditure on the amalgamation of the Government and Railway Presses, on the Port and Harbour Police, and on the Grading and Conditioning Plant is also covered by equivalent revenue, the total effect of Supplementary Estimates, so far as recurrent expenditure is concerned, is to show a net saving of £15,188.

I would further point out that just about half the total Supplementary vote of £45,811 on Recurrent heads is due to two items—£16,000 for increased Rents and House Allowances, and over £6,294 for new Agricultural Services. The first of these was due to a check in the building programme, for which no responsibility lay with Government. The second were greatly needed, and were pressed, I think, by honourable •



Members on my left. Neither represents any increase upon the normal recurrent expenditure of Government, and may therefore be properly deducted from the Supplementary expenditure which I am considering. Deducting these, the total saving on normal recurrent expenditure shown in the Supplementary Estimates is £37,472.

This result shows, to my mind, a really remarkable response to the appeal which I made to Heads of Departments and to the Administration generally last year. The substance of the appeal which I then made was summarised in a sentence, "Heads of Departments are to conduct the services entrusted to them, and Administrative Officers are to discharge the duties of their posts, within the sums allotted to them for the year." I went on to say that Government would make every possible endeavour to limit Supplementary Estimates in 1927 to exceptional expenditure such as could not be foreseen. I have satisfied myself—and the figures which I have quoted fully show—that the demands made by Heads of Departments and by the Provinces for supplementary allocations over and above their votes this year have, in effect, been negligible, whereas those demands were constant and considerable last year. I desire therefore to express my gratitude to my honourable friend, the Colonial Secretary, to Heads of Departments, and to the whole Administration, for the loyalty and care with which they have responded to my appeal.

I now come to the Supplementary Estimates for non-recurrent expenditure. I said nothing last year which could properly be held to debar Government from undertaking such expenditure, provided it was clear that the money was available and that the Colony would suffer if the expenditure were delayed. I have studied the items of non-recurrent expenditure in the Supplementary Estimates with, I think, an unbiassed mind, since I was not in any way responsible for them, and I have not found any which do not seem to me to come fairly within that category. Most of them indeed were, I understand, approved in detail by honourable Members on my left, although they protested against the total result. I am not clear why they protested. Are they suggesting that supplementary expenditure of a non-recurrent kind is contrary to Colonial Regulations and to the interests of the Colony? If so, they are raising a very important point of principle which has not been raised before, and on which I should like to make briefly some observations, because it is a point of principle of great importance to the future of Colonial finance.

Ever since I came to the Colony I have hoped in the matter of finance to see two things achieved by the Government. I referred to the first of these two hopes in my first

speech to Council upon the Estimates in 1925. It was the building up of an adequate total of surplus balances. As I said before, that total is now in the neighbourhood of half a million and may be regarded as an adequate reserve against any setback which is likely to overtake the Colony. That first hope then has now been realised. My other hope had necessarily to wait upon the realisation of the first. It was that larger provision should be made for Public Works Extraordinary from revenue. The Estimates now before you have, in fact, realised to some extent that second hope, but they do not realise it to the extent which the interest of the Colony really demands, and I would therefore be honourable Members to consider the problem which is involved.

In the special conditions of this Colony, it may be regarded as a certainty that estimates of revenue will be considerably exceeded in every normal year. That is not peculiar to ourselves ; it is a feature equally apparent in the revenue estimates of neighbouring territories. We have hitherto been rightly content to allow the large annual surpluses which have thus accrued to swell the total of our surplus balances ; but now that our surplus balances total nearly half a million the time has come to call a halt to that simple process. For, if no halt is called, we shall be allocating many works to Loan which can quite properly be carried out from revenue. I am convinced that the annual balances of revenue over expenditure should now be used as far as possible to keep down our recourse to Loan for the buildings and services which the Colony requires.

One way of doing this, approved in Colonial Regulations, is to budget for a deficit, explaining in what manner the deficit is to be met and providing in the Appropriation Law that the expenditure for the year shall be made a charge not only against the revenue of the year, but against the other funds of the Colony. There are great objections to that course, at any rate for a Colony in our stage of development. To budget for a deficit is necessarily to create a bad impression, for far more people will read of the deficit than will ever read the explanation accompanying it. There must always, moreover, be some danger that no increase of revenue over estimate may be realised and that the deficit may therefore involve the country in an inroad upon the surplus balances of previous years. Both these objections seem to me to rule that course of action out.

Much preferable is the second alternative, and with great respect to honourable Members on my left, I regard the second alternative as equally consonant with Colonial Regulations, which specially lay down that Supplementary expenditure may

be authorised upon works which cannot be postponed without detriment to the public interest. This alternative method is to introduce Supplementary Estimates for minor works at a later period of the year when a surplus of revenue over estimate is assured and it is clear that the Colony can afford to do the work from revenue without further delay. If this principle is not adopted only two alternatives exist. One is that surplus balances should be built up in excess of the Colony's requirements while a large proportion of minor public works is concurrently charged to Loan ; or else the Colony must be persuaded to dispense with many public works, such as roads and bridges, which from the state of its revenue it can perfectly well afford.

I hope, therefore, that in the future honourable Members of Council will agree to distinguish clearly between Supplementary Estimates under recurrent and non-recurrent heads respectively, and that they will approve the course which I recommend for their consideration, namely, that when revenue is available over estimate in the course of a year, it shall be devoted, at least in part, to necessary minor public works in order to reduce the expenditure which the Colony must otherwise incur under Loan.

I hope I have not stated these principles in a controversial manner. So far as I was controversial I was only intending to defend the Administration which has, I think, made a remarkable effort in the present year to reduce supplementary expenditure. This will, I hope, be recognised. For the rest there is involved in this question of Supplementary Estimates a very grave question of policy to which I hope close attention will be given.

I am keeping honourable Members on unconscionable time but there are one or two other matters of salient importance in the history of the present year to which I should ask leave to refer before I sit down. In the first place there is the Defence Force Ordinance. I congratulate the Colony on the satisfactory conclusion of that controversy. I have signed an Order that the Defence Force is to come into effect at some date to be named but not before January the 1st, 1928 (hear, hear), and I hope to put it into force the moment I hear of the appointment of a Staff Officer and when the staff organisation is ready. I have brought up from Southern Rhodesia some valuable reports for our guidance upon the working of the Defence Act there, and I hope to be able to announce the appointment of a Staff Officer very shortly. I believe that from this Ordinance the youth of the Colony will derive inestimable benefit.

There are one or two points connected with the work of the Medical Department to which I should also like to refer.

Very important during the year has been the discovery of a high percentage of hookworm amongst the tribes at the Coast. In some parts that percentage is as high as 100 per cent. Adequate measures are now being taken in combination between the Medical Department and the Administration to carry out an intensive campaign against hookworm and I hope that the result gained will be of lasting benefit to the tribes and the coast generally. Experience shows that hookworm is a disease which can be completely stamped out.

Another point to which Government is giving attention at the moment is the question of Grants-in-Aid to Missions. I think that the present system is unsatisfactory because we have not worked out adequate principles of policy in this respect. We are now trying to arrive at certain principles and I hope that we shall be able to lay them down in due course by agreement between this Council, the Missions and the Government. The combined hospital for Nairobi is a problem always with us, but I think the time has really arrived to achieve a final decision, if possible, with general consent. This raises the question of the future of the European Hospital in Nairobi. There is need too to think out the development of medical services for Europeans while reducing overhead charges. I do not think that these questions of organisation should wait upon the gradual application of the Feetham Report and I am considering with the Director of Medical and Sanitary Services the best means of working some policy out.

Education is too large a subject for the latter end of a long speech, but I should like to say that very great progress has been made with educational buildings and that close attention is now needed to the strengthening of staff. There has been a great transformation to my knowledge in the European School at Nairobi in the past year or two, and that is an example of what can be done. I should like to express my great appreciation of the work done there by Captain Nicholson, who, I am glad to say, will be returning to the Colony very soon.

The Indian School in Nairobi will be begun very soon, and I hope that the Indian Girls' School in Mombasa will be undertaken without delay.

The Jeanes School and the Eabete Industrial Training Depot for Africans have made great strides in organisation during the year. The demands of Africans for education here and everywhere are growing fast and much careful study and experiment is necessary to enable us to respond to that demand with true advantage to African and all other interests.

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With regard to Public Works there are two subjects of special interest to honourable members. The Road Adviser has arrived during the year and we have before us an excellent report from the Director of Public Works upon the permanent roads required for construction now in the Colony. A large programme of work is before us and as I have told you provision has been made for it not only in Public Works Recurrent and Public Works Extraordinary but also in the Loan Programme for next year.

I am also very anxious that our equipment for water-boring should be expanded at the earliest possible date. If the bores which are at present being tried in the neighbourhood of Nairobi prove themselves, as I hope they will, provision will be made in Public Works next year for further plant and staff.

Housing is also a most urgent question. I think that the Government must build, for we cannot face again so great a demand for rents and house allowances as occurred in the last Supplementary Estimates. I hope to have an opportunity of discussing that subject with Elected Members, for much depends upon it.

I think I should draw attention to the valuable work which has been done in regard to statistics for the Colony during the year. It has been principally a work of preparation but the foundations are well advanced. The Banks have been of great assistance to Mr. Walter, the Statistician, and we render them our thanks. The remittances of moneys into and out of the Colony have been analysed. It is too early to try and form conclusions, but I have no doubt that these returns will help Government and the commercial community to follow the ebb and flow of trade conditions in a manner which has been impossible hitherto. Great progress has also been made in the establishment of a scientific system of collecting vital statistics. We have now got schemes for recording immigration and emigration, climatic conditions, prices of commodities and labour returns. As I said, the foundations are being laid and the full results will not be apparent for a little time yet, but I should like all the Colony to know that this excellent work is being done. I think our thanks are due to Mr. Walter who is unobtrusively rendering great services to the Colony and to East Africa.

Honourable members will be glad to know that I have done.

Council will be occupied with the Estimates and with other urgent business well into next month. There will therefore be no need, I hope, for a further session in December, but we shall have important measures ready by January. Foremost

amongst these will be the Native Lands Trust Ordinance, which I hope to discuss informally before it is introduced, and also our schemes of Land Settlement, and the Ordinance establishing a Land and Agricultural Bank. The Commissioner of Lands will make a statement on this subject. I have been very greatly assisted in the last few days by hard work on the part of the Kenya Advisory Committee. The plans for the new organisation are well advanced, and I hope to be able to make an announcement on the subject at a very early date.

In order to provide for the greatest possible measure of co-ordination and despatch to these matters, ~~which~~ <sup>which</sup> are vital to the Colony, Government has carried out a reorganisation of the Secretariat which is shown in the Estimates. I am much indebted to the Colonial Secretary, the Chief Native Commissioner and the Commissioner of Lands for their ready co-operation in carrying this reorganisation out. The Secretariat will now be reorganised in three main branches. On the one side native affairs under the Chief Native Commissioner ; on the other side land, settlement, local government and development generally under the Commissioner of Lands; and there will be a central branch under Mr. Merrick. All business coming under the Chief Native Commissioner's, or the Commissioner of Lands' branches will go to those officers direct and from them through the Colonial Secretary to the Governor. <sup>in</sup> Decisions will be issued to the departments and other bodies concerned by those branches on behalf of the Governor.

The main purpose of this reorganisation is to prevent any growth of water-tight compartments between the administration of the settled and the native areas; to save correspondence and paper work and the delay which they inevitably create ; and to bring those responsible for administration in the settled and native areas respectively into close contact with each other in the central office of Government. There are certain consequential alterations in the Registration and Lands departments which honourable members will observe in the Estimates. The reorganisation shows an immediate economy and I hope it will commend itself to COMICV

I understand that the consideration of Estimates will be postponed until Monday. The Colonial Secretary will now deal in detail with many features which I have necessarily overlooked. In the meanwhile the Estimates are laid upon the table for honourable members' scrutiny.

#### MINUTES.

The Minutes of the meeting of the 16th September, 1927, were confirmed.

## PAPERS LAID ON THE TABLE.

BY THE COLONIAL SECRETARY:

Draft Estimates of Revenue and Expenditure for 1928.

Memorandum on Draft Estimates of Expenditure for 1928.

Draft of Revised Standing Orders.

Annual Report, Prisons Department, 1926.

Annual Report, Game Department, 1926.

Annual Report, Judicial Department, 1926.

BY THE ACTING DIRECTOR OF AGRICULTURE:

Report of Proceedings of Coffee Conference, June, 1927.

Meteorological Records, 1926.

Annual Report, Agricultural Department, 1926.

Annual Report, Forest Department, 1926.

BY THE COMMISSIONER OF LANDS :

Annual Report, Lands Department, 1926.

BY THE DIRECTOR OF PUBLIC WORKS :

Annual Report, Public Works Department. 1926.

## ORAL ANSWERS TO QUESTIONS.

## RAPE CASES.

CAPT. THE HON. E. M. V. RENEALY : Your Excellency, since the question which has been put in by me has been mutilated by Government and I have not as yet had an opportunity of seeing it in its mutilated form .. .

His EXCELLENCY : Order, order. The hon. Member is not entitled to make a speech now. If the hon. Member has a complaint he must come and see me about it. I understand the question as put by him is not to be asked.

## FOREST AREA, MAIL

THE HON. CONWAY HARVEY asked :

Who is responsible for (a) the forest area stretching along the slopes of the Mau between the Tugenon and the Amala Rivers, and (b) the area known as the Chebalungu Forest ?

2. What steps are being taken to prevent forest destruction and game extermination in these areas?

THE HON. THE COLONIAL SECRETARY (SIR EDWARD DENHAM). : The Forest Department has not as yet assumed responsibility for the areas in question but it is hoped that that Department will have sufficient staff available in the latter part of next year if the draft Estimates for 1928 are approved to commence an investigation of the areas and demarcation of the portions to be retained as Forest Reserves. Meanwhile the Administration endeavours to prevent damage and game extermination and to remove unauthorised squatters.

STOLE THEFTS—K f SU MU -LON DIAN I.

THE HON. CONWAY HARVEY asked :

How many cases of stock theft have been reported in the Eisumu-Londiani District during 1927?

2. How many such cases have formed the subject of Police prosecutions?
3. How many convictions have been obtained?
4. What penalties have been inflicted in each case?
5. How many cases of stock theft were reported in this area during 1926?

THE HON. THE COLONIAL SECRETARY :

1. In Kisumu-Londiani District during 1927, 21 cases of stock theft were reported to the police up to 30th September. That figure includes five cases of theft of sheep and goats.

2. Police prosecutions took place in eleven of those cases, including three cases of theft of sheep and goats..

The balance of ten cases are accounted for in the statement laid on the Table, which includes also answers to questions 3 and 4.

5. In 1926, 33 cases of stock theft were reported (6 being theft of sheep and goats).

Convictions were obtained in 15 cases (5 being theft of sheep and goats).

In two other cases collective punishment was imposed.

PORTS IN SOUTH KAVIRONDO.

THE HON. P. E. GHANDY asked :

Are the Government aware that considerable delay is caused in transporting produce from the ports of South Kavirondo District into Kisumu owing to there being no regular steamer service to these ports and will the



Government be pleased to state whether they intend to run a regular service to these ports and if so when and to which of the ports?

4 THE HON. THE GENERAL MANAGER, KENYA AND UGANDA RAILWAY (MR. FELLING). There has been no difficulty in clearing traffic from the South Kavirondo ports. The Indian traders complain, however, that they are not aware when a tug is likely to arrive except when the vessel is sighted approaching a port, whereupon they have to send lorries inland to collect the cargo. This is a difficulty but the traffic offering does not warrant a regular service at present and with the present demand on the tugs and lighters it would be difficult to maintain a regular scheduled service. It is suggested that Indian traders could assist both the Railway and themselves if they could see their way to erecting godowns at the ports.

#### KAVIRONDO BRANCH RAILWAY.

THE HON. P. K. GHANDY asked :

Will the Government be pleased to say when a start of the projected railway from Kisumu will be made and whether it is definitely decided the point from which it is to start?

THE HON. THE COLONIAL SECRETARY : The present proposal is that the Kavirondo Branch Line should be started from Kisumu about June or July, 1928, with the object of carrying it as far towards Butere as the money available will allow. The Kenya Government has, however, been asked to guarantee loss on working to the extent of loan charges for this line and the sanction of the Legislature to this guarantee is necessary before construction can begin.

#### ROADS AND BRIDGES-NYANZA PROVINCE.

THE HON. P. K. GRANDY asked :

Is the Government in a position to say what has been decided with regard to roads in the Nyanza Province, including bridges?

THE HON. THE DIRECTOR OF PUBLIC WORKS (MR. SIRE) : Draft Estimates for 1928 include provision for the construction of two important bridges in the Nyanza Province and for some development of roads generally. Further proposals are under consideration for constructing feeder roads from loan funds. Of the £100,000 suggested for this purpose as a first instalment £17,000 has been tentatively allocated to feeder roads in the Nyanza Province.

## SCHOOLS IN NYANZA PROVINCE.

THE HON. P. K. GHANDY asked :

When does the Government intend to make a start with the erection of the Nyanza Indian Boys' School in Kisumu and are the Government in a position to say what other schools in Nyanza will be assisted with a grant-in-aid in the next financial year?

THE HON. THE DIRECTOR OF EDUCATION (MR. ORR) : It has not yet been found possible to allocate funds for the erection of a new Nyanza Indian Boys' School in Kisumu.

Provision has been inserted in the draft Estimates for 1928 for grants-in-aid to be made to the schools at Mumias and Sio River in addition to Asembo Bay, Arya Samaj, Kisumu, and the Ismailia Girls' School, Kisumu.

## ROADS AND DRAINS, NEW BAZAAR, KISUMU.

PHs HON. P. K. GHANDY asked :

Will the Government be pleased to give the reason of delay in constructing roads and drains in the new Bazaar in Kisumu although large number of buildings are already erected and when does the Government intend to begin building such roads and drains?

THE HON. THE COLONIAL SECRETARY : The necessity for making provision in the draft Estimates for 1928 for the construction of roads and drains in the new Bazaar in Kisumu came to the notice of Government too late for insertion in the draft Estimates as presented to Council. The possibility of including provision on this account in the Estimates for 1928 will be considered in connection with the Public Works Extraordinary Estimates in Select Committee.

## INDIAN REPRESENTATION ON KISUMU TOWNSHIP COMMITTEE.

THE HON. P. K. GHANDY asked :

Will the Government be pleased to state when they intend to increase the Indian representation in the Township Committee, Kisumu?

THE HON. THE COLONIAL SECRETARY : Government has under consideration the report of the Local Government Commission on the Settled Areas in which the appointment of some additional Indian representation on the Kisumu Township Committee is recommended.

O TRAVELLING EXPENSES, ATTORNEY GENERAL'S DEPARTMENT.

THE HON. CONWAY HARVEY asked

With reference to the answer to Question No. 125/27, will Government be pleased to state the number of cases in which members of the Attorney General's Department were concerned in the course of the 16,458 miles travelled on Supreme Court work and 2,182 miles on Court of Appeal work, respectively, which involved an aggregate Transport and Travelling Expenditure of £617?

THE HON. THE ATTORNEY GENERAL (MR. HUGGARD)

The number of cases is as follows :-

In the Supreme Court, 160 cases.

In the Court of Appeal, 13 cases.

HON. CONWAY HARVEY : Your Excellency, arising out of that answer, may I ask whether Government will seriously consider the possibility of effecting economy by limiting the number of places at which the Supreme Court sits, whether in effect it would not be better for them to sit at suitable centres than to incur the enormous cost for joy rides into the " blue " ?

INDIAN WARD, KISUMU HOSPITAL.

THE HON. P. K. GHANDY asked :

When does the Government intend to build a separate ward for the Indians at Kisumu Hospital?

THE HON. THE DIRECTOR OF MEDICAL AND SANITARY SERVICES (DR. GILES) : Proposals for the construction out of loan funds at Kisumu of a separate ward in the neighbourhood of the existing hospital for the accommodation of Indians have been under consideration. No decision has yet been reached.

## BILL.

### FIRST READING.

THE WIDOWS AND ORPHANS PENSIONS (AMENDMENT) BILL.

On motion of the Hon. the Treasurer (Mr. Grannum) the Widows and Orphans Pensions (Amendment) Bill was read a first time.

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

*Council adjourned to 10 a.m. on Monday, the 31st October, 1927.*

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MONDAY, 31st OCTOBER, 1927.

The Council assembled at 10 a.m. on the 31st October, 1927, His Excellency the Governor (SIR E. W. M. GRIGG, K. C. V.O., C. M. G., D. S. O., M. C.), presiding.

His EXCELLENCY opened the Council with prayer.

MINUTES.

The Minutes of the meeting of the 25th October, 1927, were confirmed.

PAPERS LAID ON THE TABLE.

BY THE HON. THE ATTORNEY GENERAL (MR. HUGGARD) :

Certificate of Emergency relating to the Employment of Natives Bill.

BY THE HON. THE TREASURER (MR. GRANNUM) :

Report of the Select Committee on European Education Tax.

By THE HON. T. FITZGERALD (Postmaster-General) :

Copy of Broadcasting Licence and Agreement.

Copy of Agreement between the Postmaster-General and the British East Africa Broadcasting Co., Ltd.

NOTICE OF MOTIONS.

THE HON. CONWAY HARVEY : Notice of motions, on a point of order.

His EXCELLENCY I do not think it is necessary to read notice of motions.

THE RT. HON. LORD DELAMERE : I did not know the time had arrived, but with Your Excellency's leave for reopening a subject which has already been brought up in this House, I propose to move the following at the proper time :-

" That in view of the undesirability of controversy about the proposed site this hon. Council considers that another plot should be offered to the Coryndon Memorial Fund Committee ; that the question of the Lady Northey Home should be left to be decided on its merits in the future between the Committee of that Home and the Town Planning Committee in the interests of the layout of the capital ; and hereby rescinds the vote of £6,500 granted in Supplementary Estimates at Mombasa on the 16th of September last, for the purpose of purchasing the Lady Northey Home."

I beg simply to give notice of that Your Excellency, that this subject should be reopened.

### MOTIONS.

#### EXPENDITURE FROM LOAN FUNDS ON LOCOMOTIVES AND ROLLING-STOCK.

THE HON. THE GENERAL MANAGER, KENYA AND UGANDA RAILWAY (MR. FELLING) : Your Excellency, I beg to move the motion standing in my name :

" Whereas by resolution dated 5th November, 1926. this Council authorised the Government to undertake negotiations for obtaining as required loan funds in pursuance of railway and port developments :

And whereas it has become necessary to incur loan expenditure on railway locomotives and rolling stock to the extent of £231,520 and the Secretary of State has intimated that the Crown Agents will advance the necessary funds :

Be it resolved that this Council authorise the following expenditure as a charge against loan account :—

Railways—

Locomotives and rolling stock	£221,520."
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The substance of the motion is that this hon. Council authorise from capital the expenditure on locomotives and rolling-stock to the extent of £231,520.

In moving this resolution, I would draw the attention of Council to the fact that on the 5th November last a resolution was passed authorising the Government to undertake negotiations for obtaining certain loan funds, and in these proposed loan funds was included an amount of £850,000 for locomotives and rolling-stock.

In this resolution there was a clause authorising immediate expenditure to a specified extent, to the extent of £300,000 for rolling-stock. This resolution was passed on the 5th November last.

On the 26th November last, we placed an order for rolling-stock to the value of £120,000 ; on the 11th March last we placed a further order to the extent of £180,000; that absorbed the £300,000 authorised as immediate expenditure.

In spite of these orders, on the 16th May, while I was in London, a cable was received urging the immediate placing of orders for £231,520 and this is the order for which authority is asked to-day.

Your Excellency, I think it would be wise if I told hon. Members the general position in regard to rolling-stock, especially in connection with certain criticisms directed against

the Railway Administration by this hon. Council quite recently. In passing I would like to say that we welcome criticism, but criticism would be very much more effective if hon. Members would first of all get the facts. I gave a lot of facts in my Budget statement and in my Annual Report, and if they are not enough hon. Members can always ask questions.

One criticism directed against the Railway Administration was that it spent too much from renewals and betterment funds and too little as against loan account.

Now, Sir, in order to explain the position I would just like to say that from the 1st of January, 1923, up to and including the completion of orders still outstanding, we shall have spent on locomotives and rolling-stock over the five years as against capital account the sum of £1,873,210, and against renewals and betterment funds £142,722. I would like to repeat these figures ; against loan account £1,873,210 and against renewals and betterment £142,722, all on locomotives and rolling-stock over five years.

Of course, Sir, my fear is that giving these figures may result in criticism the other way round. That has very often happened, where I have myself initiated criticism I have found it directed against me.

THE RT. HON. LORD DELAMERE : It is better, I think, to say nothing.

THE HON. THE GENERAL MANAGER : To be quite frank, Sir, I would like to charge more against renewals and betterment funds, but we have a very large main line relaying programme on hand and we cannot therefore absorb these funds for rolling-stock.

The second point is that after the next two or three years it may be possible to devote much larger sums from renewals and betterment to rolling-stock—unless we are steadily stripped of income to such an extent that we have not got the money.

Including the stock now on order we shall have increased the locomotives and rolling-stock on the line since the 1st January, 1923, to the following extent :—

	No.	Or an increase of
Locomotives and shunting engines	99	90%
Carriage stock ..	76	40%
Brake vans	47	54%
Goods wagons ...	1,309	89%
Miscellaneous wagons ...	108	108%

I give these figures because they are very important in connection with the coming season.

Our total engines in the five years will have increased by 129 per cent., and our goods vehicles by 108 per cent., and yet, Sir, notwithstanding these figures we were told recently that there had been times when there had been a shortage of wagons. I must refer to that again, Sir, because of the season coming. I trust the hon. Member opposite who did it before will not describe me again as a "mad expert," but speaking from long railway experience I can only say that I have never heard of a railway administration which, in the opinion of the users of the railway, consistently had a sufficiency of rolling-stock. The reason lies in this, that if any individual happens to be short of trucks for a few days he immediately raises an outcry against the shortage of rolling-stock. In other words, unless the railway has available on any day, or during any week, a full supply of trucks to carry the maximum traffic there is likely to be a complaint of shortage of trucks. This is quite a common complaint against railways. As far as we are concerned I think we have gone as far as we can reasonably be expected to go and that for a while I do not think we can place any more orders except perhaps for passenger stock and perhaps for oil trucks or special vehicles of that sort.

At the same time I must again point out that the bulk traffic, maize and cotton, has to be carried in the same season. This means that to have sufficient rolling-stock for this bulk traffic we have to incur, as I have shown this morning, very big capital expenditure to meet these loads and I must warn the country that there is a limit to where we can go in that respect. We cannot continue, we cannot afford to continue, to contract the maize exporting period (Hear, hear) and continue to increase capital charges with the stock standing comparatively idle for part of the year. (Hear, hear).

I hope hon. Members will not misunderstand me, but it is the case that we carry maize to the coast at a very low rate, and we do the same with cotton seed. I should like to see maize carried at that rate for some years to come and there is no intention on my part to suggest an increase in the maize rate, but we must face financial facts and it is the fact that maize is carried to the coast at a low rate and it is carried at a period of the year which involves a large capital expenditure on rolling-stock and we cannot go beyond a definite point with that system. In some countries, Sir, and that is why I mention it, when traffic of that sort is carried all other traffic is stopped. We may have to come to that and I trust that the country will be fully aware that that position might arise. From a railway point of view we want to cope with the traffic as far as it is possible on a small railway like this.



While I am on the subject I would like to remark in connection with the maize traffic, that the co-operative societies in Kenya are doing most excellent work in organising traffic and they work in very close touch with the railway officials and I do appeal to farmers and others to work in close touch with their societies. Individuals coming to us separately for trucks for maize and other commodities at different times merely upset the general organisation. Meanwhile we must have this additional rolling-stock and I hope hon. Members will raise no objection to the passing of this resolution.

THE HON. THE COLONIAL SECRETARY (SIR EDWARD DENHAM) : I beg to second.

HIS EXCELLENCY: The motion is :-

" Whereas by resolution dated 5th November, 1926, this Council authorised the Government to undertake negotiations for obtaining as required loan funds in pursuance of railway and port developments :

And whereas it has become necessary to incur loan expenditure on railway locomotives and rolling-stock to the extent of £231,520 and the Secretary of State has intimated that the Crown Agents will advance the necessary funds :

Be it resolved that this Council authorise the following expenditure as a charge against loan account :—

Railways

Locomotives and rolling-stock      ... -e231,520."

THE RT. HON. LORD DELAMERE : Your Excellency, I am sure that all Members on this side of the House will support this proposal of the Hon. General Manager. It is naturally up to him to know exactly what rolling-stock is required and for us to support these proposals as far as we can.

With regard to the statement he made that it was impossible to contract *ad infinitum* the time in which crops like maize and cotton are being shipped, I will say, as far as I am concerned, I must entirely agree with him though I must ask him to give all the time he can to these industries, but there must be a limit as to the time that you can take out crops which constitute a very large proportion of the stuff carried by the Railway.

THE HON. CONWAY HARVEY : Your Excellency, we all deeply appreciate my hon. Friend's most excellent advice that criticism should be based on proper data, but he would be far

more convincing, Your Excellency, if he gave us an example and refrained from statements such as that at Mombasa when he said that farmers would probably get far better results out of their fuel if they took more care with their tractors. I suggest quite seriously, Your Excellency, that that criticism was not based on facts in any shape or form.

There is one other point I wish to mention, Your Excellency, and that is I would ask Council to very seriously consider whether the money we vote to-day, and all similar votes, would not be far more profitably expended by the Railway Administration than by unnecessarily employing the medium of the Crown Agents to do our shopping. (Hear, hear). We do feel most strongly that we should get far better value for our money if the money was spent by those concerned in extracting the fullest possible value from every pound that is spent.

THE HON. T. J. O'SHEA : Your Excellency, there are one or two points arising out of the Hon. General Manager's statement with which I would like to deal very briefly. Just recently Members on this side of the house have been treated to a good deal of paternal advice on the subject of giving criticism with regard to railway finances. I have always admitted that my own knowledge of railway finance was hardly sufficient to justify my opinion being taken very seriously. On the other hand I think we can prove to-day that the criticism given on this side of the House in the last year or two has had very definite results, one of which has been very much more comprehensive statements of the financial position of the Railway than we were ever treated to before, and in the course of one of these statements, Your Excellency, we have Your Excellency's authority for saying that during the last five years revenue has contributed over £2,500,000 for capital expenditure. That is a statement of fact that was not tendered to us until this criticism was offered. Now the Hon. General Manager comes along and states that on the purchase of locomotives and rolling-stock only £140,000 has been spent out of these funds and that nearly two million pounds were spent out of new capital. Well, Your Excellency, I do not think it is competent for us to dictate to the hon. General Manager how he should distribute the expenditure of these funds. He has only spent £142,000 on locomotives and rolling-stock out of that 21 millions, but I presume, having the utmost confidence in his management, that the balance of the money has been spent in other directions.

Well, I think it was hardly fair of him to make the argument he did at the opening of his address that the expenditure of that small amount out of betterment and renewals funds

against the very large amount out of capital may give rise to the criticism that we are not spending enough out of capital on capital works. I do not think it is fair and it is likely to be misleading to deal with the question in an impartial manner like that. Revenue has contributed 21 millions to capital works during the last five years and it is merely a detail that only a small contribution of that amount has been spent on this particular item.

Another aspect of the Hon. General Manager's policy in this direction, Sir. Are there many railways in the world that have been built out of revenue? His argument appears to me to be this. We started off with a railway which was capable of certain earnings and out of those earnings it should be possible to considerably extend the system without raising further capital. That is what it amounts to, that it should not be necessary to raise capital if we can squeeze it out of revenue. Well; I submit that policy has been followed in this country and it has placed a very serious burden on the producing community. Has the hon. gentleman taken into consideration that a very large proportion of these balances have been squeezed out of bank drafts at 8 per cent. He can borrow new capital at approximately 5 to 6 per cent., but the surplus money that he squeezes out of revenue is bearing interest in local banks at 8 and 9 per cent. That is a point which I think should be borne in mind by Government in future.

The result, Sir, of that, in my opinion, also has a bearing on the subject of rolling-stock requirements during the busy season. Up to a year or two ago there was very serious criticism of the Railway Administration in this connection, but during the past season or two there has been practically none because the country recognises that during the last year or two the Railway has made efforts to meet the situation and I feel certain that the country recognises that it is possible from any point of view to provide sufficient rolling-stock during the busy season of only three months without delay and then have the bulk of that rolling-stock lying idle for about nine months of the year. On that point I think we can all assure the Hon. General Manager that the country fully understands the position and deeply appreciates what he has done.

THE HON. THE GENERAL MANAGER, KENYA AND UGANDA RAILWAY (Mr. C. L. N. Felling) : Your Excellency, it is always a very great surprise to me that although hon. Members opposite criticise freely, when I dare to make a criticism myself the whole country immediately becomes most extraordinarily sensitive. A short time ago I made a gentle

statement with regard to farmers looking after their tractors and every individual farmer in the country seems to consider himself insulted in consequence. But they don't mind in the slightest what they say about me. That little criticism of mine, which I believe has done a lot of good, was based on information given to me by a man from another country who has had tremendous experience in connection with the use of tractors and who, having travelled through this country, expressed the opinion that it was necessary for people to be more careful about maintenance. I thought it could not do harm—and I do not claim to be an authority—and that it might possibly do good to pass on that advice.

It has been suggested that the criticism with regard to shortage of trucks has not been made recently. In reply to that I would say that that criticism was made during the course of the recent debate on the Railway Budget.

With regard to the suggestion that it is only recently that extended budget statements have been given : the country has had more information about the Railway since I came here than ever it had before. It was I who initiated the system of making a comprehensive budget statement and I did that in the first budget I introduced. I have given the fullest information also in the annual report and if people will not read that most interesting document I cannot help it. The facts and figures are all there.

The balance sheet is there ; the capital account is there; our renewals account is there; they can see exactly what has been contributed to the various funds and exactly how the money has been spent ; and if they will not read that delightful light literature, they must not blame me. I have spent a lot of time in getting out figures. if hon. Members will only read the annual report they will not go wrong as one hon. Member did this morning when he suggested that two and a half millions had gone from revenue to capital expenditure. That is quite incorrect. The two and a half millions is the amount of the total contributions to renewals as well as to betterment fund. Renewals cannot be regarded as new capital expenditure, as replacements are a legitimate charge against revenue. The actual amounts contributed to the renewal fund are far short of the arrears estimated by Colonel Hammond when he reported on this railway in 1921. I consider that Colonel Hammond was a little too liberal in his provision, but he was undoubtedly right in pointing out the very, very big deficit owing to the lack of provision for renewals over so many years and the amount was certainly far short of what I consider it should have been. A point I wanted to make about that is this : that hon. Members do not seem to realise that concurrently with this expenditure

against renewals and betterment funds we have been going full tilt against loan expenditure. So much so that a loan bill for a large sum will come forward in this Council very shortly. I do not know what hon. Members expected us to do in the way of loan expenditure. We have certainly gone as far as we could be expected to go in regard to the loan expenditure, but I would like to know where this country would have been when it went to the London market to raise a loan if it had not been for the policy of the Railway in connection with the renewals and betterment funds. That policy made it possible for us to go to the London market and rely on getting a loan on reasonable terms. We cannot have it both ways. We must see that the position is sound and I contend that the Railway has created a sound position. An hon. Member has suggested that we have been squeezing money out of an unfortunate public ; but it is an indisputable fact that our receipts per ton mile to-day are in the neighbourhood of something like 27 per cent. less than they were five years ago. There has been no increase in rates ; on the contrary there have been hundreds of rate reductions; and we intend to do more in this direction as soon as the time comes. As Your Excellency stated the other day the rates question is a matter of extreme perplexity. Our classification originated in the past and it will take a lot of revising. It is a long and difficult job, but I hope that within a reasonable time we shall be able to do more in the matter of railway rates.

The question was put and carried.

#### ESTIMATES, 1928.

THE HON. THE COLONIAL SECRETARY (SIR EDWARD DENHAM) : Your Excellency, the motion standing in my name on the order of the day is :—

" That this Council refer the Draft Estimates for 1928 as printed and laid on the table to a select committee of Council."

In Your Excellency's speech before this Council last week you referred to the salient points in the Estimates for 1928 and pointed out to Council that perhaps the main feature of these Estimates is the proportion of expenditure to be devoted to Public Works Extraordinary and the balance between anticipated revenue and recurrent expenditure. In the Memorandum which has been furnished to Members changes in Estimates have been set out in detail. I do not propose therefore to-day to take up the time of this Council at any very considerable length, with regard to the Estimates as laid on the table, but there are some important features in the Estimates which I desire to elaborate before they are referred to the Select Committee.

It may in the first instance be noted that the surplus for 1928 is put at £21,639, and I trust this will not be regarded as a paltry sum, though it is less than the estimated surplus for 1927, but I submit that the balance as it stands is sufficient and that we have attempted this year to avoid setting aside to surplus balances amounts which may be considerably in excess of our actual needs in the way of a reserve.

In saying this I trust that I shall not be regarded as suggesting that the Revenue Estimates have been prepared in any other than a conservative spirit, and Government has every reason to suppose that unless any untoward event occurs the revenue which we anticipate will be obtained for 1928 will be over the estimate. The increase in the non-recurrent expenditure only commits the Colony in respect of the Budget for 1928, except possibly in regard to re-votes and it may of course be found when the Estimates for 1929 have to be prepared considerably to curtail non-recurrent expenditure. Further, it is obviously easier to meet expenditure on such work when one's surplus funds stand at a reasonably sound figure. The latest reports received from the Treasurer are optimistic and we have now every reason to believe that our surplus balance at the end of the year will amount to over half-a-million.

It must not be assumed that Government is content with this sum. It is hoped to add to it but it certainly makes the position a touch easier one when a Colony has reached a margin of safety. The Colony at any rate has passed a "promotion bar."

I am, of course, aware that Council was anxious to be assured that recurrent expenditure is not increasing disproportionately, and I think that I can give Council this assurance. The actual increase in new pensionable posts in next year's Estimates is £13,000. A list of such appointments is attached to the Memorandum, from which it will be seen that the increase is chiefly due to new appointments in the Public Works Department in respect of foremen and clerks caused by increases in works. There have been a considerable number of readjustments between the Departments. There are also increases in the Education, Medical, Agricultural and Forest Departments, which are all associated with increases in the work of these Departments on lines already approved. The statement on page 4 of the Memorandum shows the principal increases in recurrent expenditure.

There have been some changes in the scales of pay and with but very few exceptions these were approved by the Committee which was known as the Anomalies Committee.

It must further be realised that the progress of this Colony must necessarily bring in its wake increased provision for giving effect to and taking advantage of these developments.

For example, Local Government cannot be introduced without a considerable amount of Studied preparation and the formation of a branch to deal with this subject. Now the necessity for the creation of such a Department has largely been obviated by the scheme which is put before you in the Estimates for a redistribution of work and for bringing in the Local Government and Land Settlement branch into the Secretariat as a separate executive organization, though joined for the purposes of administration to the Secretariat. The abolition of the Lands Department, which is shown in this year's Estimates, has freed the head of that Department and a member of his staff for work in connection with the Local Government and Land Settlement, while the reduction of the Secretariat staff has provided him with a principal assistant, so that this branch of work can be undertaken by experienced officers without any actual increase in expenditure on their account. But it follows that certain technical posts in connection with Local Government of this nature must entail the engagement of specially qualified officers. Consequently the initiation of a Local Government organization has made it necessary to secure the services of a Local Government Inspector, a post which it is proposed to fill by the appointment of Mr. Shilton, who came up to this country with Mr. Justice Feetham, and a Municipal and Town Planning Engineer, with a draughtsman to assist him.

Again, developments in the Public Works Department and the execution of a considerable road programme which it is proposed to meet principally from Loan funds, must have its effect on the personnel and the provision of staff in the Public Works Department. Council has already approved an increase in Supplementary Estimates, Audit, Accounting and Stores staff, to relieve Executive Engineers of much routine work, but it is also necessary and important in this connection to prevent wastage of labour and at the same time afford training to the increasing number of Africans employed, by engaging additional European assistance. Again, one of the principal features in this year's Budget is the additional provision which is to be made for Native services, especially in respect of medical, educational, veterinary and forest work.

To provide for these medical services provision is made in the Estimates for two new Medical Officers, five Nursing Sisters, and three Sanitation Officers. I need not, perhaps, stress on Members of this Council the importance of

increasing and extending still further medical work in the Native Reserves. The position is set out at length on pages 27 to 30 of the Memorandum. The Director of Medical and Sanitary Services is drawing up a programme for the Works Committee showing the expenditure which he proposes should be incurred during the next five years. But in the meantime heavy mortality in such districts as the Teita area and increased demands in the more advanced districts for European medical treatment can only be met by the increased provision of staff. The first attempt has been made in the Estimates this year to spend money on the training of African women. The defects which are so apparent in the African servants introduced into towns can, it is believed, be largely removed by the introduction of the African woman to useful domestic service, all occupation in which there is no reason to believe she cannot be as well trained and as useful as the thousands of African women who are employed in this work in America, the West Indies, and other parts of Africa.

These women can be trained not only in the Reserves but also in the towns. Already a number of African women are employed in the hospitals. Government is also desirous of encouraging missionary or other enterprise to start a training centre under competent European supervision in branches of domestic science for African women, and a sum of £1,000 has been inserted in the Estimates for this purpose as a first instalment to be paid on a *pro rata* basis.

Provision has also been made in the Estimates for 1928 for clinics for the treatment of children, mainly Indian and African, whose parents may not be able to afford to give them the eye, ear and dental facilities which may be urgently needed.

In education the Native is beginning fully to realise the value of technical and vocational training, and the Native Councils in North and Central Kavirondo and also, I believe, in Iiyambu, since the preparation of these Estimates, have of their own accord offered to raise by a special levy extending over two years the sum of £10,000 in each Reserve for the erection of school buildings. It is proposed that the buildings to accommodate 100 boys to be selected from the bush and mission schools and who are reaching an age at which they are ripe for such instruction—to erect for them workshops, staff quarters and dormitories; that the salaries of the European staff should be paid by Government; and of the native staff by the Local Native Council.

The cost of maintenance to be divided equally between the Local Native Council and the Government.



The cost of boarding, including food, clothing and lighting, to be borne in the first instance by the Local Native Council, and to be recovered from the parents of the pupils attending the school. It is proposed that the course should be for five years, though pupils may be transferred after two years to the Native Industrial Training Depot at ICabete.

It is believed that these schools, if established, will be constant and valuable feeders to the N.I.T.D., where I believe at the present time there are over 350 Africans engaged in training. It is estimated that the cost to Government will amount to about £1,500 per annum in respect of each school. It is hoped that Council will concur in these recommendations, which have the advantages of both teaching and profiting by self-help in the Native Reserves.

Provision has been made for increased Veterinary Staff in Central Kavirondo and the Northern Frontier Province to be covered by revenue obtained from inoculation fees. The extent to which the natives in this country have willingly paid for the veterinary services which they have received may be realised by Council when I inform them that a sum of £32,054 has been received in revenue from -veterinary inoculation fees and purchase of sera and vaccine for the natives during the past two years, while the expenditure on veterinary services to obtain this return during the same period amounts to £21,690. In 1925 181,261 head of cattle were inoculated in quarantine stations in Native Reserves against rinderpest, and in 1926 144,873 head, while 47,102 and 37,151 head respectively were vaccinated against pleuropneumonia in these two years. It is obvious that unless facilities are given to native tribes to enable them to dispose of their cattle out of their Reserves, large accumulations of stock without profit to their owners or the Colony must take place in the pastoral areas.

A sum of £1,000 has been included for the improvement of native sheep, and it is hoped that the experiments made in this direction by the importation of animals to be crossed with native sheep will prove successful.

It has long been recognized that the Forest Department in this Colony has needed strengthening and the natives have shown in recent years, largely through the influence of the administration and the Native Councils, appreciation of the necessity of re-forestation in the Native Reserves. Considerable sums have been voted from the Native Ceases for tree planting. In one area the natives have themselves paid the salary of a European forester. Native Councils in Nyanza, Ukamba and Kikuyu Provinces have voted sums amounting to She. 62,578 for forest services, staff and main-

tenance of nurseries, while in the Kerio Province Sh. 6,000 have been voted in Native Council Estimates for next year for the provision of a special forester.

Provision has been made for forest services in the South Kavirondo and Kisii Reserves, where the Native Councils of both Reserves have offered to contribute towards the expense.

A Committee was recently appointed by Government to consider the question of agricultural education in the Reserves. The Report of this Committee has now been received, but no special action has been taken on it in connection with the Estimates.

It is hoped shortly to be able to draw up definite proposals with regard to the collection, allocation and control of Native Cesses which have been raised in most districts. There is some risk on the one hand that disappointment will have been caused to the natives by delays or obstacles being placed by Government in the execution of works for which they have subscribed ; while on the other hand there is a danger of an unsatisfactory competition by Departments to secure contributions from the Cess for departmental work in the Reserves.

Laudable though these attempts may be, they are as yet unsatisfactory, for there is a serious danger of policy being sacrificed to importunity or expediency. The Chief Native Commissioner, I am aware, fully appreciates this danger and it is to be hoped that in 1928, meetings of the Native Councils will be held at which the needs of the district will be fully examined and programmes to cover expenditure over a number of years will be drawn up, for the approval of the District Officer and the Native Affairs Department.

In the meantime, however, it would be both unwise and inexpedient not to meet at least to some extent the full measure of self-help which has been forthcoming to a remarkable degree amongst many of the tribes.

The increased provisions in the Estimates in no case entail increased taxation for European, Indian or African. The basis of taxation remains the same as it was last year. It was hoped that it would be possible to find an alternative for the present Education Taxes. But no working alternatives have been put before Government.

On the figures as calculated it appears that there will be a difference of f6,354 between the estimated revenue and the estimated expenditure in 1928 on European and Indian education. But it is by no means clear that such a deficit will

exist. Under all the circumstances therefore it seems advisable for Government to let the present taxes stand until the whole question, basis, and system of taxation receives further consideration.

Dealing generally with the question of establishments, I may inform Council that action has been taken in respect of several matters in which Council has interested itself in the past, though these have not matured sufficiently as to affect the present estimates. In conjunction with Uganda a re-arrangement of posts has been reached for the purposes of passages. A proposal has been submitted to the Secretary of State that appointees to posts the maximum salary of which does not exceed 2600 per annum should, with certain exceptions, be entitled to second class travelling privileges only. The immediate financial effect of this innovation will not at the moment be considerable, but it will lead to considerable Ultimate economy. This arrangement will not affect present holders who have hitherto been granted first class privileges, with this exception, that officers on agreement and occupying posts with a maximum not exceeding 2600 will be brought under the new conditions in regard to passages should they be re-engaged.

The grant of outfit allowances has been the subject of correspondence with the Secretary of State to whom a recommendation was made that these should cease. The Secretary of State desired that adjoining territories should be consulted and pending report from these the matter is held in abeyance.

The tours of service and facilities to be afforded officers for spending their leave in this country have been the subject Of discussion. A step towards providing further holiday facilities in the country has been made by providing in the estimates under Public Works Extraordinary for a Rest Douse to afford holiday accommodation for Government servant and their families at the Coast.

In respect of the Asiatic service it is proposed to remove two long-standing grievances by the provisions of items which appear under Items 36 and 45, Miscellaneous Services. A sum of 21,700 has been inserted to cover the cost of proposals introducing a long grade system into the terms of service of the non-European clerical staff. The regrading which took place some three years ago was admittedly unsatisfactory in respect of the block caused in promotion among the senior Asiatic clerks. The scheme now proposed, while it involves immediate increase in expenditure to the amount stated, will result in an ultimate saving. It is also proposed to grant Asian civil servants concessions in respect of part of the cost of passages to and from India of their wives and families on lines similar to those in force for the European civil servant.

An acute question which affects Government servants is that of accommodation. The Colony's increasing rent bill renders it absolutely necessary that housing accommodation should be provided either by a scheme of advances to Government servants to enable them to erect their own houses, or by the provision of further housing accommodation by Government, or by the adoption of both schemes. Provision has, as you are aware, been made in the Loan to deal with this problem and a Committee is now sitting to investigate the latest scheme put forward for advances for building, which it is hoped will lead to the amelioration of present conditions and to a reduction in this heavy expenditure under Public Works, Head XXX, Item 3, which now amounts to £59,000, in the near future. I may inform Council that the question of rigorously adhering to the 15 per cent. house allowance and declining to do more than provide the officer with such an allowance was fully investigated in the course of this year, with the result that it appeared that the sufferers would be the less well-paid officers and that 15 per cent. of salary does not represent at present, owing to high rentals, a grant for suitable free housing accommodation which it was intended to guarantee. The inclusion of all allowances in salaries has Dwell to colon:end it. It has at different times been advocated, but to take the example of house allowance, it does not appear that it can be effected with any resulting economy at the present time.

I will now deal with special *new* items of interest as they appear in the Estimates. I have already referred to the reorganization of the central offices of Government. The arrangement is one which will bring the Native Affairs Department and Local Government and Land Settlement into direct communication with the Governor through the Colonial Secretary, or with the Colonial Secretary direct. Had the central offices of Government been available a further saving of time and correspondence would undoubtedly be effected by bringing the three Departments under one roof, but it is hoped that it may be possible in respect of the Land and Local Government Office. In any case a considerable amount of circumlocution and delay in correspondence will be avoided as all subjects coming under the Head of Native Affairs, Local Government, Land Settlement and Land, will be dealt with by the Departments concerned with direct reference if necessary to the Colonial Secretary, but without sending correspondence through the Secretariat. In conveying the instructions of Government on matters of correspondence between these Departments and other Heads of Departments the communicate will be in the form of a copy of the Governor or Colonial Secretary's instructions.

Co-ordination between the settled and unsettled areas will be rendered easier and more expeditious. This arrangement enables officers from the Secretariat to be attached to the new Local Government Department with consequent reductions in the Secretariat staff. The statement on page 12 of the Memorandum further explains the position. It will, I think, be possible to effect further savings later, but I would ask that at the start when the working of the scheme is to be fully explored, it should not be prejudiced by any shortage of staff.

In making this change I should like to express my appreciation of the loyal and excellent work done by my assistants in the Secretariat—it is due largely to the excessive burdens which have been laid on them in the past and cheerfully borne by them that this measure of relief is necessitated to-day—their help has been invaluable to me.

The Land Department as such goes ; the land work—collection of rents, etc.—will be undertaken in the districts. Those centres at which there is likely to be any considerable increase of work will have their staff augmented by the transfer of officers of the Land Department, while the time of the officers so transferred will be devoted not only to land work but to assistance in the Bomas which should increase the efficiency of the administration and also the collection of taxation. It is believed too, that land work can best be done in the districts where full and complete local information can be obtained. There will also be the advantage that the district administration will have the first information and full knowledge of applications for land in that district.

The Survey Office will be left in Nariobi and it is proposed to strengthen it by the appointment of an Assistant Surveyor General.

In the Native Affairs Department the post of Deputy Chief Native Commissioner is deleted, and the officer holding this post is absorbed in the Administration, for the time being. This step has on several occasions been strongly urged on Council by unofficial Members, but there have been difficulties which are now removed by the reorganisation which it is now proposed to adopt.

The increases under Printing and Stationery appear to be considerable, but as is shown on page 14 of the Memorandum these will be largely counterbalanced by increased revenue.

Under Administration only one additional District Officer is asked for though there is an extra post to be filled on account of the holder of the post of Principal Assistant to the Chief Native Commissioner being now shown separately and not included in the Administration. It is hoped that this provision

will be sufficient for the services next year but it must be clearly understood that increases in all branches of Native Administration, closer contact with Local Government, Land Settlement and Land questions, are increased calls on administrative officers' time and that in many districts all these duties are performed by officers who are frequently single handed.

The reduction which was made last year in travelling on account of the reduced scales for motor cars has been justified by the fact that very few applications have been received for increased provision for travelling, though undoubtedly motor cars have been less used especially in districts where communications are difficult and where I believe it certainly helps to effective administration that safaris should be made by a less rapid form of transport. I find that applications so far received this year for supplementary provision for departmental local transport and travelling represent only one-tenth of the amount applied for in 1926, while for the Administration only two applications have been received for £290 as compared with 2:3 for £5,075 in 1926. There may of course be a number of applications in the next two months but it is evident that the wanting given to officers in regard to supplementary provision has had its due effect.

A request was made I believe last year in Committee of the Estimates that Government should consider the possibilities of reducing the expenditure on station hands. All District Officers were addressed and a reduction of £547 is shown in this year's Estimates. It is found that a very large number of duties which might otherwise require the engagement of special staff are performed in the out-stations by station hands. If these men's posts were abolished it would probably be found necessary to introduce larger votes for repairs to buildings, maintenance of stations, conservancy, etc.

Your Excellency referred in your speech to Council to the work that is being done by the Statistical Section. A useful report has been compiled by the Statistician and its publication has only been deferred pending consideration of the advisability of ensuring a regular publication. An important measure which will be introduced at this Session provides for the Registration of Births and Deaths of Natives in towns: This will furnish the statistical section with valuable information. The work of the Department must necessarily at the start be largely that of organisation and preparation of material.

The items with regard to Native Research are such that at present I cannot say how they should be spent because the whole of this question is still under consideration, and Government will be in a better position later to pronounce on the nature of the work to be undertaken in 1928 and its direction and control.

The Audit staff necessarily reflects the increasing volume of work and provision has been made for an increase of £918 on lines which have already been adopted in Tanganyika

In the Legal Department the increase under the Head of Senior Crown Counsel has already been discussed with unofficial Members and the necessity has, I believe, been generally recognised. There is a reduction to be made of one Crown Counsel and the revised figures will show an increase of only £185, instead of an increase of £815 as shown in the Memorandum. I wish to take this opportunity to refer to the public spirited action of the Law Society in agreeing to defend without charging a fee Africans charged with capital offences. This will result in a reduction of a further £150 in Estimates in fees to Counsel.

The increase under Police is entirely due to distribution in regard to the Kenya and Uganda Railway and Port Police, the cost of which is met by reimbursements by the Railway. Though there are several minor increases a considerable reduction in personnel has been made by changes in the Northern Frontier Province, where a reduction of 60 men has been made. The employment of Police in this area is necessarily very expensive on account of travelling, stores, rations, etc., and it is believed that the reductions can safely be made in view of the garrison of the K.A.R. now maintained in this Province. It is hoped that a further saving will be made in future by the employment of locally recruited police, the organisation of which is now under consideration.

I have already referred to increases under the Medical Department and these are set out very fully in the Memorandum before Members. They all form part of a programme for Medical Service which was approved by Council two years ago.

I would call the attention of Council to the provision for an extended system for the treatment of leprosy which has always been under consideration but has hitherto been held up on account of difficulties with regard to sites, etc. It should also be noted that the grants to missions performing medical work have been increased in order to secure suitable accommodation being put up in certain districts and to encourage further development. A sum of £1,650 has been included as grants-in-aid for Indian and African welfare and maternity centres. These institutions have been so successfully inaugurated by the energy and enthusiasm of Lady Grigg and her band of helpers that every effort should be made to secure their continuance with the support of Government, which it is proposed should be afforded on a £ for £ basis with the usual conditions attaching to such grants. I have already referred to the Education Estimates. Government has

bad under consideration this year the question as to whether the cost of hooks, stationery, medical treatment, laundry, and games, should continue to be borne by Government or should be charged against the parents.

It is felt, however, that in the present stage of the development of this country every possible encouragement should be given to parents to send their children to school and that no changes should be made.

Provision has been made for domestic and manual training equipment at the European School, Nairobi. The work done in the former branch in the Eldoret School show; the need for its extension throughout all the European schools.

Some increased provision in the Estimates has been made in respect of teachers at the bigger schools and for Farm School teachers. The Director of Education has quite recently put up further proposals in respect of the latter and in order to ensure compulsory European education throughout the Colony. The Select Committee will have the opportunity of seeing as Government fully concurs in the views expressed by the Convention of Associations as to the importance of providing universal education and increasing the scope of Farm Schools. Under Indian education there are considerable increases in staff to meet the further demands of the community. At their request provision is made for a European head master at the Allidina Visram High School.

I have already referred to the proposals for schools in North and Central Kavirondo and have only now to call attention to increases in the staff of native teachers and instructors, in grants of aids to missions and further provision for the Native Industrial Training Depot at Kabete, as also for the erection of buildings for which there is urgent demand. It must necessarily be the case as education advances through the Reserves that more bush schools must be opened and that further missionary effort will make greater demands upon Government, whom it behoves to see when it does make such grants, that all such schools are adequately supervised and effectively controlled.

Military expenditure is still a very heavy burden on the resources of this country and it is hoped that the recommendations of the Closer Union Commission, one of whose principal terms of reference is Defence, may be able to relieve Kenya of the excessive proportion of cost it has to bear at present in respect of the defence of the frontier. Provision with regard to Lewis guns, Item 59, may be reduced, but it will probably be necessary to await the arrival of the Inspector General. A considerable change has been made



in the organization of the transport services and by their transfer on the recommendation of the Committee appointed by Government to the Public Works Department. Members will find a full statement on page 52 of the Memorandum. By placing the main line road transport services under one control a considerable saving can be effected in overhead charges. By a reorganization on the lines now recommended and by incurring additional capital expenditure of £16,200 for replacing animal transport by mechanical transport, a total recurrent saving of £9,096 should be effected without any sacrifice of efficiency. Attempts were first made by the Committee to ascertain whether any private firms in the country would be prepared to enter into a contract to undertake all Government activities in transport, including clearing and forwarding, but the difficulties are so great that no firm came forward with any proposals. Under the scheme now proposed stores and personnel for the Northern Frontier Province and Turkana will be sent by rail to Narro Morot, possibly later with the assistance of my friend the Member for Nyeri, from Nanyuki and Kitale respectively. Kitale will be the advance base for Turkana and according to present proposals Meru for the Northern Frontier Province. The determining factor in the selection of Meru has been the accommodation available there. It will mean that a saving will be effected of over £3,000. Hitherto the initial stage of the service has been carried out by motor vehicles operating on Nairobi, and it will be realised that the cost for railage under the new scheme will be returned to the Colony as revenue of another kind. The recurrent cost of the Supply and Transport Services for which provision was made in the 1927 Estimates is £22,793. The recurrent cost of the reorganized transport services is estimated at £12,300, to which must be added £2,500 to cover salaries and other expenses while stock is being disposed of and leave pay is granted to the retiring staff. To this again for the purposes of comparison may be added a sum of £2,897, representing the specific cost of the supply organization and a small transport service used by the K.A.R. in Nairobi. This appears in the draft Estimates as having been transferred from the S. & T. to the K.A.R.

The total recurrent cost in 1928 of the combined Supply and Transport Services will therefore be £17,697—a saving of £5,096—to which may be added a further saving of £1,500 by a consequential reduction in the local travelling and transport of stores Vote of the K.A.R., and after 1928 the item of -2,500 to cover the transitional period can be eliminated and a total annual saving in recurrent expenditure of £9,096 will thus be effected.

The capital expenditure involved provides for buildings at Meru and Ritale—£4,200—the purchase of twelve lorries, equipment and workshop appliances £8,000; and road construction £4,000. The last item would in any case have been necessary as also part of the second and possibly the first. Against this expenditure the sum of 126,499 has been provided as revenue by the sale of animals, equipment, etc.

The Post Office is at present a revenue-producing Department and it is hoped that even if next year we are unable to reduce the cost of postage we may in 1929 be able to get penny postage in Kenya. In five years the volume of postal matter has increased by 75 per cent. and telegraph matter by 95 per cent. Encouragement is being given for the use of country telephone systems, and local interest has certainly been aroused by the terms now offered, and schemes totalling about £10,000 are now under consideration. Provision has been made for carrying the telegraph line from Mombasa to the Tanganyika border, where it will join up with the line to be constructed by the Tanganyika Territory from Tanga northwards. It is hoped, therefore, that direct communication between Mombasa and Dar-es-Salaam may be shortly effected.

In regard to the Agricultural Department I have already referred to the provision which has been made in respect of native services. The other additions in the Estimates are principally those which were approved in Supplementary Estimates. Provision has been made for a third Mobile Field Station, the equipment for two stations having been approved in Supplementary Estimates.

I have also referred to developments in the Forest Department and Council must be prepared to consider shortly further proposals which may be put before Government by Mr. Nicholson, the Forest Adviser, who has now arrived in the Colony.

It will be noted that considerable alterations have been made in the Miscellaneous Services items by the transfer of several of these items to the heads to which they more properly belong.

There are two items which are of very considerable public interest to which I would call the special attention of Council --the provision of £1,500 for Geological Survey, which it is hoped to organize in conjunction with Uganda on lines which are now under consideration. A sum of £3,500 has been provided for the expenses of a Land Settlement Scheme. in

regard to which my friend the Commissioner of Lands will be able to give you full details, for the elaboration of which Government is much indebted to the Kenya Advisory Committee.

The Head " Interest " may require further revision when our position in respect of the new Loan is definitely settled. Provision has been made for the payment of interest on money to be spent on the construction of the Thomson's Falls Branch Railway.

No change has been made in respect of the amount provided for the Trade Information and Publicity Bureau, but Government has under consideration the proposals made by the Kenya Advisory Committee in this regard.

I now come to the last Head of importance in the Estimates, the Public Works Department. Council has already recognized the importance of increasing the Accounting and Stores Branch and the number of Staff Foremen. Three-fifths of the increase in the departmental vote represents new appointments approved in Supplementary Estimates. The proposed Loan for £100,000 expenditure on roads may necessitate further provision in staff, though it is hoped that these appointments may be temporary ones which can be met out of the Loan expenditure from which the work is to be undertaken. The Select Committee will also be asked to consider further expenditure on the provision of four more water-borers, with staff to work them. When the Estimates were originally prepared it could not be definitely said that these water-boring operations were likely to prove so successful as to justify a further increase in their number, but Government is satisfied to-day from work which has already been undertaken that a further increase is necessary.

I do not propose to deal at any length with the items which appear under Public Works Extraordinary, for they will be considered in detail as will all other items in this Budget, by the Select Committee. I would only mention that a sum of 55,000 has been provided for much-needed buildings in out-stations both for Government housing and hospital accommodation at Kilifi, ATM, Machakos, and Kisumu. This provision was originally made in the Loan Estimates, but it is felt that where revenue can assist in work of this nature Loan expenditure should be avoided. It is hoped therefore that the greatly needed housing and medical requirement of out-stations will be met *part passe* from revenue and loan expenditure. While in the case of temporary buildings, which are essential for Administrative Officers in the Northern Frontier Province and Turkana, their cost should be met from revenue.

As showing the small expenditure which has in fact been incurred on Public Works during the last five years the total expenditure on Public Works Extraordinary has amounted to £290,563 on educational buildings, housing and government offices, hospitals, roads and bridges other buildings and works, water supplies and drainage; while on educational buildings alone Council approved an expenditure from Loan of £810,000 and on housing a sum of £586,430, to meet requirements which it was admitted are urgent.

In Uganda in 1927 an expenditure of £233,210 was incurred on Public Works Extraordinary and for the Tanganyika financial year 1927-1926, £179,344.

It will also be seen from Public Works Extraordinary that provision has been made for an Indian Girls' School at Mombasa and for the Nakuru Post Office, both of which are works which have been strongly pressed upon Government. It will be seen that special provision has been made for roads and bridges in the Coast Province, where considerable development is anticipated from the opening of the Lanin-Wajir road, and which has been urged by the Hon. Member for the Coast. Members will wish to have before them in considering and road programme the schedule which will be attached to the £100,000 Loan for roads, the adoption of which will be moved at a later Session. It should be observed that the sum of £20,850 has been provided for much-needed water supplies and drainage.

I have not dealt with the Estimates of Revenue which have been prepared by my honourable friend the Treasurer, they are, I believe, as I have already said, conservative and in all respects justified under present conditions. The Treasurer will deal with any point it may be desired to raise in connection with them.

I would suggest for the consideration of hon. Members that discussion of items he deferred far as possible to the Select Committee which I am now asking this Council to approve for the consideration of the Estimates for 1928. I trust that the Memorandum, in respect of which I desire to express my indebtedness to Mr. Sandford for the hard and accurate work he has given to its preparation, will supply further detailed information to Members.

I have to move, Your Excellency, that the Estimates he now referred to a Select Committee of Council to be composed of all unofficial Members, the Colonial Secretary as Chairman, the Treasurer, the Chief Native Commissioner, and all other official Members of Council in respect of their own Departments and other Departments with which they are concerned.



Official Report of Debates in  
Legislative Council,  
1927

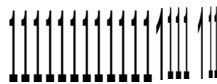
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COLONY AND PROTECTORATE OF KENYA.



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# List of Members as at 9th August, 1927.

## *President :*

HIS EXCELLENCY, SIR EDWARD DENHAM, K.B.E., C.M.G.

## *Ex-Officio Members :*

ACTING COLONIAL SECRETARY (THE HON. G. A. S. NORTHCOTE),  
ATTORNEY GENERAL (THE HON. W. C. HUGGARD, K.C.).  
TREASURER (THE HON. R. C. GRANNUM, C.M.G.).  
CHIEF NATIVE COMMISSIONER (THE HON. G. V. MAXWELL).  
THE DIRECTOR OF MEDICAL AND SANITARY SERVICES (THE HON. **J. L. GRITS**,  
F.R.C.S.).  
ACTING DIRECTOR OF AGRICULTURE (THE HON. E. HARRISON).  
DIRECTOR OF EDUCATION (THE HON. **J. R. ORR**, O.B.E.),  
THE GENERAL MANAGER, KENYA AND UGANDA RAILWAY (THE HON. C. L. **N.**  
FELLING, C.M.G.).  
ACTING COMMISSIONER OF LANDS (THE HON. C. O. GILBERT).  
THE DIRECTOR OF PUBLIC WORKS (THE HON. **H. L. SIREES**).  
COMMISSIONER OF CUSTOMS (THE HON. G. WALSH).

## *Nominated Official Members :*

**THE** HON. T. FITZGERALD, O.B.E. (Postmaster General).  
THE HON. SHEIKH ALI BIN SALIM, C.M.G., C.B.E. (Ijwali for the Coast).  
THE HON. C. M. DOBBS (Senior Commissioner, Nyanza).  
THE HON. **It. W. HEMSTED**, O.B.E. (Senior Commissioner, Kikuyu).  
THE HON. H. R. MONTGOMERY (Acting Senior Commissioner, Coast).  
THE HON. T. D. H. BRUCE (Solicitor General).  
MAJOR THE HON. A. L. KENT-LEMON (Acting Officer Commanding Troops).  
THE HON. W. F. G. CAMPBELL (Acting Senior Commissioner, Mamba).  
MAJOR THE HON. H. H. BRASSEY-EDWARDS (Acting Chief Veterinary  
Officer).

## *European Elected Members :*

THE RT. HON. LORD DELAMERE (Rift Valley).  
THE HON. CONWAY HARVEY (Lake).  
THE HON. T. **J. O'SHEA** (Plateau South).  
CAPT. THE HON. **a E. SURWARTZE** (Nairobi South).  
MAJOR THE HON. **R. W. 13. ROBERTSON-EUSTACE**, **D.S.O.** (Coast).  
CAPT. THE HON. E. M. V. KENEALY (Kenya).  
THE HON. G. O. ATKINSON (Mombasa).  
LIEUT. COL. THE HON. C. O. DURHAM, D.S.O. (Kikuyu).  
LIEUT.-COL. THE HON. **J. G. KIRKWOOD**, **D.S.O. (Plateau**  
North).  
THE HON. F. O'13. WILSON, D.S.O., *Acting* (Ukamba).  
THE HON. A. C. TANNAHILL, *Acting* (Nairobi North).

## *Indian Elected Member :*

THE HON. A. H. MALIK.

## *Nominated Indian Unofficial Members :*

THE HON. P. **K. OHANDY**  
THE HON. R. S. NEHRA.  
THE HON. **3. B. PANDYA**,  
THE HON. **B. S. VARMA**.

## *Arab Elected Member :*

THE HON. HARED MOHAMED BIN ISSA.

*Nominated Unofficial Member Representing the Interests of the African  
Community.*

**Ray.** CANON THE HON. H. LEAKEY





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COLONY AND PROTECTORATE OF KENYA.

Legislative Council Debates,  
1927.

THIRD SESSION.

TUESDAY, 9th AUGUST, 1927.

The Council assembled at 10 a.m. on the 9th August, 1927, His Excellency the Acting Governor (SIR EDWARD DENHAM, E.B.E., C.M.G.) presiding.

His Excellency opened the Council with prayer.

The Proclamation summoning the Council was read.

ADMINISTRATION OF THE OATH.

The Oath of Allegiance was administered to :—

EX-OFFICIO MEMBERS.

ERNEST HARRISON (Acting Director of Agriculture).

CHRISTIAN LUDOLPH NEETHLING FELLING (General Manager, Kenya and Uganda Railway).

CYRIL OWEN GILBERT (Acting Commissioner of Lands).

NOMINATED OFFICIAL MEMBERS.

THOMAS DUNDAS HOPE BRUCE (Solicitor General).

MAJOR HAMNETT HOLLAND BRASSEY-EDWARDS (Acting Chief Veterinary Officer).

WALTER FRANCIS GLENCAIRN CAMPBELL (Acting Senior Commissioner, Ukamba).

MAJOR ARTHUR LESLIE KENT-LEMON (Acting Officer Commanding Troops).

Our congratulations are given with a feeling of rearet, very deep regret, that we are losing such an old friend as  $\frac{1}{1}$ r. Northcote who, during a long period in Kenya, has endeared himself to every community by his unfailing courtesy and exquisite tact.

THE HON. J. B. PANDYA : Your Excellency, I do not think I can add anything further to the remarks made just now by the hon. Member for the Lake but I should like also to congratulate Mr. Northcote on behalf of the Indian community on his promotion. At any time he has had anything to do with questions affecting us he has extended to us the same courtesy and attention as he has extended to others. We are very grateful to him and wish him every success in his new sphere.

THE HON. THE ACTING COLONIAL SECRETARY (MR. NORTHCOTE) : May I take this opportunity to thank Your Excellency and hon. Members who have expressed themselves so kindly in this matter.

#### MINUTES.

The Minutes of the meeting of May the 18th, 1927, were confirmed.

#### PAPERS LAID ON THE TABLE.

BY THE HON. THE ACTING COLONIAL SECRETARY  
(MR. NORTHCOTE) :

- 1st Annual Report of the Trade and Information Office.
- Report of the Local Government Commission.

THE HON. CONWAY HARVEY : May I ask whether copies of these two documents will be made available to hon. Members?

THE HON. THE ACTING COLONIAL SECRETARY : Yes, SD.

BY THE HON. THE TREASURER (MR. GRANNUM).

Explanatory Statement in connection with the Supplementary Appropriation Ordinance.

Financial Report and Statement for the year 1926.

Natives' Trust Fund Balance Sheet at 31st December, 1926.

Statement of Unforeseen Expenditure for the quarter ended 31st December, 1926.

Statement of Colonial Loans.

BY THE HON. THE CHIEF NATIVE COMMISSIONER  
(MR. MAXWELL) •

Report of the Select Committee on Film Censorship.

BY THE HON. THE ACTING DIRECTOR OF AGRICULTURE  
(MR. HARRISON) :

Report on Wheat Products in Kenya, by Prof. Sir R. H. Biffen.

Report of the Forest Department for 1926

BY THE HON. THE GENERAL MANAGER, KENYA AND UGANDA  
RAILWAY (MR. FELLING) :

Report of the Select Committee on Daylight Saving.

Kilindini Harbour Extension Progress Statement.

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

Statement under the Electric Power Ordinance for 1926.

## ORAL ANSWERS TO QUESTIONS.

### TRIAL BY JURY.

THE HON. A. H. MALIK asked :

Will the Government extend the system of trial by jury to His Majesty's Indian subjects, principle whereof has long been recognised by the Imperial Government?

THE HON. THE ACTING COLONIAL SECRETARY (MR. NORTHCOTE) : The scope of the jury system will come under consideration when amendments to the Criminal Procedure Ordinance which are now being framed come before this Council.

Government does not propose to take up the question of extension of this system in the meanwhile.

### LEASES OF SHAMBA PLOTS.

THE HON. A. H. MALIK asked :

Will the Government consider to grant immediately long leases to holders of shamba plots outside the Nairobi Township?

THE HON. THE ACTING COMMISSIONER OF LANDS (MR. GILBERT) : Holders of shamba plots on temporary occupation licences have received no encouragement to expect that long leases will be granted in respect of their holdings. Government can give no general assurance that leases will be issued, but individual cases will, as heretofore, be considered on their merits

## K.A.R. TRANSPORT.

CAPT. THE HON. E. M. V. KENEALY asked :

Will Government give particulars in connection with K.A.E. Transport, both mechanical and other :

(1) List of posts with salaries, wages and qualifications of increments ;

(2) Total weight transported to N.F.D. and separately elsewhere.

Distance covered to N.F.D. and separately elsewhere.

Cost per ton-mile including all charges.

If cost exceeds 1/- per ton-mile will Government appoint a Committee of this House to investigate the matter and make recommendations to effect reductions in cost?

MAJOR THE HON. A. L. KENT-LEMON (ACTING OFFICER COMMANDING TROOPS) : The posts in the Supply and Transport Services K.A.R. sanctioned for the current year will be found on page 138 of the Estimates. All holders of the Administrative and Field Posts are officers of experience in transport work or are qualified mechanics.

The total weight transported to the N.F.P. during the period 1st January, 1926, to 31st December, 1926, was 723 tons.

The total weight transported to Turkana during the period 1st January, 1926, to 31st December, 1926, was **... 300 tons.**

The total distance covered was 196,486 miles.

A Committee under the Chairmanship of the Director of Public Works was appointed on the 7th *June*, 1927, to report on transport arrangements to the Northern Areas and its report is expected shortly. Pending its publication Government sees no good reason that will be served by appointing a Select Committee as suggested.

CAPT. THE HON. E. M. V. KENEALY : Arising out of that answer, I should like to know if the cost exceeded one shilling per ton-mile.

MAJOR THE HON. A. L. KENT-LEMON : May I have notice of that question?

CAPT. THE HON. E. M. V. KENEALY : The question is incorporated in the body of the original question.

## STRIGA HERMONTHICA.

THE HON. CONWAY HARVEY asked :

What steps are being taken by the Agricultural Department to limit the spread of *Striga Hermonthica* in Nyanza?

THE EON. THE ACTING DIRECTOR OF AGRICULTURE (Mn. HARMSON) : The Agricultural Department has published a short article describing the weed and suggesting methods for its eradication. Illustrations have been prepared. Farmers' associations in the areas affected have been informed.

In the Native Reserve instructions have been issued that the weed shall be pulled up and natives have been warned at a number of barazas.

An abridged article in Swahili has been published in *Habari*. This is illustrated.

Notices have been inserted in the Official Gazette and the Press directing occupiers of land on which the weed is growing to take immediate steps to prevent its seeding.

THE HON. CONWAY HARVEY : Arising out of that answer, may I enquire whether disregard of the Government's exhortations in this respect will call for drastic executive action under the Diseases of Plants Prevention Ordinance?

THE EON. THE ACTING DIRECTOR OF AGRICULTURE : Yes; action will be taken, Sir, in cases where these orders are not obeyed.

## LABOUR CAMPS.

THE HON. CONWAY HARVEY asked :

With reference to the vote for labour camps in the 1927 Estimates, will Government be pleased to state :-

- (a) How many labour camps is it intended to construct during the current year?
- (b) What sites have been selected for the accommodation of such camps?
- (c) What progress has been made to date?
- (d) What is the general plan and layout of these camps?
- (e) What is the estimated cost per camp?
- (f) Has consideration been given to the matter of providing camps for Natives from Tanganyika Territory voluntarily travelling to Kenya in search of employment?

THE HON. THE CHIEF NATIVE COMMISSIONER (MR. MAX WELL) —

- (a) The funds voted for labour camps under Head VIII, item 131, of the 1927 Estimates, are set aside for the maintenance of labour camps and not for construction purposes.

The sum of £1,038 has been allocated by Government from the Minor and Petty Works Vote for the erection of camps during the year 1927.

The whole of this amount will be absorbed in the erection of three camps.

- (b) The sites selected for the erection of the camps are at Kendu, on the South Kavirondo-Kisumu route, at Yala on Mumias-Fisumu route, and at Sagana River, near Fort Pall, which is the converging point for labourers travelling from the South-Nyeri and Meru and Embu districts.
- (c) Contracts for the erection of the camps were let by the Public Works Department in June, 1927. The camps will not be erected before September at the earliest, owing to the fact that the constructional steel work had to be ordered from England. This appears to be the cheapest and most durable material which can be obtained for the purpose.
- (d) The camps will each be comprised of the following buildings :—
- A dormitory 50 feet long by 16 feet wide.
  - A store for fuel 12 feet long by 8 feet 6 inches wide.
  - A kitchen 14 feet long by 10 feet wide.
- (e) The estimated cost per camp is £346.
- (f) The answer is in the affirmative, but the funds available during the current year are only sufficient for the erection of the camps at Kendu, Yala and Sagana. These are considered to be of primary importance.

#### AGRICULTURAL LAND FOR INDIAN OCCUPATION.

THE HON. A. H. MALIK asked :

What and whereabout agricultural land is now available for Indian occupation?

THE HON. THE ACTING COMMISSIONER OF LANDS: Land is available for Indian occupation within the area between Sultan Hamad and the Coast and within an area reaching from the vicinity of Muhoroni to Kisumu.

## BRITISH INDIAN RESIDENTS IN JUBALAND.

THE HON. A. H. MATH( asked :

- (a) Has the Government been approached by the British Indian residents of ceded territory of Jubaland with a request to use its influence so that the present British Consulate at Eismayu may not be closed but be continued to watch and protect the interests of His Britannic Majesty's subjects?
- (b) To what extent the Kenya Government can assist the British subjects in the above Territory?

THE HON. THE ACTING COLONIAL SECRETARY :-

- (a) Government has received a copy of a petition on this subject addressed on behalf of His Majesty's Indian subjects in Jubaland to the Secretary of State for Foreign Affairs.
- (b) Government is addressing a despatch to the Secretary of State in comment on the representations therein contained.

## NON-NATIVE POLL TAX, 1926.

THE HON. A. H. MALIK asked :

What is the total number of Indians and Europeans who paid, throughout the Colony, Non-Native Poll Tax for year 1926?

THE HON. THE TREASURER (MR. ETRANNUA) : The figures for Indians, Arabs and other Asiatics are not kept separately, but on calculations made it appears that in 1926 the number of persons who paid Non-Native Poll Tax was approximately :

Europeans	8,700
Asiatics	10,600

The figures are being further investigated.

## INDIAN SCHOOL, NAIROBI.

THE HON. A. H. MALIK asked :

What is the cause of delay in commencing building for the Indian school?

THE HON. THE ACTING COLONIAL SECRETARY : The essential preliminaries in regard to site selection, survey and drawing of plans for the general layout and the block plan for buildings have necessarily occupied a considerable time. Materials are being collected on the site and the work is being pushed forward as rapidly as possible.



## RENTS.

THE HON. A. H. MALIK asked :

Has the Government received a petition from the Indian ratepayers on the subject of high rents, if so will the Government please lay same on the table together with a report of action, if any, taken by the Government in connection therewith?

THE HON. THE ACTING COLONIAL SECRETARY :-

- (1) The answer is in the affirmative.
- (2) Remedial measures have been taken by Government, which include :-
  - (a) The opening up of a further area in Nairobi for the erection of houses for Asiatics, and
  - (b) The recent decision to build houses in Nairobi for Asiatic employees of Government.

## RESIDENTIAL PLOTS AT ELDORET.

THE HON. A. H. MALIK asked :

Will the Hon. the Land Officer please state why the residential plots at Eldoret have not yet been put to auction. They were promised to be sold in the near future on the 10th May, 1927. Will he make a definite announcement as to when these plots will actually be sold?

THE HON. THE COMMISSIONER OF LANDS : The residential plots at Eldoret have not yet been put up to auction because the survey has not yet been completed. It is anticipated that unless unforeseen circumstances arise an auction will be held in November.

**BILLS.**

## FIRST READINGS.

## THE SUPPLEMENTARY APPROPRIATION BILL.

On Motion of the Hon. the Acting Colonial Secretary the Supplementary Appropriation Bill was read a first time.

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

## THE ANCIENT MONUMENTS PRESERVATION BILL.

On Motion of the Hon. the Acting Colonial Secretary the Ancient Monuments Preservation Bill was read a first time.

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

## THE PUBLIC HOLIDAYS (AMENDMENT) BILL.

On Motion of the Hon. the Acting Colonial Secretary the Public Holidays Amendment Bill was read a first time.

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

## THE REGISTRATION OF DOMESTIC SERVANTS BILL.

On Motion of the Hon. the Acting Colonial Secretary the Registration of Domestic Servants Bill was read a first time.

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

## THE CROWN GRANTS (EXECUTION) BILL.

On Motion of the Hon. the Acting Colonial Secretary the Crown Grants Execution Bill was read a first time.

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

*Council adjourned to 10 a.m. on Both August, 1927.*

## WRITTEN ANSWER TO QUESTION.

## MEDICAL SERVICES IN TANALAND.

BY MAJOR THE HON. R. W. B. ROBERTSON-EUSTACE :

What provision has been made by the Medical Department for services in Tanaland?

REPLY :

The scheme for expansion of the Medical Department includes provision for a medical officer for Tanaland. A sum of money has been included in Loan Funds for the erection of a small hospital. At the present time a small hospital with a sub-assistant surgeon in charge is maintained at Lamu.

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TUESDAY, 30th AUGUST, 1927.

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The Council assembled at 10 a.m., on the 30th August, 1927, His Excellency the Governor (SIR EDWARD GRIGG, K.C.V.O., C.M.G., D.S.O., M.C.) presiding.

His EXCELLENCY opened the Council with prayer.

#### ADMINISTRATION OF THE OATH.

The Oath of Allegiance was administered to :-

SIR EDWARD BRANDIS DENHAAI, C.M.G., (Colonial Secretary).

#### PRESIDENT'S ADDRESS.

HONOURABLE MEMBERS ON COUNCIL,

if you will forgive me for beginning with a personal note, I should like to express here to you the great pleasure which may well be felt at being back in the Colony and our deep appreciation of the welcome which has been given us both here and in Mombasa. The more I see of this Colony the more deeply attached I become to it.

I much regret that my absence has been so long, especially as it caused me to miss two important events here. One of them was the East African Agricultural Show, which was, I hear on all sides, a signal success. The other was the Unofficial Conference which met here in Nairobi a fortnight ago and which, under the chairmanship of the Noble Lord the Member for Rift Valley, and I believe also for a time under the Deputy Chairmanship of Mr. Eickhoff, of Southern Rhodesia, made what all must agree to have been a remarkable contribution to the cause of union in East Africa. I should like to congratulate all those who took part in the Show and in the Conference.

My long absence has been partly due to the number of questions with which I had to deal in England. I think honourable Members will recognise that I left the Colony with a fairly heavy programme of work. The time available for dealing with the programme was interrupted all through May by the meeting of the Colonial Conference. That took place morning and afternoon all through May and interrupted during that time our purely East African business.

I found as a matter of fact that my time in London was exceptionally strenuous, but apart from the fact that I missed a very important conference on Derby Day, I do not think I was guilty of any serious dereliction of duty.

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I found as a matter of fact that my time in London was exceptionally strenuous, but apart from the fact that I missed a very important conference on Derby Day, I do not think I was guilty of any serious dereliction of duty.

The Colonial Conference did excellent work and I believe its value will be recognised throughout the Empire. It dealt with many administrative questions of great importance to the Colonial service, and I was particularly glad that it brought about agreement at last on new regulations under which colonial civil servants would be entitled to their pensions even if they are transferred from one Colony to another. Hitherto that has been a very real grievance, and has inflicted great hardship on many of the most distinguished members of the service. Kenya, has never been behind in that respect, but the lack of unanimity throughout the Empire has been a very serious matter.

We also dealt with many subjects affecting scientific research throughout the Empire, and I hope in due course to submit to you proposals for our participation in the formation of an Imperial Agricultural Research Service to which very considerable assistance is to be given in the future by the Empire Marketing Board.

My absence from this Colony was further prolonged by a visit to South Africa and to Rhodesia. I felt that the invitation which came to me from those Governments was not only a compliment to my wife and myself but also and still more a gesture of friendship towards Kenya. We deeply appreciated on both accounts the kindness and hospitality which we received.

I found the experience of those visits valuable in a thousand ways. It was a great advantage to me to exchange ideas with the leaders of policy and thought in those countries, where many problems are similar to ours. I was also able—I hone, with some benefit—to study special subjects such as the organisation of research, the working of Land Banks, the development of Native Reserves, the operation of Defence Acts, and other questions which are of immediate importance to this Colony.

I found that the interest of the Union in East African affairs was very keen and genuine, and I am glad to say that that interest is common to all parties. I have long known that General Smuts, the soldier-statesman who won German East Africa for the Crown, gives close attention to East African affairs. Since I came to Kenya I have also had good cause to realise that General Hertzog feels an equal interest in this Colony and shows an equal readiness to help it wherever he can. I was delighted to find from personal contact with the Prime Minister of the Union how real and friendly that interest is. The assistance of the South African Union, particularly by the loan of experienced men, has already proved invaluable to

us, and I am sure that the Colony will rejoice to know that the sympathy and assistance of the Union are in future assured to us whatever Government there may be in power.,

The same is true of Southern Rhodesia: It is much younger than the Union and in many ways more closely akin to us. As a member of the Buxton Committee, which six or seven years ago made recommendations on the emancipation of that Colony from the rule of the Chartered Company, I was delighted to see the splendid progress made there under self-government. Apart from the general spirit of energy and enthusiasm which animates that Colony and makes it worthy of its great name, I was particularly impressed by its schools and by the efficiency of the Municipal Governments in Salisbury and Bulawayo. The progress of the Colony is shown by the rate at which immigration is entering it. The rate at present is something like 100 new immigrants a week. I also paid a short visit to Livingstone in Northern Rhodesia, where we were both most hospitably entertained.

I am very happy to know that things have gone so smoothly and well in the Colony during my absence. I am afraid that myself must be a provoker of controversy, for I have never known such calmness extending over so long a period. I think that was largely due to the tact and ability of Sir Edward Denham, the Colonial Secretary, who acted in my place. I should like here to thank him for his excellent work and to congratulate him on the Knighthood which was conferred upon him in the last Birthday Honours, an honour which his services to the Colony, following a distinguished record elsewhere, richly deserved.

I should like also, if I may, to join in the congratulations -which I know this Council offered to Mr. Northcote on his promotion to the post of Chief Secretary of Northern Rhodesia. Like all of you, I greatly regret his departure and I hope that he may return to Kenya some day.

Many useful measures have been passed in my absence. I am glad to know that the King has given his assent to the Defence Ordinance. I hope that in all parts of the Colony people will now combine to make that measure a success. It will prove invaluable for the morale of such a Colony as this and for the training of generations to come, and I can assure all that it will be so administered as to inflict no loss of freedom or dignity or time on those who have already been trained to arms.

I am also very glad that the system of tariff regulations agreed between Kenya, Uganda and Tanganyika, is now in practical operation. I am sure that it will prove valuable to the trade of all three territories.

I come now to the special subjects which took me home to, England at the beginning of the year. All these were important, but I must deal with some of them shortly in order that I may have time to speak fully on the new East African Commission without claiming the attention of Council too long.

In the first place, I would refer briefly to one question which this Council discussed at the end of last year and on which I undertook to consult Council again before committing the Colony in any way. I mean the question of participation by the Colony in the Ten Million Guaranteed Transport Loan. Hon. Members of Council on my left were then unanimous in the view that this Colony should not participate in the guaranteed loan. I am glad to inform them that all our advisers in London have supported that opinion. The alternative recommended to us is that we should issue a separate Kenya loan, part of which will be devoted to paying off our existing liabilities as far back as and including the Three and a Half Million Transport Loan. The remainder would be issued at a later date in a second instalment to cover our prospective expenditure on railway, port and colonial requirements.

There are various points in this connection requiring close consideration, such as the date of issue of the first instalment, which closely affects the Railway, and the requirements to be included in the second instalment. The most urgent are the provision for a Land and Agricultural Bank, which I am glad to inform you has been approved in principle by the Secretary of State ; for the Thomson's Falls branch line, which requires legislation guaranteeing the Railway against loss to the extent of interest on capital before it can be begun ; and certain urgent municipal expenditure. I will not enter on the subject to-day except to say that the financial position both of the Railway and of the Colony as revealed in this year's returns fully justifies the advice that the Colony should go into the market on its own credit. The General Manager of Railways will make a full statement on the railway finances when he introduces the Railway Estimates in a fortnight's time. I am going to ask hon. Members of Council to sanction the introduction of those Estimates at an early date for reasons which I feel sure will appeal to all. I will only say now that the figures for this year's working are most satisfactory.

The returns of the Colony are also good. At the 31st December, 1926, the balance at the credit of the Colony's surplus and deficit account was £362,205. In the Budget for the current year the estimated surplus for the year was £18,191, but, on figures recently received from Departments, it is now expected that the 1927 surplus will be £82,566, bringing the estimated total surplus at the end of 1927 to £444,831.



The Treasurer is compelled for the time being to accept the estimates of Departments as regards savings on voted expenditure, but there is every reason to assume from the experience of past years that the figures given by Departments are on the conservative side, and that the surplus of 1927 will be larger than this estimate.

I would like to contrast that figure with the situation five years ago. At the beginning of 1922 the Colony's balance sheet showed a surplus of £430,521, but it included several assets the true value of which were less by £417,304 than those shown, reducing the stated surplus to £13,217.

There were, moreover, outstanding liabilities to the extent of £363,382, which it was evident would have to be liquidated in the immediate future. Taking this sum into account, the shown surplus of £430,521 was in effect a deficit of £350,165. In 1922 the expenditure exceeded the revenue by £323,180, so that at the close of that year the deficit had been increased to £673,345. Set against that deficit the surplus of £444,831 expected at the end of the present year, and it will be seen that the revenue of the five-year period, 1st January, 1923, to 31st December, 1927, will have exceeded the ordinary expenditure by well over £1,000,000 sterling. As a record of five years' finance that is a position on which the Colony has every reason to congratulate itself.

Another question of great importance which I took home with me was that of Port Control. You are already familiar with the settlement at which the General Manager of Railways and I arrived in London. I am very glad to know that the settlement has been approved both in Kenya and Uganda, and I should like once again to express my appreciation of the accommodating spirit in which we were met in London by Lord Inchcape and Lord Kysant. Without good-will on their part such a settlement would have been impossible.

Hon. Members will be glad to learn that the returns of the Port are distinctly encouraging. The new arrangements for all handling work to be performed by contract under the Port Authority came into operation on the 1st July. A provisional Port Advisory Board on the lines recommended by the Port Commission of Enquiry has been brought into existence and had its first meeting on the 22nd of this month. Apart from a few minor difficulties inseparable from the change-over to the one-contract system, there have been no troubles at the Port. There has been a spirit of the most friendly co-operation between all concerned, and working in consequence has been remarkably smooth. The Port Advisory Board will have to face the position in regard to

port charges, development and so on, but it is evident that all concerned are anxious to assist in solving the port difficulties and to make the new working a success.

The figures for the working of the deep-water berths are particularly satisfactory. During the six months ended June the port handled (apart from Magadi Soda traffic) 224,596 tons of traffic, and of this total quantity 137,420 tons (or 62 per cent.) were handled to and from ships which came alongside the deep-water berths. Of the export traffic no less than 51 per cent. was handled at the deep-water quays.

When the estimates for this year were prepared, it was anticipated that the loss at Kilindini Harbour would amount to £120,747 for 1927. We expect now that the loss will be reduced to between 85,000 and £90,000; but unless the port charges are changed, there may be an increased loss next year owing to additional interest charges having to be met. It must not be overlooked that in the port debits this year, and included in the port loss, there will be a debit of £18,362 for contribution to a sinking fund for redemption of loans, and £10,000 provision for depreciation; so that the Railway is in effect not only providing for the port working loss, but for port depreciation and redemption of loans.

Since the working of the port this year has been carried out under considerable difficulties, I think the position there is: one on which the General Manager of Railways and the Port Manager, Mr. Dulkeley, are to be warmly congratulated;

I must apologise for the length of this catalogue; but before I come to the new Commission I should like to speak briefly on two other subjects:--the report of the Loder Government Commission and the question of land settlement.

I am sure we may offer our congratulations to Mr. Justice Feetham and the other Members of the Local Government Commission, including the very efficient secretaries. I am glad to inform Council that the recommendations regarding Nairobi have been approved by the Secretary of State, and I hope that legislation will be introduced promptly to give effect to those recommendations.

With regard to Mombasa I believe that there is a certain feeling of anxiety on the part of the Indian community there; and I should like to say here that the Government is prepared to give consideration to reasonable criticism. But it is intended to put the whole report into operation in due course, and I hope that the time may not be long before it all receives legislative sanction.

With regard to settlement, that question, as I have often told this Council, goes hand in hand with the question of securing the Native Reserves for the use of the native

FeoWes. , We have already taken one great step in that direction by the delimitation of the boundaries of the Reserves, and I am glad to be informed that further action has been taken with regard to the demarcation of those boundaries and that returns have now been received from the four largest Provinces which show that 1,773 miles of boundary can be demarcated easily by District Officers by the beating of bounds or by pointing them out on the spot. 1,219 miles require marking either by intervisible beacons or by trench lines. it is important that the boundaries of their Reserves should be known to the native tribes and I believe that this can be done throughout by some simple manner of boundary marking. The District Officers will be in the best position to do this effectively with the help of the Survey Department, and early steps are being taken.

There remains one other essential measure, and that is to give the natives complete security that these boundaries will not be altered. For this purpose legislation will shortly be submitted to you securing the Reserves for ever for the use and benefit of their tribal owners under the care and guardianship of certain Boards of Trustees, with a central Board e1 which the Governor will be chairman. I am sure that all Members of this Council will co-operate in giving their African fellow-subjects this complete assurance that their lands will never be expropriated.

With the establishment of this complete security for the Native Reserves, we are free to carry out an active policy of closer settlement. That also is now approved by the Imperial Government, and my honourable friend, the Commissioner of Lands, has been very hard at work elaborating schemes of closer settlement with the Department for Overseas Settlement in London.

We have received a definite promise of active support from that Department. They are prepared to give us the same sort of help as they give to settlement in the Dominions and in Southern Rhodesia, that is to give pound for pound up to a certain figure for poorer settlers coming out and needing help, and also to assist in passages and other matters of that kind. I think that the thanks of the Colony are due for this to the Secretary of State and to Lord Lovat, the Under Secretary of State for the Dominions, who is now at the head of the Overseas Settlement Department and who has been most active and helpful in our interests.

If that assistance is given by the Imperial Government, a Land Bank to give assistance on our side is also essential. **API.** say, the Land Bank has been approved in principle by, the Secretary of State, and we now only require the advice of Mr. Herold who will, I hope, be here early next year to

give us the lines on which that bank is to be formed. I was deeply interested in the working of the Land Bank in Southern Rhodesia, which has been very successful. It has not only helped new settlers without capital, but it has also assisted the farmer by taking over onerous mortgages up to a certain figure. The Rhodesian Land Bank started with a much smaller capital than is proposed for ours. It started with only £350,000, whereas we have put down the sum of £750,000. I think that that matter must remain subject to Mr. Berold's advice, and I hope that the Land Bank will be established after he has been here without delay of any kind.

These schemes, I trust, will soon establish the fact—which is still not realised in some quarters in the Old Country—that Kenya is something of far greater value to the Empire than a "rich man's playground," as some people have called it. There is opportunity here for all classes of settler, and Africa appeals to emigrants of a certain type in a special way, for the drudgery which faces women in most of the Dominions need never be faced by them here.

I have been deeply impressed by the work of the 1820 Settlers' Association, both in South Africa and in Rhodesia, to which they have now extended their operations. They have shown particular ability in bringing the right type of Young man out to training farms and training him thoroughly before he is put on land of his own. I have been so much impressed that I have asked one of the representatives of that Association, Colonel boy, to pay a visit in the near future to this Colony and to help us with the advice of the Association. I believe that the directors of the Association in London are also anxious to help us.

There is unquestionably a deep interest in the Old Country in emigration to Kenya. I spoke a good deal while I was in England, and always after I had spoken I received many letters and inquiries as to the possibility of settling out here. I am sure there is no dearth of the most admirable material, if we provide it with help to grasp its opportunity.

I come now to the new East African Commission and the new White Paper. I am very glad to know that both have been so warmly welcomed by the Unofficial Conference here in Nairobi, and by public opinion throughout the East African Territories. I was also very much struck by the Warmth of the welcome given to the announcement in Southern Rhodesia. The main object of that Commission is to secure a broad and generally accepted agreement upon the main lines of East African development. There is no intention whatever of forcing arbitrary and unacceptable conclusions upon Kenya or any other territory. After all, statesmen in this century have the South African warning

before them. I have been saturating myself in South African history lately, and nothing in it bears more significantly upon this opportunity in East Africa than the story of the opportunity which presented itself to Disraeli's government when it came into power in 1874. Lord Carnarvon, the then Secretary of State for the Colonies, rightly realised that a Great opportunity was present for establishing union at that time amongst the South African territories, and that such a Union, if it could be achieved, would be of inestimable advantage to all the partners in it. He sent the historian, Mr. Fronde, out to Africa, and Mr. Froude went about South Africa, not taking opinion so much as giving it, not asking what people wanted but telling them what they ought to want. The result was that the whole movement broke down, and that one of the greatest opportunities in South African history was lost. For what followed? There followed Majuba and all the tragic story of the 'eighties ; there followed the later stages of the Raid, the war and that whole period with which we are more familiar. It took a generation to arrive, after endless trouble, bitter striving and much bloodshed, at a solution which was in the hands of statesmanship at least thirty years before. I am sure that that example is well appreciated at the present time in England and that the desire there is to proceed entirely by agreement.

With that preface, I come to the question of constitutional development in Kenya. It is recognised in England that the time has come to take into partnership the colonists who have made this country their home. The nature of the White Paper makes that absolutely clear, and it is emphasised and repeated in the speech made to Parliament by the Secretary of State for the Colonies.

I discussed the subject with representatives of all parties while I was in England and I found that the recognition of that principle was very wide. I heard only two arguments against it. The first was that no part of East Africa is " a white man's country." The only necessary answer to that I think is " come to Kenya and see." After little more than twenty years settlement is established in this Colony and there is rising a thriving generation of boys and girls who are going to make their home in the Colony. That disposes of the subject. I do not think it necessary to argue the physiological question, as some people wish to do. Some generations hence that may be an interesting question, but now and in this generation it is necessary to recognise the fact that statesmanship must deal here in East Africa with a virile and growing settled population.

The other argument was that it was not right to trust settlers with power over the general policy of the Colony because their training was not adequate and their numbers were not

sufficient. I reply at once that it is not a question of numbers but of character and education. If 12,500 is not a population to be trusted, there is no reason why 50,000 should be more trusted, or 100,000. Everything depends upon character, experience and education : not upon numbers. There is only one school in which a population such as our white population here with its inherited character can learn, and that is the school of political responsibility. No one I verily believe has more to gain than the African from a policy which draws out in the settled population its natural bent of honour towards the weak, its sturdy political sense and its instinct for fair play.

This point is so important that I should like to quote the words used in his speech to the House of Commons by the Secretary of State. He said :-

" One of the great mistakes made in the early history of South Africa was that the Imperial Government regarded itself as the one and only champion of the native races and alienated and thrust on one side the white community, which was often mistaken perhaps, but was sometimes right. The result was to breed in the white settlers not only hostility towards the Government which denied them a share in the control of their own affairs but hostility towards the ideals with which that Government was associated. This fosters in the white community the idea that their only responsibility is a white responsibility, that the black man is not their affair because the British Government will look after him. That is a very short-sighted conception of responsibility. The day will come, unless indeed the growth of white settlement comes to a stop within the next generation, when with the growth of a large settled community, no Government in this House can ultimately resist the demand for self-government. When it does come you want the men to whom you transfer your trusteeship to have the spirit of trusteeship. You do not want to hand over people who have trusted you for generations to men who have never shared any sense of responsibility. If, on the other hand, you bring that community, a community of a very fine type of men inspired by British traditions, earlier into a share of responsibility ; if you make them see something of the work of government and the responsibility of government from the inside, you will breed a race of men to whom in the fulness of time this House may be able to hand over its trusteeship without any fear that it will be dishonoured."

I have nothing to add to that powerful statement of the case.

But if the Commission is to recommend the important constitutional transition from an official to an unofficial majority, certain other changes in the legislature are essential. There must be of necessity a reduction in the strength of the Government benches, and the Government will be left with no working majority. It will not have the power to carry on. It is an old constitutional maxim, old in English history, that the King's Government must be carried on, and I think therefore that you will have to consider carefully certain special powers to prevent deadlocks and, so on, which are necessary to a Government which has to carry on the King's Government in a legislature without a working majority. That is one of the constitutional problems which must be faced. I do not think it is by any means beyond solution, but it requires to be faced.

In the second place it must be remembered that with the reduction of the strength of the Government benches power will pass to representative as compared with official Members of Council. The representatives must therefore be so chosen as to reflect fairly the interests of all races and communities. The elected European and Indian members will naturally speak for their own constituencies. Having been a Member of Parliament myself, I know how strong the pull of constituencies is apt to be. Unless, therefore, special provision is made to solve the difficulty that the Elected Members will represent only certain communities and certain types of constituencies, one of two alternatives becomes inevitable. Either native affairs must be entirely detached from the purview of the legislature, or else the legislature will not be lit to deal with them.

c I am absolutely against any attempt to withdraw native affairs from the purview of the central legislature. That, to my mind, would be a fatal line of development for all races. You may indeed subject the treatment of native affairs to special safeguards, but if you exclude native affairs from the purview of the legislature, you only reserve to Government arbitrary power in another form over all the life of the Colony, for native affairs in one form or another enter practically into every question with which this Council has to deal. That would not train such a Council in responsibility; on the contrary, it would defeat the whole object of the White Paper. I am certain that is not in any sense the view of the Imperial Government, for the Secretary of State dealt with this point in his speech to the House of Commons. Observing then that suggestions had been made that Native Affairs should be withdrawn from the purview of the legislature, he stated:—

" That, I am afraid, is not an attractive form of dyarchy in a country like East Africa, where white and black live indissolubly bound together, where there is ne

problem, nor any aspect of self-government, which affects the white man without touching at every moment upon his relation with the black."

If then native affairs are not to be withdrawn from the purview of the legislature, and if the legislature is not to be of such a character as to equip it properly to deal with all its responsibilities in the Colony, some means must be found to make the legislature a true reflection of all interests in the Colony. I have myself proposals on this point to make which I shall be glad to discuss with honourable Members at another time, but for the present I would commend this problem to the study of honourable Members as one of the main questions on which information will be sought by the new Commission.

I would add—and this proviso is most important—that Africa is not Europe. Representative institutions evolved by homogeneous nations, formed and used by men reared in the same civilization, would be quite ineffective in a country where the races are mixed as they are here, where the difficulties of language are very considerable and where men vary from the very forefront of twentieth century civilization to the twilight from which we emerged many centuries ago. I think therefore that the principle of communal representation is absolutely essential in East Africa. There is no idea on the part of Imperial Government of departing from that principle.

I have made these broad observations on the constitutional question with regard solely to Kenya, but I am sure you will all recognise that the principles apply equally to any Federal Council or body of that kind which it might be thought desirable to bring into existence. If these principles are sound, they must apply equally to any representative bodies that are formed in East Africa.

I am afraid I have kept you a very long time, but I should like to say one thing more before I sit down. I should like to say one word about the closer union of the East African Territories. I think closer union is desirable at the present time—I have thought so for a long time past—but at present it is practicable only between certain groups of Colonies. The communications between Nyasaland, Northern Rhodesia and Tanganyika are at present far too defective to make closer union between them practicable, I hope, however, with regard to the southern group—if I may for a moment say a word about it—that some central authority in which Southern Rhodesia will participate may be established which can deal with such matters as communications, research, and common subjects of that kind on really broad lines. Otherwise the value of forming a closer union in the north will not be so great.



The arguments in favour of closer union for the northern group are, it seems to me, overwhelming. I will only mention a few of them. The first is the cost of essential Services. In developing Colonies like these the burden of administration is naturally a heavy burden. Growing Othintries require a rapid development of many social services, and I do not believe that it is possible for these territories to finance scientific research, to provide assistance to pducers in all parts, and to protect their peoples adequately against disease, unless their resources are pooled.

Look, for example, at veterinary research. I visited the wonderful establishment created by Sir Arnold Theiler at •Obderstepoort, near Pretoria, in the Transvaal. That research institution has to a large measure freed the South African farmer from the immediate menace of cattle disease. It is amazing to learn to what extent disease has been held under. We require that service quite as • much as South Africa, and we cannot secure it unless the resources of the territories are pooled. The same argument applies to scientific research in many other matters, agricultural research, medical research and so on. I think it applies also to the expenditure of the Colonies on defence, which, as it Seems to me, is much too high at present. It applies also to customs and communications in general.

When I speak of communications, the most important oi. course are railways; for railways are the arteries through which the life-blood of these young colonies flows. Now that *our* railways are coming into physical contact, we must have a central authority to decide on rates. My honourable friend the General Manager of Railways, in his earlier days had, I think, experience of a body known as the Conference Section, in the Transvaal, which used to attempt to deal with the problem of reconciling rate questions as between independent colonies. I think he will bear me out in saying that the record of that 'Conference Section was one long record of failure. That will & Ways be the case unless you establish some arbiter on the spot who can decide when other bodies will not agree.

It is equally important from the point of view of new construction which matters so much to all of us. We must be assured, and those who are going to invest their money and subscribe to East African loans must be assured, that our new construction is really on sound lines and that British capital invested in one railway is not competing with British dibpital invested in another railway. That point was very strongly emphasised by . the Schuster Committee which 'reported on the Guaranteed Loan.

c: Finally, I would remind honourable Members of the increas-  
trig importance which will attach to the traffic, and especially  
:the mineral traffic, which may come to us from the Belgian

Congo, and of the imports into that great territory. The Congo is developing rapidly, and I was very much interested to learn the other day from an unimpeachable source that a very strong society is now being founded in Belgium to establish white settlement upon the Eastern Highlands of the Belgian Congo. There will be rapid development there. Mining development is going rapidly ahead, and it is essential when we are deciding how to extend our lines towards the Congo to ensure that we are not competing for the Congo traffic but are working on co-operative lines.

There is, above all, the most important of all questions, the question of native policy. I think that no student of South African history can overlook the disastrous effect of different native policies in different parts of South Africa. For long years it kept the territories apart when union was their proper course. It has made the natives the subject of perpetual controversy, and has enormously complicated all aspects of the native problem. The differences of native policy between the South African Provinces are still one of the greatest difficulties which statesmanship in the Union has to face.

I am not disposed to deal at any length with that subject-to-day, but I should like to say with all the conviction which I can command that in my opinion nothing is more essential to native welfare in East Africa than a consensus of reasonable opinion upon the essentials of native education and development. Our civilisation, if it is to be worthy of itself, and if it is to be of service to the native, should act on the same principles everywhere, and speak with a single voice.

Before I leave the subject of union, let me say one thing more. In the Great War most thinking men believed that the victory of the Empire in the East African theatre would make possible a new and progressive synthesis of policy and administration across this part of the African continent. It had hitherto been broken by two great international boundaries. Tanganyika was the junction state, the vital link without which such a synthesis, with all its hopes of peaceful and harmonious development, could not be realised. The opportunity of this projected union was won at a great cost, and thousands of lives will have been sacrificed in vain, if, now that all the links are in our hands, we do not forge from them a chain of lasting strength and worth.

Before I end, I would make a special appeal to the Indian Members of this Council and to the Indian community throughout the Colony, to co-operate wholeheartedly in the work and objects of the Commission. It is time that any fear or bitterness left by the controversy of four years ago should finally disappear. Some extreme things were then said, no doubt, upon both sides, but they were spoken in the heat of controversy. They should now be forgotten for ever.

The communal principle of representation established by the White Paper of 1923 has in truth given security to Indians no IS than to Europeans, and the settlement of 1923 in regard to the political status and other rights of British Indians in Kenya stands fast. They themselves have now wisely accepted it, and they can rest assured that their acceptance will strengthen the desire of this Council and the Government to provide as fully as possible for the needs of the Indian community. I have now visited the greater part of Southern and Eastern Africa, and I know no territory in Africa in which Indians are receiving so much practical proof as in Kenya of goodwill towards Indian education, the care of Indian women and children, and Indian welfare generally.

The recent concordat on Indian questions between the Union Government and the Government of India has shown how much more can be achieved in these stubborn problems by a spirit of co-operation than by a spirit of controversy. I hope that moral will be taken to heart by all who have, as I myself have, the welfare of Indians at heart ; for nothing could more seriously prejudice Indian interests than purely racial opposition to the closer union and constitutional development of the East African Territories.

We here are all fellow-subjects of the greatest Sovereign in the world, and partners in the world-wide political system ever which he reigns. In all that we plan we are right to think most carefully for ourselves; but it behoves us also to think broadly for our neighbours in East Africa, of our fellow-subjects of all races, and of the Empire as a whole.

Judging to the best of my ability from that broad standpoint, which you all, I know, desire to share, I believe that no policy can provide for the peaceful progress of these territories unless it fulfils three conditions. In the first place, it must treat British East Africa as a whole. In the second place, it must win the support of all those who, as colonists, have made East Africa their home. In the third place, it intik- ensure for East Africa a steady meed both of understanding and of moral and material support from the main centres of British life and activity in Britain and overseas. The cardinal need of East Africa at this time, and the greatest security which any part of it or any community within it can obtain, is a broad consensus of opinion among reasonable men upon the main lines of East African development.

The opportunity of securing that consensus is now in sight, and nothing could be of better augury than the fact that, upon essentials, so large a measure of approval has been given both in England and in Africa to the terms of reference of the new Commission. For the rest, I believe that we may

look with confidence to the chairman and other members of, the Commission for understanding, fairness, and a broad vision of that deep community of interest in which all races in East Africa are for ever bound. (Bear, hear.)

### MINUTES.

The Minutes of the meeting of the 9th August, 1927, were confirmed.

### PAPERS Laid ON THE TABLE.

13) THE HON. THE ATTORNEY GENERAL (Mn. BUG GARD) :

Report of the Select Committee on the Kenya and Uganda Railway Bill.

BY THE HON. THE DIRECTOR OF PUBLIC WORKS:  
(Mn. SIKES)

Progress Report on Loan Works Buildings.

### NOTICE OF MOTIONS.

By THE HON. T. J. O'SHEA :-

" That this hon. Council will not approve the acquisition of privately owned land for an extension of the school site at Eldoret."

### MOTIONS.

His EXCELLENCY : I understand that the motions on the paper will be taken tomorrow.

## BILLS.

### FIRST READINGS.

#### THE ASIATIC WIDOWS' AND ORPHANS' PENSIONS' BILL

On motion of the Hon. the Treasurer (Mr. Grannum) the Asiatic Widows' and Orphans' Pensions Bill was read a first time.

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

#### THE NAVIGABLE WATERS (CONSTRUCTION OF WORKS) BILL.

On motion of the Hon. the Director of Public Works (Mr. Sikes) the Navigable Waters (Construction of Works) Bill was read a first time.

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

## THE NATIVE LIQUOR (AMENDMENT) BILL.

On motion of the Hon. the Chief Native Commissioner (Mr. Maxwell) the Native Liquor (Amendment) Bill was read a first time.

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

## THE KENYA AND UGANDA RAILWAY BILL.

THE HON. THE ATTORNEY GENERAL: Your Excellency, I understand it meets the convenience of Members on the other side that the report stage of the Railway Bill should be taken tomorrow. It was originally intended that the committee stage should be taken at Mombasa on the 12th, but the matter is somewhat urgent in view of the fact that Uganda has under consideration a similar Bill. I understand there is a meeting of the Uganda Legislative Council in September and they are naturally anxious to have our Bill as soon as possible. I suggest therefore that the report stage should be taken tomorrow.

HIS EXCELLENCY: Does that meet with the general convenience of hon. Members? It is agreed then.

*(Council adjourned until 10 a.m., on Wednesday,  
the 31st August, 1927.*

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WEDNESDAY, 31st AUGUST, 1927.

The Council assembled at 10 a.m., on the 31st August, p27, His Excellency tit.; Governor (LIEUT.-COL. SIR E. W. M. K.C.V.O., C.M.G., I/5.0., M.C.) presiding.

HIS EXCELLENCY opened the Council with prayer.

MINUTES.

The Minutes of the meeting of 30th August, 1927, were confirmed.

MOTIONS.

DEATH OF SIR CHARLES COWMAN.

HIS EXCELLENCY: With the permission of Council I will call upon the Colonial Secretary to move an expression of 'sympathy with Southern Rhodesia on the loss of their Prime Minister, Sir Charles Coghlan.

THE HON. THE COLONIAL SECRETARY (SIR EDWARD DENHAM): Your Excellency, I am sure that the whole House will join in this expression of regret with Southern Rhodesia in the loss of its distinguished Prime Minister. All those who have studied the history of Africa know what signal services he has rendered to Rhodesia. I beg to move :--

" That this Council desires to express its deep sympathy with the people of Southern Rhodesia in the sudden loss of their first Prime Minister, Sir Charles Coghlan."

THE RIGHT HON. LORD DELAMERE: Your Excellency, I beg to second the motion. I think it is well known to everybody here that Sir Charles' wisdom and his knowledge of the wishes and feelings of his people was one of the outstanding features of the early days of Rhodesia. There is no doubt that by the force of his own personality he carried Rhodesia through the very difficult days during its inception as a self-governing Colony and I think that the loss to Rhodesia will be hard to make up and there is no doubt that this country has lost a friend.

HIS EXCELLENCY: Before putting the motion I should like to add my own feeling of great sympathy with the Colony of Southern Rhodesia in the loss of their first Prime Minister. -I had the opportunity of meeting Sir Charles again the other day and was deeply impressed by his grasp not only of Southern Rhodesian questions but of Eastern and Central African questions as a whole. He has played a great part in building

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that young self-governing Colony from the very first and I believe he will be a very great loss to all of us at the present moment in our own affairs.

Will Members rise.

The motion is :—

" That this Council desires to express its deep sympathy with the people of Southern Rhodesia in the sudden loss of their first Prime Minister, Sir Charles Coghlan."

The question was carried unanimously all Members standing.

WIDOW OF LATE MR. V. CASTELLINO.

THE HON. THE TREASURER (MR. GRANNUM) : Your Excellency, I beg to move the first motion standing in my name on the Order Paper :-

' That in consideration of the destitution of the widow of the late Mr. V. Castellino who, after rendering twenty-seven years and ten months' satisfactory service in the Provincial Administration of this Colony, died in India on the 26th September, 1926, this Honourable Council is pleased to award her a compassionate gratuity of Shs. 3,384, which amount is equivalent to six months salary of her deceased husband at the rate drawn by him at the time of death."

THE HON. THE COLONIAL SECRETARY (SIR EDWARD DENHAM) : I beg leave to second the motion.

The question was put and carried.

REGIMENTAL QUARTERMASTER SERGEANT S. W. RARIE.

THE HON. THE TREASURER : Your Excellency, I beg leave to move the second motion standing in my name on the Order Paper :-

" Considering that Schalk Wilhelm Rabie, late Conductor (Regimental Quartermaster Sergeant), Supply Transport Department, King's African Rifles, met with severe injuries in the execution of his duties, resulting in his permanent disablement, this Honourable Council is pleased to award him a compassionate gratuity of 600 and free passages for himself and his family to South Africa by the class usually granted to officers of his rank."

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

CAPT. THE HON. E. M. V. KENEALY : Your Excellency, may we have some more information about this. I should like to know when these injuries were received and something more

about the history of the recipient of this gratuity. The House has been told nothing at all about it. I should like to have some more information about the case.

THE HON. THE TREASURER Regimental Quartermaster Sergeant Rabie was appointed to the Supply and Transport Department, King's African Rifles, on the 1st March, 1923, and is serving under the usual Class B Agreement. In May, 1925, when walking with a transport wagon at Siolo he fell in front of the wagon and the wheels passing over him caused fracture in both legs. He was removed to hospital and proceeded on leave to South Africa in August, 1925. He returned in January, 1926, and on the 1st July, 1926, a Medical Board was held for the purpose of examining and reporting on his state of health. The proceedings of the Board were as follows :-

" *Medical History.*—In May, 1925, near Siolo, was walking with a wagon at night-time and fell in front of it, the wheels of the wagon running over both legs. He was attended by Dr. Miller, who sent him into Siolo and thence to Nairobi Hospital. He was in hospital for about three months. Both bones of both legs were fractured. The hospital notes show " simple fracture of tibia and fibula of both legs." His feet get tired and he gets pain down the front of both shins, especially the left, after much walking. He formerly got swelling of the feet, but not recently. His feet are always cold.

*Present Conditions—Left Leg.*—Shows deformity. Lower end of upper portion of tibia is protruding about half an inch. The lower end of the fibula is pushed inwards. There is eversion of the foot. Movements of the ankle joints are not limited. No muscular wasting.

*Right Leg.*—About 4 inches above int. malleolus the tibia is slightly bent outwards. About 3 inches above ext. malleolus there is also an outward bend of the fibula. Union has evidently taken place in this position. Movements of ankle joint are unimpaired. No muscular wasting. Apart from these, his general condition is normal.

*Finding.*—The Board finds that R.Q.M.S. Rahie is in a state of permanent partial disablement and is hence entitled to receive a pension or gratuity."

The Quartermaster Sergeant's trade is that of a Bricklayer and it has been shown that he will not be able to carry out that trade in future; it is therefore thought that a compassionate allowance is justified.

CAPT. THE HON. E. M. V. KENEALY : It seems to me there has been undue delay in offering this man a gratuity if he is entitled to one. It seems to me also that an alternative means

of employment might have been offered to him in this country. I am not at all satisfied with the information that has been given. I do not think it is a full explanation and I do not think it is a reasonable statement on which to base a gratuity of this nature. I feel, Sir, that the matter demands further enquiry. I do not support the motion.

The question was put and carried.

LATE MR. L. S. S. PILLAY.

THE HON. THE TREASURER : Your Excellency, beg leave to move the third motion standing in my name on the Order Paper

In consideration of the destitution of the widow of the late Mr. L. S. S. Pillay who, after rendering 21 years, 2 months and 5 days' satisfactory service in the Medical Department of this Colony, retired on the 17th August, 1922, on a pension of Sits. 2,381/40 a year and died in India on the 21st July, 1926, this Honourable Council is pleased to award her a compassionate gratuity of She. 3,060, which amount is equivalent to six months salary of her deceased husband at the rate drawn by him immediately prior to retirement."

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

The question was put and carried.

## BILLS.

### THE KENYA AND UGANDA RAILWAY ORDINANCE, 1927.

THE HON. THE ATTORNEY GENERAL (MR. HUGOARD) : Your Excellency, before moving that the House resolve itself into a Committee of the whole House to consider the report of the Select Committee on the Railway Bill, may I say a word in regard to the position. Hon. Members will remember that this Bill was introduced in this House in May last. At about the same time an identical Bill was introduced in the Legislative Council in Uganda. Both Bills were given a second reading and were then referred to the Select Committees of the respective Councils. In due course the Kenya Select Committee met and after a number of meetings a report was framed and provisionally adopted for reference to the Uganda Select Committee. The provisional report went to Uganda and it was accepted by the Uganda Select Committee, subject to the insertion of three or four additional amendments. On the receipt of a communication from Uganda the Kenya Select Committee met once more and accepted the additional suggestions put forward by Uganda and those additional suggestions are

incorporated. in the report of the Select Committee which was laid on'the table yesterday. So that I think I may say, that the report which was tabled yesterday represents not only the practically' unanimous agreement of the Kenya Select Committee but it also represents the unanimous agreement of the Uganda Committee. I hope, therefore, the report will find favour with the House because of the necessity of an identical Bill being passed in both legislatures.

Owing to the extensive nature of the amendments suggested in the report of the Select Committee the original Bill has been reprinted and hon. Members have been supplied with copies of that reprinted Bill, and I suggest that when we go into Committee we deal with the reprinted Bill instead of the original Bill which was introduced in this House. The reprinted copy contains the amendments which appeared in the Select Committee's Report. I beg to move that the House go into Committee to consider the Report of the Select Committee and the Bill.

THE HON. THE GENERAL MANAGER (MR. FELLING) : I beg to second the motion.

### *In 'Committee.*

#### *Clause 2. Interpretation.*

THE How. A. H. MALIK : Your Excellency, in the definition of the High Commissioner, I should like to move that the words " and his servants " where the context so permits, be added.

His EXCELLENCY : Will the hon. Member explain why he wishes that made?

THE How. A. H. MALIK : It is *said* that on page . . . . I am sorry, Your Excellency, my references are to the old Bill.

His EXCELLENCY : Perhaps without finding the reference the hon. Member will mention the point he wishes to make?

THE How. A. H. MALIK : In many cases it is said that the High Commissioner may refuse to carry a passenger. The High Commissioner will not be on the spot, but his servant, or something like that.

THE HON. THE ATTORNEY GENERAL : Your Excellency I am sorry the hon. Member was not able to find the particular reference because I can find no case in which the High Commissioner is mentioned where it is not intended to include the High Commissioner's servants. If the hon. Member will find the section he is looking for perhaps it will be easier to deal with it. It seems to me from my recollection of the Bill that all the duties of the High Commissioner are vested in or can be delegated to the General Manager under the Order in Council rather than to the station master or people of that sort.

THE How. T. J. O'SHEA : Line 25 on page 19.

THE How. THE ATTORNEY GENERAL : When the particular paragraph speake of coaches or compartments reserved by the High Commissioner that surely means ordered by the High Commissioner or by his General Manager ?,

TEE How. A. H. MALIK : In many cases the Bill refers to the High Commissioner or his servants and in certain clauses it refers td Hi h Commissioner and/or his servants. The High Commissioner apparent y includes his servants and the definition should make that clear.

*Loss of life or personal injury to passengers.*

HIS EXCELLENCY : What passage is the hon. Member reading from now. What clause is he quoting ?

THE Hon. A. H. MALIK : I have got the old reference here.

His EXCELLENCY : Give the clause.

THE Hon. A. H. MALIN : 17 of the old Bill. Liability in respect of loss.

THE HON. THE ATTORNEY GENERAL : Under the Order in Council of which probably the hon. Member has not got a copy, the High Commissioner has power to delegate any of his powers to the General Manager or any other officer of the Railway, but perhaps I might make a suggestion which will meet the hon. Member, and that is that as we go through the Bill whenever he finds the term " High Commissioner " and he considers the " High Commissioner's servants " should be inserted he move an amendment to that clause. I must oppose the alteration in the definition of High Commissioner.

The question that clause 2 as amended by the Select Committee stand part of the Bill was put and carried.

*Clause 4. Authority of the High Commissioner to execute all necessary works.*

CAPTAIN TILE HON. E. M. V. KENEALY : Your Excellency if we can have an assurance from Government, Sir, that it is contemplated that water legislation will shortly be promulgated in this country, I should withdraw from opposition which I intend to take up without that assurance. It is suggested in clause (L) of section 4 that certain powers should be given to the High Commissioner dealing with one of the assets of this country which is under a very ill-defined control at the moment and it is suggested that these powers should be subject to the control of the Governor in Council, but, Sir, we have no legislation at present dealing sufficiently with these particular powers, and yet we are proposing to alienate the control of these powers outside our own legislation. If, Sir, the Government of this country is prepared to give an assurance that water legislation will be introduced—I intend to ask a question on that point at the next session—if Government will give that assurance now, I will withdraw from that opposition. If not I will make further opposition to this particular paragraph. I hope, Sir, I shall be in order in pursuing this matter.

His EXCELLENCY : Yes.

THE Hon. THE DIRECTOR OF Poem<sup>o</sup> Worms (MB. SIREs) : The question as to what form the water legislation should take in this country is under consideration and I will give the assurance that water legislation will be brought before the Council in the near future.

CAPT. THE HON. E. M. V. KENEALY : Thank you.

THE HON. T. J. O'SHEA : The hon. Member having raised that point it occurs to me whether the powers of the High Commissioner would be subject to the control of any body contemplated under the contemplated legislation on water. If legislation is brought in at a subsequent date, if the control of the rivers comes, say, under the control of a water board, would the High Commissioner be subject to the control of the water board under that clause!

THE HON. THE ATTORNEY GENERAL : That would be a matter for consideration in connection with the legislation. If it were intended that the High Commissioner's powers with regard to water should be regulated solely by this clause, a saving clause would have to be inserted in the water legislation. If no such saving clause were inserted he would be subject to that legislation.

THE Rican HON. LORD DELAMERE : It says in sub-section 2 that the " exercise of the powers conferred on the High Commissioner by sub-section (1) shall be subject to the control of the Governor in Council."

The Governor in Council is guided invariably by the laws of the country, I presume.

THE Hon. Tins GENERAL MANAGER (MR. FELLING) : At this stage I would like to draw attention to the fact that I asked it to be recorded in the report of the Select Committee that the General Manager, Kenya and Uganda Railway, took exception to the insertion of the words " subject to the control of the Governor in Council " in clauses 4 and 7. I stated to the Select Committee, Sir, and I state now that the time will come when the insertion of these words will be regretted. I did not ask for the omission of the words, as one must regard to some extent the current feeling on a point of this kind, but I wish to make it quite clear from my own feelings that the time will come, perhaps after I ha. a left the Colony, when these words will be regretted.

CAPT. THE HON. E. M. V. KENEALY : Are we to understand that that is a Government caveat or an individual caveat in regard to this clause!

Tine HON. THE GENERAL MANAGER : A caveat on behalf of the Railway.

Tin RIGHT Hoy. LORD DELAMERE : I must say that I agree with the General Manager, and always have, on this subject, but in order to get agreement, as I presume he has done, I have withdrawn that objection. My personal belief is that it is a very rash thing to give power to three different Governments in future and two as at present to Interfere with inter-Colonial things of this sort, but it has been done to safeguard certain things people were afraid of.

THE Hox. A. H. Mama : Before clause 14 I beg to suggest that this clause be inserted :—

" Every person desirous of travelling shall upon payment of his fare be supplied with a ticket specifying the class of carriage and the place from and to which the fare has been paid and the amount of the fare."

THE Hoy. Tin GENERAL MANAGER : Your Excellency, the definition of the word " ticket " and the whole of clauses 14 and 15 I think sufficiently define the position and I cannot recommend therefore the acceptance of this addition. I think that if the wording was not clear enough the hon. Member should have made a suggestion to the Select Committee, of which I believe he was a member, but I can hardly think it necessary for a clause like this to be introduced. The definition of " ticket " is quite clear and to my mind the clause covers all the requirements.

His EXCELLENCY: Does the hon. Member wish to press this clause!

Tim Hos. A. H. MALIK : Although it is stated in clause 15 as the Hon. General Manager has observed, I submit, Sir, it does not specifically state that a railway servant will supply a ticket to any person and there is no guarantee that a ticket will be issued to any intending passenger. He can be refused. The servant is not legally bound to issue a ticket and I think that this clause should be inserted.

His EXCELLENCY: I understand that the hon. Member desires this -clause to be substituted for clause 15.

Tin HON. A. H. MALIK No, Sir, after 14, it may be 15, and 16 made 16.

His EXCELLENCY : The question is that after clause 14 the following -clause be inserted :-

" Every person desirous of travelling shall upon payment of his fare be supplied with a ticket specifying the class of carriage and the place from and to which the fare has been paid and the amount of the fare."

The question was put and lost.

*Clause 15. Conditions upon which tickets are issued.*

Tim How. A. H. Marx : I be to submit that instead of " at the -earliest opportunity " the words " within twenty-four hours " be inserted. sub-section 2, clause 15.

THE EIGHT HON. LORD DELAMERE : Would the hon. Member be good enough to speak up. I know the acoustics of this room are bad, but I cannot hear.

His EXCELLENCY : The question is that the words " at the earliest opportunity " in clause 15, sub-section 2, should be deleted and the words " It within twenty-four hours " substituted therefor.

THE HON. THE GENERAL MANAGER : Your Excellency, I am afraid we cannot accept the amendment for the very simple reason that the application for a refund may not, be made in twenty-four hours and we must be able to find the individual concerned. If a man is excluded from a train owing to overcrowding he will come in due course for a refund and the refund will be made at the earliest opportunity.

THE RIGHT HON. LORD HELAMEILE : How does the hon. Member wish this carried out ? If a passenger was travelling to Itanda how would he get back in sufficient time if he travelled from Mombasa ?

Hog. A. H. Marx : Supposing a passenger travels from Nairobi and gets on to the platform and does not find the accommodation, he can return the ticket at once or at least within twenty-four hours. It is from the Administration's point of view I want this. The passenger may come after two days and want a refund.

THE HON. THE GENERAL MANAGER : I am afraid we cannot make a refund earlier than the earliest opportunity. (Laughter).

His EXCELLENCY : Does the hon. Member wish to press his amendment ?

Hog. A. H. Mali : No, Sir.

His EXCELLENCY : The amendment is withdrawn.

(-house 18. *Tiewilling without free pass or ticket. etc.*)

CAPT. T. M. HON. E. M. V. EENEALY : Your Excellency, I ask Government to accept a minor verbal alteration in sub-section 5 of clause 18 that the word " recovered " be altered to " recoverable," so that it does not impugn the dignity of the Court by instructing the Court to do a certain thing. I do not think that the High Court or anyone else should be in a position to dictate to a Court as to its duty. It impugns the dignity of the Court and that minor alteration may obviate that unfortunate occurrence.

His EXCELLENCY : The question is that in clause 18, sub-section 4, the word " recovered " in the fourth line be deleted and the word " recoverable " be substituted therefor.

THE HON. THE ATTORNEY GENERAL : Your Excellency, if the feeling of the House is with the hon. Member I have no objection.

His EXCELLENCY : The question is that in clause 18, sub-section 5, line 4, the word " recovered " be deleted and the word " recoverable " be inserted therefor.

The question was put and carried.

THE HON. A. H. MALIK : Your Excellency, I submit that a clause should be put in making provision for the reservation of compartments for females.

Hog. THE ATTORNEY GENERAL : if the hon. Member will look at clause 82, sub-clause 6, he will find that the High Commissioner has power to make regulations for the reservation of railway premises or of any railway coach or ship or any portion thereof for the exclusive use of males or females. I think his point is covered.

THE HON. A. H. MALIK : The High Commissioner has power to make regulations to that effect, but I submit, Sir, that it is essential that such a clause should be part of the principal Bill for many reasons. In this country; especially in the third class, women and men all travel together. From the moral point of view also. I think it is necessary that a compartment in the third class should be reserved for females on every train /Mk

also in the first and second class. Occasions do arise when ladies have to travel by themselves, two, one or three, and there is no provision. The is that they are put with other men, male passengers, and I think from a communal point of view and a moral point of view that this section should be inserted. It is done in other administrations.

THE HON. THE GENERAL MANAGER : As the hon. the Attorney General has explained, section 82 makes provision for regulations for the reservation of compartments for males or females respectively and section 50 provides for certain penalties if these regulations are not obeyed. What the hon. Member is asking for is to insert a clause that the High Commissioner shall on every train carrying passengers reserve for the exclusive use of females one compartment. May I suggest, Your Excellency, that it is quite impossible to accept a clause of that sort ? If, for example, we ran a special train from Mombasa to Nairobi carrying a number of people from His Majesty's Navy, it is quite unnecessary to reserve a compartment for females on that train. (Laughter.) I think this must be left to regulations framed under the law to meet the actual requirements rather than to accept a specified clause to compel the reservation of compartments.

THE RIGHT HON. LORD DELAMERE : Why didn't the hon. Member bring this point up in Select Committee ? (Hear, hear.)

Hrs EXCELLENCY : Does the hon. Member wish to press his new section

THE HON. A. H. MAUI : No.

His EXCELLENCY : It is withdrawn ?

THE HON. A. H. MALIK : Yes.

*Clause 24. Registration of luggage.*

CAPT. THE HON. E. M. V. KENEALY : On re-reading this, Sir, I found something which I think is deserving of further consideration. I suggest in sub-section 4 that it should read that an addition should be made in this way :

" The High Commissioner shall not be liable to refund a greater sum than five pounds "

otherwise it means that if a thing is worth five pounds and one penny he gets nothing and if it is worth five pounds he gets five pounds. That to my mind is the meaning of the clause. If that addition is made the man is entitled to recover a portion of its value, which I think is what is intended.

His EXCELLENCY The question is that after the word " liable " in line 16, the words be added "to refund a greater sum than five pounds."

THE HON. THE GENERAL MANAGER : I cannot recommend the acceptance of the amendment suggested. The whole point is to require a declaration when the value of the article exceeds five pounds. (Hear, hear.)

CAPT. THE HON. E. M. V. KENEALY Am I to understand that if a man is prepared to value a thing at five pounds for this purpose the Railway admits no liability whatever ?

THE HON. THE GENERAL MANAGER : Undoubtedly. The whole point is that the Railway is responsible up to five pounds in value. Immediately it exceeds five pounds in value it must be declared and an excess charge paid. It is quite wrong to allow an article worth say £200 to go into a railway coach with needless complications afterwards if the depositor avoids trouble by declaring it at five pounds.

CAPT. THE HON. E. M. V. KENEALY : But if, Sir, the individual who deposits is prepared to accept five pounds for it as its value surely he is entitled to his five pounds. I think that is an entirely arbitrary point of view on the part of the Railway and I consider it is entirely wrong that they should decide if a thing is worth more, because after all it is the owner who decides what a thing is worth to himself. The Railway has no authority to decide arbitrarily what the value of a thing is. I consider this is an essential thing, that if the owner considers the thing is worth five pounds that he should get five pounds:



THE RIGHT HON. LORD DELAMERE : But if a man puts in a piece of brown paper and considers it worth five pounds he should get five pounds ?

CAPT. THE HON. E. M. V. KENEALY : No, Sir, that was not my suggestion, my suggestion was that the article was worth at least five pounds, possibly more.

The question was put and lost.

*Clause 30. Power for the High Commissioner to require indemnity on delivery of goods in certain cases.*

CAPT. THE HON. E. M. V. KENEALY : Does this mean that if an individual is prevented from getting his rightful property by the action of the High Commissioner or his agent that the law prevents him from interfering or getting any recompense if any monetary loss or inconvenience is suffered by him ?

THE HON. THE ATTORNEY GENERAL : So far as I understand the question, the answer is in the negative. So far as I can see, where two or more people claim the same article from the High Commissioner, the High Commissioner is entitled to withhold the goods except on receiving an indemnity until the parties have settled their claims.

*Clause 34. Liability in respect of loss of life or of personal injury to passenger.*

HON. A. H. MAMA : Clause 34 says that " the High Commissioner shall only be liable for loss of life or of personal injury to any passenger when the loss of life or personal injury is caused by the want of ordinary care, diligence or skill on the part of the High Commissioner or of his servants, and shall in no case be liable for loss of life or, or personal injury to a person who is travelling by special permission." Now does that mean that the High Commissioner is liable if a person is travelling without permission in any part of a train other than in a passenger coach?

HON. T. J. O'SHEA : I understand that clause refers to any part of the construction line.

THE HON. A. H. MAMA : No, in any part of the train.

THE HON. T. J. O'SHEA : I want to be quite clear about that. I understand that clause applies only to the construction lines.

HON. EXCELLENCY : It applies to the whole of the line.

HON. A. C. TANNAHILL : Do I understand that if the High Commissioner is responsible for the killing of any of the members of this hon. Council he does not pay compensation when they are travelling on a free pass?

THE HON. THE ATTORNEY GENERAL : I think I ought to inform the hon. Member that the passes issued to members of this hon. Council are not free—they are paid for, so that hon. Members are quite safe as far as this section is concerned. (Laughter.)

With regard to what the hon. Mr. Malik has said, I understand his point referred to a person who is travelling without any permission at all.

THE HON. A. H. MALIK : That is right. What is meant by " special permission " ?

THE HON. THE ATTORNEY GENERAL : " Special permission " I take it, is special permission from someone in authority. But I think the point is covered by sub-clause (2). It says " For the purposes of this section the term ' passenger ' shall include every person, other than a servant on duty, lawfully travelling upon a train or ship."

THE HON. A. H. MALIK : He may have had special permission.

THE HON. THE ATTORNEY GENERAL : Subject to correction by my hon. friend the Hon. General Manager, I take it it is not special permission. A person holding a ticket is lawfully travelling but he does not come within the same category as the person who is travelling by special permission.

THE HON. THE GENERAL MANAGER, KENYA AND UGANDA RAILWAY : A passenger ordinarily travels in a passenger coach. This refers to persons travelling by special permission in any part of the train.

THE Hon. A. H. MALIK : A person holding a ticket may be travelling in a coach other than a passenger coach—he may be travelling in a goods train by special permission.

Tan HON. THE ATTORNEY GENERAL : So far as I can see no amendment is required at all. The clause is not designed to deal with people who are lawfully travelling in the train in passenger coaches. It is designed to meet the case of persons travelling elsewhere than in passenger coaches and the " High Commissioner or his servants shall in no case be liable for loss of life of, or personal injury to, a passenger who is travelling by special permission, whether verbal or written, in any part of a train other than in a passenger coach, or who is travelling on a free pass or a passenger who is travelling by permission of the Resident Engineer, or any person appointed by him, over any construction line."

So far as I understand the hon. Member's point I do not see that any amendment is required.

THE Hon. T. J. O'SHEA : It not infrequently happens that people have to travel in other than passenger coaches. It has frequently happened to me. I very often have to travel down with the guard in his van.

With regard to the last three words quite a large proportion of cases in the Courts arise out of the misinterpretation of clauses. It seems to me that a smart lawyer could very well argue a case over the last three words, and the case could be won, too.

THE HON. THE ATTORNEY GENERAL : I think I can assure the hon. Member that the clause could never be interpreted as suggested. The last part only applies to passengers who are travelling by permission of the Resident Engineer over any construction line.

THE Hon. T. J. O'SHEA : I respectfully suggest that in order to meet the case a colon should be put in instead of a comma.

Tim HON. THE GENERAL MANAGER : I think the clause should stand as drafted. In other parts of the world no trouble has been experienced over this clause. The position is that the passenger should travel in a passenger train, but it very often happens that people come to us and ask permission to travel in a goods train. They are then given special permission to do so. One of the conditions is that if there is an accident no liability is accepted by the Railway.

With regard to free passes, the Railway supplies these in the case of people who travel by permission of the Resident Engineer over construction lines. They must, in such cases, travel at their own risk. The Railway will accept no liability.

Tim Hon. THE COLONIAL SECRETARY : What would happen in the case of people who travel in the guard's van because they have not had time to get into the passenger coach? Would the Railway be liable in such cases?

THE Hon. THE GENERAL MANAGER : I suggest that the passenger would not be travelling lawfully. It would be quite unlawful.

There is the case also of the members of the Railway Council. They travel on a free pass; therefore the Railway is not liable—no matter who they are.

THE HON. T. J. O'SHEA : I think it is only right that the clause should be drafted in such a way as to make it quite clear. If it is made clear by the insertion of a colon instead of a comma, I do not see why there is any objection to it.

THE Hon. Tim Ammar GENERAL : I have no serious objection.

His KIM:MINOT : Before I put that amendment I suggest to the hon. Member that if semi-colons are to be used they should be inserted at all similar cases and one should come after " coach ".

The question is that clause 34, sub-section 1, line 4, from the end, the comma be 'deleted and a semi-colon substituted therefor after the word "coach".

The question was put and carried.

His EXCELLENCY : The question is that after the word "pass" the comma be deleted and a semi-colon inserted therefor.

The question was put and carried.

THE Hon. A. C. TANNAHILL : I am very sorry to talk again, but I understood the Hon. General Manager to say that Members of Council travelling on Legislative Council pass cannot claim compensation if they are killed.

Ties HON. THE GENERAL MANAGER : Let me put the hon. Member's fears to rest, I said members of the Railway Council. (Laughter.)

*Clause 39. Further provision with respect to the liability of the High Commissioner as a carrier of articles of value.*

GATT. THE HON. E. M. V. KENEALY : I suggest, Sir, this is the same point I raised before, that the words "beyond ten pounds" be interpolated in line 15 of clause 39 (1). "The High Commissioner shall not be responsible beyond ten pounds for the loss, destruction or deterioration of the parcel or package." Now, Sir, where the word "deterioration" is used it obviously implies that a total loss is not contemplated, and if the loss is due to the negligence or inefficiency of the Railway, and that is provable, that loss should be met by the Railway to the extent of its own liability. It is really, Sir, essential that this sum of money should be stated here. I cannot see that the General Manager can raise any objection to it on moral grounds; in fact I would consider it most immoral to raise any objection to it whatsoever. (Laughter.)

His EXCELLENCY : The question is in sub-section 39 (1), line 5, after the word "responsible" the words "beyond ten pounds" be inserted.

The question was put and lost.

THE Hon. A. H. MALIK : **his** is a case where the High Commissioner should include his servo its in cause 39, sub-clause (1).

Tut II °N. TUE AT TORREY GENERAL : Your Excellency, I must confess I cannot understand this point. The hon. Member has the definition of the term "High Commissioner" and the definition of the word "servant," which gives the High Commissioner power to delegate certain of his powers to servants. If we make the definition of "high Commissioner" and "servant" one, we should have to remodel the state of affairs in regard to delegation. I suggest that the hon. Member should accept the assurance that the Bill as drafted fully meets requirements.

THE HON. A. H. MALIK : Sub-section (3). In this case, Your Excellency, I submit in the case of loss that no further proof should be required as to the value of a parcel. The burden of proving the declared value of an article that is lost rests on the person claiming compensation and in the case of loss of articles examined under this sub-clause no further proof should be required.

HIS EXCELLENCY : What amendment does the hon. Member suggest?

THE HON. A. H. MALIK : The addition of the words : "In this case the declared value shall be compensated without further proof from Person claiming."

His EXCELLENCY : The question is that at the end of sub-section 39, clause 3, the following words be added : "In this case the declared value shall be compensated without further proof from person claiming."

THE HON. THE ATTORNEY GENERAL : I am afraid I am not in a position to advise that this amendment should be accepted. The suggested amendment appears to me to deal with a different matter altogether. The examination contemplated by the sub-clause is not an examination for value but to find whether the article declared to be in the packet is actually there. The question of value does not arise until a claim for loss is put forward.

The question was put and lost.

Clause 49. Penalties for certain classes of offence.

THE HON. A. H. MALIK : I submit that the words "without the consent of his fellow passengers" be inserted.

THE HON. THE GENERAL MANAGER : The question is that in clause 49, sub-clause (a) the following words be inserted : " without the consent of his fellow passengers."

THE HON. THE ATTORNEY GENERAL : This is really a matter for my friend the General Manager, but it seems to me not only a matter for the passenger who happens to be in the compartment at the moment who may object, but here are other people who may come in afterwards, one carriage is labelled " non-smoking " it should be " non-smoking."

THE HON. CONWAY HARVEY : Especially if in close proximity to explosives. I deprecate going into all these details now. Select Committees are to obviate going into these matters when we are assembled in Committee of Council. We spent hours and days over this matter and the hon. Members' time should be wasted in going over the same old ground a number of times.

The question was put and lost.

Clause 62. Leaving service without having given the requisite notice.

THE HON. A. H. MALIK : In this case I beg to submit that this provision for extra fine should be only in the case of running staff.

THE HON. THE GENERAL MANAGER : Your Excellency, I am not prepared to recommend the acceptance of the amendment suggested. I suggest this is a very necessary provision in the working of a public service.

Clause 70. Restriction of liability for compensation for fires caused by sparks from locomotives.

THE HON. E. O'B. WILSON : In regard to sub-section (c) of this clause, unless the General Manager can see his way to putting up the whole of this clause in a prominent place at all stations notwithstanding that I beg to move that sub-section (c) be deleted. My reason is that a person who has been burnt out by the Railway may not get the fair compensation due to him. I think that way may be met if the whole of this clause is put up in every station in a prominent position so that everybody can see it and they had not given the necessary notice or did not know notice was necessary.

THE HON. THE GENERAL MANAGER : I am prepared to give that undertaking

Has EXCELLENCY : Will that satisfy the hon. Member?

THE HON. F. O'B. WILSON : Yes, Sir.

THE HON. A. C. T. ANNAHILL : I did not have the advantage of attending the Select Committees and do not know what occurred in regard to sub-clause (d), but it seems to me that under that any person erecting a building on his own land within two hundred feet of the Railway boundary does so at his own risk in that he cannot get the compensation from the Railway in the case of fire. When people took this restriction was not placed on it and, subject to an explanation, I beg to move the deletion of sub-clause (d).

THE HON. THE GENERAL MANAGER : Your Excellency, if a man deliberately puts up a building near a railway line it is absurd for him to claim compensation from the Railway. He must make up his mind to insure so it is unfortunate if there is a fire, and perhaps if he does insure he would have to pay a higher rate of premium, but I do not think he can expect the Railway to accept liability.

THE

**How. A. C. Tssuarru, :** But there are literally perhaps a couple of hundred houses that are built on land within a hundred feet of the railway line—on land that has been granted by the Crown to people under leases on which to build houses. In such cases does the Crown take on the liability instead of the High Commissioner?

THE HON. THE GENERAL MANAGER : I do not think there can be very many such cases.

**Tax How. A. C. TANNAHILL** What is the definition of the word "Railway?"

It surely must be the boundary of the Railway property!

THE HON. THE GENERAL MANAGER : There cannot be very many houses near to it.

THE **How. A. C. TANNAHILL** : If the Hon. the General Manager goes from Nairobi station to Kabete he will see, I should say, fifty houses within two hundred feet of the boundary of the Uganda Railway.

COL. THE **How. C. G. DURHAM** : Surely those houses were built after the Railway was constructed, and the people who built the houses should take the responsibility, or the insurance companies.

THE HON. THE GENERAL MANAGER : I cannot understand the hon. Member's point about the two hundred feet, but it is a fact that generally a hundred-foot strip OD each side of the Railway line. It is the case, however, that if after the railway line is built a merchant puts up a building, in his own interests he must make the best arrangements he can for safeguarding himself. It would never do to the Railway to accept responsibility and pay compensation if people expect up buildings within two hundred feet of the Railway after such Railway has been built, especially in a country where wood fuel is used for the engines.

THE O'SirEx very pleased the hon. Member for Nairobi North has brought up this point. The fact remains that going to have quite a lot of houses constructed near the railway line with the development of towns in the Colony, and I do not think the case is met by the Hon. the General Manager saying that a man should protect himself by insuring his property. If a man insures his place and it is burnt down, the insurance company pays the minimum compensation—the very lowest possible sum. But many things happen as the result of fires and there are losses for which you cannot get compensation from the insurance companies. I should like to know whether it is possible for the Railway to take precautions against the burning of buildings that necessity built close to the line—I want to know if it is possible for are of Railway to protect people whose houses are, unfortunately, near the line. the say it is no to the Railway to take such precautions and if they do not, they ought to be liable.

LIEUT.-COL. THE HON. **T. G. KIRKWOOD** : It seems to me that it has been suggested that buildings within a certain distance of the Railway should have a free insurance policy at the expense of the Railway. I do not think it is logical.

THE HON. THE GENERAL MANAGER : I do not know that there is anything to be said. The Railway can only use the best precautions possible, and the best spark-arresters, but the owners of the property can also do quite a lot himself. He can for instance put up a building that at any rate not very liable to catch fire and he can take other precautions as well. The Railway cannot do it all. But the whole issue as this : is it right to expect the Railway to accept liability because a man puts up a building in such close proximity to the Railway that there is danger of its catching fire? We have had such cases in this country and if the store is burnt it means that the man can put up another building again near such Railway line—as near as he likes—and the Railway must take responsibility. I think the clause must stand.

THE **How. T. J. O'SHEA** : I would like to put it to the Hon. the General Manager from the people's point of view—is it reasonable that the people should not be allowed to build houses close to the Railway when it is within the power of the Railway to avoid any risks from sparks

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by adopting certain precaution? I understand it is possible for the Railway to utilise some apparatus which prevents sparks travelling two hundred feet from the line. If that is the case, I think it should be incumbent upon the Railway to take such precautions, and if they do not, to accept responsibility for damage.

Tin Hon. THE GENERAL MANAGER : There is no apparatus that has been invented which is safe, but as I have said, the only thing the Railway can do is to use the best methods. There is no spark-arrester which is safe in any part of the world that I am aware of.

Tin Hon. A. C. TANN/MILL : There are certain g... down plots granted. The Railway has facilities offered and the Land Department has the land. The Railway boundary is probably the siding frontage of the plot. Those buildings therefore must be built within two hundred feet of the Railway boundary and no compensation is granted if, through the Railway, these buildings are burnt down. Another point raised was that the owner of the building should insure, but it is just a little doubtful, in view of this clause, whether insurance companies will take these risks, or alternatively et charge a very high premium. In other words, people take the risk, y... the Crown are penalised suddenly by the who have been granted land by insertion of this clause, and I do definitely move that this sub-clause

deleted. (d) be deleted.

His Kamm-nor : The question is that sub-clause Note : 21.

On a division the question was put and lost. Ayes : 8. E Issa, Captain Harvey, flamed Moham ustace, Messrs.

Ayes : Messrs. Conway Malik, O'Shea, Major Rob

Tannehill and Wilson, Messrs. Bruce, Campbell, Sir Edward

Noes : Major Brass, Colonel Durham, Messrs. Felling, Fitzgerald, Gilbert, De. Gilks, Messrs. Grannum, Harrison, Ilemsted, Iluggard, Major Canon Leakey,

D. Kent-Lemon, Lt.-Colonel Kirkwood, Maxwell, Montgomery, On, Sikes and Walsh.

Clause 71. Restriction on execution against railway property.

Tin Hon. E. M. V. KENEAAT : I trust what I am going to say will not outrage the sensibilities of the hon. Member for the Lake, who suggested that amendments should be brought up in Select Committee and not be introduced in Council.

In this particular thing I did raise and maintain an opposition in Select Committee because here we see manifestly a truckling to expediency at the expense of common sense and at the expense of principles which have taken generations of suffering to attain.

Now, Sir, if this clause goes through it means that the Courts of this country will cease to function in certain conditions and that the powers of an individual in this country are greater than the towers of any man including His Majesty the King in the whole of the British Empire, and I Submit that the condition of affairs will become intolerable in this hon.

Council.

Now, Sir, if any individual owes money to any other individual and he knows that if he does not pay that money that certain properties of his will be attached by order of the Court, he will take reasonable steps to prevent the means by which he earns a livelihood from being attached and he will raise that money by selling some other asset, and I thought that if one can expect readily such a degree of providence and be expected where an individual is connected with the Railway such as ours is, as in a well managed and forethought matter of fact, one can expect even a higher 'degree of providence in the latter. Now, one has a reasonable right to suppose that funds will be provided for meeting such liabilities

and I think every hon. Member in this House will also agree it is essential that those funds should be provided.

The power of the Court to order an attachment of certain properties is a power which has not been gained lightly. It is based on a tradition and I consider that that tradition is a magnificent one. Justice should

we should give any power to one individual in this country in this country, the Courts in this country are clothed in justice which has been built up over a long period of going to dictate to a Court and utilise its find. In spite of the shabby habiliments of the Courts so to flout if we are we are going to sacrifice something for which we have suffered expediency and which we have attained only after a long period of years.

I consider that it would be a expedient in this matter and to-day I have a thing to truckle i or this country, any trend of thought inimical to the dignity of the Co

Now, Sir, it may be suggested that the application of this clause never be cilled upon. If that is so, why have the clause at all? If the Railway fails to meet its monetary obligations, the person who suffers from that failure appeals to a Court, and the fact that appeal to the Courts is only necessary in such cases demonstrates how unnecessary this clause is if the Railway will continue to meet its obligations.

If it is suggested, Sir, that this power, which even His Majesty the

Majesty the King's powers I think it is absolutely and if we should give greater powers to an individual in this country or any Body in this country. At present, Sir, all these matters are viewed very precisely from a financial aspect. but they are of the Railway in this more will steadily decrease until the railway becomes a ceasing factor. the

the total budget of the federated territory which we hope will be formed, and it is most injudicious at this stage to sacrifice principles merely for expediency because the monetary value and the relative importance of the Railway is

hope, Sir, you will support this view because the reasons which are not antagonistic of this country, but are merely in amplification of these qualities.

THE HON. CONWAY HARVEY: Your Excellency, my hon. and gallant colleague took the view of the over-what I think Sir, for expressing what I believe to be the introduction of amendments a this hon. Memers w regard to the disposed of when Council met in Select Committee, that will have been apply to the particular proposal of my hon. and gallant

at the moment. His proposal, Sir, appears to be based on the most lofty principle, a principle so lofty as to be entirely beyond the reach of any normal individual. In fact, Sir

means that if a claimant gets judgment for a Railway that claimant cannot have the right to take a section of the main line and dislocate the whole of

an essential public, which I suggest, Sir, would be entirely without precedent. My hon. gentleman first introduced this matter in Select Cm there might be something in it and I took steps, Sir, to ommitte the proposal now incorporated in the measure before the spon. only in that conformity with similar Proposals governing the, activities of a public throughout the whole of the civilised world. For these reasons, Sir, I still adhere to the report of the Select Committee which I signed.

THE HON. THE ATTORNEY GENERAL: I do not think it is me to add to what my hon. friend the Member for the necessary for said on the proposed amendment. but I should just like to say this, that the clause we are discussing is a copy of the clause which has been in force for the last seventeen years. (Laughter.)

of the Hon. E. M. Etray : Does the hon. Member wish to move the de/etion

CAPT. THE HON. E. M. V. ICENEALY: I regret, Sir, that I do. The question was put and lost,

*Clause 72. Railway servants to be public servants.*

THE Hon. A. H. MALIK : 7 his clause, Sir, appears to be a contradiction of the Order in Council, which states that railway servants shall be servants of the High Commissioner. This clause states that railway servants shall be deemed to be public servants and this seems to be inconsistent with the Order in Council. An amendment seems to be required in view of this Order in Council.

THE HON. THE ATTORNEY GENERAL : This clause has no relation whatever to the Order in Council. The object of this clause is merely to state, for the purposes of Chapter IX of the Indian Penal Code which deals with offences by public servants, that a Railway servant is a public servant within the meaning of the Code. The amendment suggested by the hon. Member would not make servants of the Railway public servants for the purpose of the Indian Penal Code.

TirE Hon. A. H. Mend : Do I understand that a railway servant is a public servant as understood by the words "public servant" r

THE HON. THE ATTORNEY GENERAL : A railway servant is a public servant as so stated in the Order in Council.

*Clause 80. Limitation of actions.*

THE HON. THE ATTORNEY GENERAL : IR accordance with the notice I have given I beg to move that in sub-clause (3) of this clause the words " it shall be lawful for the General Manager to pay " in lines 49 and 50 be deleted and that the words " the General Manager shall pay " be substituted therefor. The amendment, Sir, is- to meet the wishes of a certain number of members of the Select Committee who felt that there should be a definite statutory obligation on the General Manager to pay out of the Railway and Harbour Funds such sums as may be awarded against the High Commissioner by judgment of the Court.

The question was put and carried.

*Clause 82. Regulations.*

THE Hon. A. H. Marx : Sub-section 6. I beg to move an amendment that the following words be added : " Provided no such reservation shall be made unless equally suitable premises are reserved for all races and persons of all classes."

THE HON. THE GENERAL MANAGER : The clause gives the High Commissioner power to make regulations for the reservation of the railway compartments or any railway coach or ship or of any portion, either the whole of the train or any portion of the train, for the exclusive use of females or males or persons of different races or different classes of persons. I submit, Sir, we can hardly go further than that and accepting the proposal would mean that you could not make a reservation for a certain race without making reservations for every race on the same train. I think the clause should remain as drafted.

THE Hon. A. H. MAUI( : The Hon. General Manager seems to agree with me that a reservation cannot be made unless a reservation is made for every purpose, also I do not see any reason why this proviso should not be added to it.

HIS EXCELLENCY : Order, order, I have allowed the hon. Member to move his amendment because I was anxious that he should have an opportunity of stating his case. but I am bound to say on considering *it* that the amendment is not in order as it amounts in principle to a negation of the clause. It is perfectly clear that if a reservation is to be made for everybody it amounts to destroying the power of reservation and I am afraid that the General Manager's statement on that matter seems to be conclusive. I cannot therefore accept the amendment.

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

The question was put and carried.



*Clause 72. Railway servants to be public servants.*

THE How. A. II. MALIK : 1 his clause, Sir, appears to be a contradiction of the Order in Council, which states that railway servants shall be servants of the High Commissioner. This clause states that railway servants shall be deemed to be public servants and this seems to be inconsistent with the Order in Council. An amendment seems to be required in view of this Order in Council.

THE HON. THE ATTORNEY GENERAL : This clause has no relation whatever to the Order in Council. The object of this clause is merely to state, for the purposes of Chapter IX of the Indian Penal Code which deals with offences by public servants, that a Railway servant is a public servant within the meaning of the Code. The amendment suggested by the hon. Member would not make servants of the Railway public servants for the purpose of the Indian Penal Code.

THE HON. A. H. Mimi : Do I understand that a railway servant is a public servant as understood by the words " public servant "

THE HON. THE ATTORNEY GENERAL : A railway servant is a public servant as so stated in the Order in Council.

*Clause 80. Limitation of actions.*

THE HON. THE ATTORNEY GENERAL : In accordance with the notice I have given I beg to move that in sub-clause (3) of this clause the words " it shall be lawful for the General Manager to pay " in lines 49 and 50 be deleted and that the words " the General Manager shall pay " be substituted therefor. The amendment, Sir, is- to meet the wishes of a certain number of members of the Select Committee who felt that there should be a definite statutory obligation on the General Manager to pay out of the Railway and Harbour Funds such sums as may be awarded against the High Commissioner by judgment of the Court.

The question was put and carried.

*Clause 82. Regulations.*

THE How. A. H. MALIK : Sub-section 6. I beg to move an amendment that the following words be added : " Provided no such reservation shall be made unless equally suitable premises are reserved for all races and persons of all classes."

THE HON. THE GENERAL MANAGER : The clause gives the High Commissioner power to make regulations for the reservation of the railway compartments or any railway coach or ship or of any portion, either the whole of the train or any portion of the train, for the exclusive use of females or males or persons of different races or different classes of persons. I submit, Sir, we can hardly go further than that and accepting the proposal would mean that you could not make a reservation for a certain race without making reservations for every race on the same train. I think the clause should remain as drafted.

THE How. A. H. MALIK : The Hon. General Manager seems to agree with me that a reservation cannot be made unless a reservation is made for every purpose, also I do not see any reason why this proviso should not be added to it.

HIS EXCELLENCY : Order, order, I have allowed the hon. Member to move his amendment because I was anxious that he should have an opportunity of stating his case, but I am bound to say on considering it that the amendment is not in order as it amounts in principle to a negation of the clause. It is perfectly clear that if a reservation is to be made for everybody it amounts to destroying the power of reservation and I am afraid that the General Manager's statement on that matter seems to be conclusive. I cannot therefore accept the amendment.

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

The question was put and carried.

*Council resumed its sitting.*

HIS EXCELLENCY • I have to report that the Kenya and Uganda Railway Bill has been considered in Committee of the whole Council and has been returned to Council with amendments.

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

*Council adjourned.*

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TUESDAY, 13th SEPTEMBER, 1927.

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The Council assembled at 10 a.m., on the 13th September, 1927, at the Supreme Court, Mombasa, His Excellency the Governor (SIR EDWARD W. M. GRIGG, K.C.V.O., C.M.G., D.S.O., M.C.) presiding.

His EXCELLENCY opened the Council with prayer.

ADMINISTRATION OF THE OATH.

The Oath of Allegiance was administered to :—

RAM SINGH NEHRA, Nominated Indian Member.

MINUTES.

The Minutes of the Meeting of 31st August, 1927, were confirmed.

PAPER LAID ON THE TABLE.

BY THE HON. THE COLONIAL SECRETARY (SIR EDWARD DENHAM) :

The Second Supplementary Estimates, 1927.

NOTICE OF MOTIONS.

CAPTAIN THE HON. E. M. V. KENEALY : I beg to *give* notice of the following motions :-

1. " That Government quarterly lay on the table of the House a statement showing :-
  - (1) Crown Land transactions pending ;
  - (2) Crown Land transactions completed."
2. " That Government *give* instructions for an immediate economic survey of the country north of Nanyuki River with a view to the immediate extension of the Nyeri Railway to Nanyuki—a distance of 15 miles."
3. " That Government appoint a Committee of this House to make recommendations concerning water legislation and control."

LIEUT.-COL. THE HON. J. G. KIRKWOOD : I beg to *give* notice of the following motions :-

1. " That this Council recommends a Committee *be* appointed to revive and amend the present Land Laws and favourably consider that :
  - (a) Payment should be extended over a period of 25 years.

- (b) Fifty per cent. advances by Government on all permanent improvements to Crown tenants.
  - (c) Implement conditions to allow selectors to acquire land from private owners.
  - (d) Disposal of Crown lands by ballot.
  - (e) Priority to be given to applicants who were unsuccessful in the Soldier Settlement Scheme and who still reside in the Colony.
  - (f) Raise a Loan to finance approved applicants."
2. " That this Council recommends that Council should assemble not oftener than once a quarter."
  3. " That this Council considers the granting of Medical Farms is no longer desirable, that owing to the great improvement of communications and transport facilities the system has outgrown its usefulness."
  4. " That this Council approves the appointment of a Committee to investigate and report on Grants to Non-Government Public Hospitals in the Colony, with a view to finding a formula applicable to all."

### ORAL ANSWERS TO QUESTIONS.

#### COST OF LIVING COMMISSION.

CAPT. THE HON. H. E. SCHWARTZE asked :

Has Government yet received the Report of the Cost of Living Commission. If not, when may it be expected. If yes, is it the intention of Government to lay it on the table of Legislative Council?

THE HON. THE COLONIAL SECRETARY (SIR EDWARD DENHAM) :

The Cost of Living Commission have submitted an interim report only in which they state that the Commissioners are at present collecting statistics regarding fluctuations in the price level of commodities, any increases in freights, duties and railway charges, rents and trade overhead charges, and family budgets. This work will occupy a further time and no report from the Commissioners is expected until these enquiries which are being made by the Statistical Expert are complete.

#### COAST COMMUNICATIONS.

MAJOR THE HON. R. B. W. ROBERTSON EUSTACE asked :

(1) Is the Postmaster General now prepared to accede to the request put forward by the commercial community and planters of the Coast Area to provide direct telegraphic and telephonic communication between Mombasa and Tanga?

(2) Is it correct that the cost to Kenya of connecting Mombasa with Tanga will not exceed £5,000?

(3) At what figure does the Postmaster General estimate the revenue from such a line?

(4) Is it correct that the charges for interest, sinking fund and upkeep of such a line between Mombasa and Tanga would not exceed £1,000 per annum?

(5) If so, does not the Postmaster General think this expenditure would be justified by the benefit accruing to the community to be served?

THE HON. T. FITZGERALD (POSTMASTER GENERAL) :

(1) I am not prepared to recommend to Government that provision should be made, as far as Kenya is concerned, for the establishment of direct telegraphic and telephonic communication between Mombasa and Tanga.

(2) The estimated cost to Kenya is £5,100, or approximately as stated.

(3) It is estimated that the revenue which would accrue to Kenya would not exceed £300 per annum.

(4) The whole of the actual figures of costs on the Tanganyika side are not at present available, but are expected to be received shortly. It is, however, roughly estimated that the charges for interest, sinking fund, upkeep and working of a line which would provide both telegraph and telephone facilities between Mombasa and Tanga would amount to £1,115 per annum, of which £735 would fall on Kenya.

(5) Having regard to circumstances generally, I am not satisfied that the expenditure would be justified.

#### LAIKIPIA-KERICHO LAND EXCHANGE.

LIEUT.-COL. THE HON. C. G. DURHAM asked :

Will Government state whether anything further has been done in the matter of the Major Tottenham-Sear Holding, and if so, will it state what action has been taken?

THE HON. THE COMMISSIONER OF LANDS (MR. MARTIN) :  
At the request of Mr. Sear's agents negotiations in respect of this exchange have been broken off. The District Commissioner and parties interested have been so informed. No further action will be taken without the approval of Government being first obtained.

## NAIROBI ROADS.

CAPT. THE HON. H. E. SCHWARTZE asked :

Has Government been asked by the Municipal Council to allocate the sum of £100,000 to the Loan Fund as a loan for the complete restoration and tarring of Nairobi roads?

(2) If so, is it the intention of Government to make arrangements for such loan?

THE HON. THE COLONIAL SECRETARY : The answer to the first part of the question is in the affirmative. The proposal is under the present consideration of Government.

**BILLS.**

## THIRD READING.

## THE KENYA AND UGANDA RAILWAY BILL.

On Motion of the Hon. the Attorney General a Bill to Provide for the Regulation, Control and Management of Railways and Steamer Services in the Colony and Protectorate of Kenya, and for matters incidental thereto, was read a third time and passed.

## SECOND READINGS.

## THE SUPPLEMENTARY APPROPRIATION BILL

THE HON. THE COLONIAL SECRETARY (SIR EDWARD DENHAM) : Your Excellency, I beg to move the second reading of a " Bill to supply a further sum of money for the service of the year ended 31st December, 1926."

This is more or less a formal matter and simply covers the expenditure that has actually been incurred in 1926. Full details have been supplied to hon. Members and they also have the schedule before them.

THE HON. THE TREASURER (MR. GRANNUM) : I beg to second.

The question was put and carried.

## THE ANCIENT MONUMENTS PRESERVATION BILL

THE HON. THE COLONIAL SECRETARY : Your Excellency, I beg to move the second reading of a " Bill to provide for the Preservation of Ancient Monuments and Objects of Archaeological, Historical or Artistic Interest."

The object of this Bill is to afford authority to provide or the preservation of such ancient monuments and antiquities, to allow effective and efficient control to be exercised over excavations in places where there are ancient

monuments of recognized interest, and to enable all such monuments and antiquities to be protected and, if necessary, acquired. The definition of a "monument" covers all objects of archeological, historic or artistic interest, including structures, memorials, tomb stones, caves, remains of mine, etc. Any of these objects may be declared by the Governor, by notice in the Gazette, to be a protected monument. Provision is made to enable any objections to such protection being lodged within two months of the notice.

The effect of the Gazette notice will be to bring the monument within the provisions of the Ordinance and the effect of the Ordinance will be to prevent any such monument being destroyed, tampered with, or in any way damaged, and places it under the guardianship of the State. Power is given to the Government if necessary to purchase compulsorily any such monument or antiquity if it is found necessary to take such action.

It also provides regulations for Government control and supervision of excavations which are being made in respect of monuments which come within the provisions of this Ordinance.

The Ordinance is based on legislation which was introduced in India by the late Lord Curzon. It is a form of legislation which most countries have now adopted and which many must have regretted they had not introduced earlier.

It gives me special pleasure to move the second reading of this Ordinance here in Mombasa. Mombasa, as Burton described it: "That indomitable village, whose history is that of the whole East African coast. Burnt three times to the ground, and twice she succeeded in massacring an enemy whom she had failed to expel." Under the shadow of one of the most ancient forts in this part of the great continent and at the headquarters of a coast province whose historical records go back many hundreds of years, it is particularly appropriate that this Ordinance should pass through its stages amidst these surroundings.

Many of you here, no doubt, have studied the history of the Coast and the numerous vicissitudes of the land of Zinj. The record is one of much bloodshed and many invasions. Persians, Arabs, Europeans, have all played their part in its history and it is somewhat surprising that any monument should be left when one reads a story in which wholesale slaughter, conflagrations, pillages, sacking and razing of towns form the principal features. Yet there are within an easy distance of the place where we are now sitting many most interesting remains of ancient days. We are inclined to talk so much of Kenya as the youngest Colony in the British Empire, to lay stress on our youth and virility, that we are perhaps apt to be forgetful of the fact that other civilizations

reached this coast and left their mark upon it. Discoveries which have been made and quite recently further explored at Gedi, between here and Malindi, will alone justify the necessity for steps being taken such as are proposed in the Ordinance now before Council. Hon. Members should take an opportunity if possible during their stay in Mombasa to visit these ruins and I am sure they will be surprised at their extent, at the wealth of discovery which they already disclose and the field they open for further investigation. Picturesquely situated in overgrown thickets they show that an ancient town of considerable size and importance flourished on this almost lost spot.

Inside the door of the Court, Members will see a stone taken from a Portuguese Fort—St. Joseph—bearing an inscription, one of the monuments which has been preserved, though I would suggest that a translation of the inscription might be placed above it.

Unless records such as these can be preserved from vandalism, excavation merely opens a door to theft and affords an opportunity for loot. As it is, pieces of china and coins of considerable value and antiquity, carvings in wood and stone, have already been removed and doubtless sold as curios to the globe trotter.

Further along the coast we have that interesting old town of Lainu, where the Horn of Sheila is preserved, and opposite which lie the islands of Patta and Manda with their records, which may yet be found to contain much of great historical interest. Before reaching Lamu one passes on the coast a later monument, but one of world-wide interest—a pillar erected by Vasco da Gama, to commemorate his landing on this coast in 1498.

Every period in history has at least some stone to mark its passing, whether it forms part of the records of a city or only a head stone over the grave of a shipwrecked sailor. There is, I think, no more interesting spot on the coast than the graveyards of Shelia, quite close to Lamu. Here lie on a peak of rock jutting out to sea the graves of a consular agent who was murdered on the coast by Arabs; a British medical officer, who gave his life to his work in this unhealthy neighbourhood; and a sailor whose body was washed up on this spot. And below this Christian burial place lie in the sands, we are told, the bones of thousands who were slain at one of the most famous battles—it is fully recorded in the "Chronicles of Pate"—ever waged on the coast of Africa.

There are many other graveyards in Kenya in which there are historic monuments; monuments of men who have given their lives in the early days to pioneering efforts in this Colony—men and women who are amongst the first band of devoted Missionaries who landed on this coast. Men who have



lost their lives in the struggle with wild tribes and wild animals. At Rabai, near here, at Golbanti and Ngau are graves of pioneers in the conversion of races in this country to Christianity.

Freretown and Fort Smith have graveyards in which rest men whose names will be closely connected with the history of this country. There are graves which have not yet been traced, such as Lieutenant Reitz's, closely associated with the history of Mombasa and whose grave has still to be found. It is hoped that when we have more money to spare on archaeological research this grave will be found.

In this connection I may say that Government has had compiled a complete list of all tombstones and monumental inscriptions for the whole Colony, and the attention of administrative officers has been called to the necessity of keeping these graveyards clear of vegetation and taking steps to preserve the inscriptions which have in far too many cases been destroyed or obliterated.

I trust that all Missionary bodies will co-operate in this much-needed work. It is not only the graves of this generation which it is necessary to preserve. The recent discoveries of Mr. Leakey, which are attracting very wide attention in Europe, show that we have in Kenya graves of prehistoric men going back possibly sixty-five thousand years. It is essential that steps should be taken to prevent the caves and ground in which these paleolithic remains have been found from being disturbed or dug up in the absence of the research party.

The co-operation of one and all is needed to make an Ordinance of this kind the success it should be and I feel that I can ask the Council with confidence to support a measure which will enable practical and effective steps to be taken to preserve those monuments which link Kenya with the past and connect it with every chapter in history.

I feel almost ashamed to mention the cost which it is proposed to incur to assist in the execution of this Ordinance. A sum of £100 has been provided in the Estimates under Public Works Extraordinary this year for the preservation of Ancient Monuments, and a sum of £150 is included in the Estimates for 1928 for the same purpose. It is true that expenditure at present is not likely to go beyond the clearing of sites and taking effective measures for their protection. It may possibly be found necessary later to take measures such as are now so strongly supported in England for the preservation of spots of historical interest. But this is not contemplated at present in this country. We must not be content only to make history in Kenya to-day. We must also preserve it.

I have much pleasure in moving the second reading of this Ordinance.

THE HON. ALI BIN SALIM : I beg to second.

The question was put and carried.

#### THE PUBLIC HOLIDAYS (AMENDMENT) BILL.

THE HON. THE COLONIAL SECRETARY : I beg to move the second reading of " a Bill to Amend the Public Holidays Ordinance." This Ordinance gives effect to a motion which was moved by the Hon. Member for Nairobi South at a recent meeting of Council. The motion was accepted by Government and was to the effect that the schedule to the Public Holidays Ordinance should be amended so as to include the day between Good Friday and Easter Sunday among the holidays. Hitherto the Chambers of Commerce have been consulted as to whether this day should be a holiday and it has always been proclaimed a public holiday and it is thought advisable to give statutory effect to it.

CAPT. THE HON. H. E. SCHMARTZE Your Excellency, I beg to second.

THE HON. T. J. O'SITEA : Your Excellency, I am entirely in sympathy with the spirit of this Bill in that it will provide one inure continuous holiday in the year and makes it general throughout the country. I think at the same time we should reconsider whether it is not necessary as compensation to give up one of the single-day holidays which make too frequent breaks in the buainess of the year. There is no doubt that the mu niter of occasions on which the course of business is interrupted by holidays is too frequent and I think that these one-day holidays are no benefit to the community for the purpose of recreation owing to our communications being what they are and the community being so scattered. As it is it is inq;ossible to do anything with a single-day holiday, whereas if they are concentrated, as it is proposed they should be in this case, they arc of benefit to the community. I am therefore entirely in sympathy with the Bill, but I should like to see the question reconsidered as to whether it is not advisable to give up one of the existing single-day holidays as compensation. Industry is growing in the Colony and it is becoming an increasing burden on employers to give these single-day holidays. Representations have been made to me by several peopl.' to that effect and we should give the matter further consideration. I hope that Government will agree to refer the matter to a select committee.

THE HON. THE COLONIAL SECRETARY : Your Excellency, this Bill deals with a particular occasion and I think meets a particular need and that being so I cannot recommend that

this Bill be referred to a select committee. If the hon. Member wishes to raise the question of the principle of government holidays or to propose a change, I would suggest he put forward a motion to this effect which can be considered later. This Bill stands by itself and Easter Saturday is a day which I think all will agree should be a statutory holiday.

The question was put and carried.

#### THE REGISTRATION OF DOMESTIC SERVANTS BILL.

THE HON. THE COLONIAL SECRETARY : Your Excellency. I have to move the second reading of an Ordinance intituled " a Bill to provide for the Registration of Domestic Servants." This Bill makes provision for the registration of domestic servants in such townships, districts or areas as the Governor may by Proclamation appoint. The term " native " covers all natives of Africa, including Somalis, Swahilis, Arabs, Comoro Islanders and Madagascans. The registration involves the attendance of any person who desires to enter, or is employed in, domestic service before the Registrar, who will enter all particulars regarding him, or her, in a pocket register which will be supplied to the servant. Every employer is required, on engaging a servant, to make the necessary entries in the pocket register, including the date on which the servant is employed and the capacity in which he is engaged. On the cessation of the employment, employers are required to enter up particulars in the register, give the character of the servant, to state the cause of dismissal, if any, or the reason why the servant has left employment.

Once this Ordinance is applied to any area, no persons may engage or employ in that area any servant unless such servant is registered under the Ordinance and produces the necessary pocket register. This Ordinance provides for penalties on both employers and employed for breach of regulations, such as failure to see that the servant has got a pocket register, making entries in the register, or damaging it in any particular. There is also provision for the employer being fined a sum not exceeding She. 100 for entering in the pocket register of the registered servant any gross accusation which he is unable to substantiate. Power is given to the Registrar to cancel any register of a servant convicted of theft or infamous crime, or who is known to the police to be leading a disorderly or disreputable life.

I wish to make it quite clear to Council that there is nothing revolutionary or new in this proposed measure. A similar measure was introduced in this Council in 1910 and was passed. It was apparently only owing to lack of organisation and lack of funds that the Ordinance was never introduced and it was repealed in 1924 by the Ordinance which removed from the Statute Book Ordinances which had never been brought into force.

Similar legislation, which differs in few particulars from this Bill, is in force in Uganda. I may say that where it does differ this Bill puts rather more onus on the employer. A like measure is in force in the East Indian Colonies and I am acquainted with its working in one of these, where I may say that it has proved extremely satisfactory and its provisions have been adopted in several other Colonies as a result of its successful working.

It should also be clearly realised that this Bill is introduced in the interests of both employers and employed. From the point of view of the employer it ensures the formation of a responsible body of domestic servants. It affords the further protection and assistance of a Registrar who will be in touch with such servants and who will be in a position to prevent persons who have committed crimes and offences from being employed as house servants. It will also afford some guarantee that the domestic servant has previously been employed as such and that he is not merely adopting this profession because he has failed to make good in any other walk of life. It will enable the employer to check references and examine previous characters. It really ensures his being put in possession of a document which is some guarantee at least for good behaviour on the part of the servant.

As regards the employed, it gives a native what he always values if he is worth anything at all—good chits, properly bound and preserved and certified by a responsible person. From my own experience I can say that the native attaches great value to his pocket register and that they are passed on from father to son as heirlooms—but not, I need perhaps scarcely say, to be used by the latter !

The servant also recognizes that he belongs to a definite class, brought under Government protection and control, and he is no longer a mere *shenzi* lad wandering about in search of employment and depending upon the case he can make out to an employer, who probably does not understand a word of what he is saying. If he is a good servant he produces with pride a register which confirms his statement. If he is a bad servant it is probably to the advantage of all that he should not find employment easy to obtain.

With regard to the necessity for this Ordinance I do not think that there can be any doubt. The need has been stressed from all sides—by the Convention of Associations, by District Associations, and by the East African Women's League. The position with regard to servants at the present time in this Colony is most unsatisfactory. It was estimated by the Labour Commission that there are 28,000 natives employed in domestic service. It would be interesting to obtain figures as to the number of these who are in regular employment, but from a return which I received from the Registration Department it is estimated that there are about 6,000 men, women

and children in employment as domestic servants in Nairobi, and of these about three-fifths leave their employment monthly and seek work elsewhere. These figures, I think, clearly show what a waste of material there is at present and how very unsatisfactory conditions now are.

The ambition of the native appears to be not to obtain regular employment in a good household but to move from house to house, taking advantage of the necessities of the employer with the hope of getting an extra shilling put on to the statement of wages in his kipandi. He cares nothing about characters or references and if they are asked for he borrows some chits from a friend and is quite surprised if any questions are then asked. It is, I believe, by no means uncommon for servants to produce bundles of letters going back to days when they were small children and given to several persons bearing quite different names.

This condition of affairs is no doubt accentuated by the slackness of employers who do not trouble to check references or to apply to the last employer. Postal delays in this country naturally make such references difficult. A servant to-day frankly does not care whether he is dismissed or not. There are excellent servants in this country, as good as are to be found anywhere—I am referring to the largely increasing number of natives seeking domestic employment.

It has, I believe, been argued that there can be no need for a Domestic Servants' Registration Ordinance in view of the fact that there is a registration system in force. But I would point out that the two are entirely distinct. The kipandi is an identification ticket, passed between districts. It was never intended to be connected with the character of the bearer and no female is registered. In the future we may expect that a large number of domestic servants will be women. Any alteration in the kipandi or in the native registration system will, I am sure, be most dangerous. Action was taken, I believe, by a certain number of employers who put marks on the kipandis to show that the holder had misbehaved himself while in their employment, and at one time secret signs were, I believe, in common use. I need scarcely say how unfair any such proceeding is and it merely strengthens the necessity for a properly organized registration system.

This leads me to deal with another possible objection that employers guilty of tampering with a kipandi might also make unjust statements in a pocket register. There are, of course, such employers in all countries, but I think it reflects very badly on the state of public opinion in Kenya if we are to refrain from introducing a much needed measure for fear that employers in this country would deal unjustly with their employees. The Ordinance provides a further check against unfair or false statements being made and if necessary the

penalties may be even further increased. It has also been suggested that the cost of this measure is likely to be very high. I have a statement here showing the details and I will point out that on the very low fees it is suggested should be charged for registration there should not be a loss of more than £105 during the first year and after that the scheme should more than pay for itself. I need not, perhaps, deal with the suggestion made that the system might be a voluntary one. Such a course would merely defeat the whole object of the Ordinance. There would be two classes of employers and two classes of employees, to the detriment of all. If the system is introduced it must necessarily be compulsory, but the Ordinance provides for its being confined to a certain district or area which can always be extended by Proclamation.

I desire further to emphasize the great importance of this measure and the effect that it is likely to have on the natives of this country. A very large proportion of natives in Kenya only see the European as an employer and those who learn anything about his home life and get into closer touch with him are the domestic servants employed in his house. Native opinion is, I believe, more enlightened or unenlightened with regard to the standards of European conduct by the domestic servant than by any other native in the country. It therefore behoves us all the more to raise the standard of such servants and to ensure that the good ones are protected and encouraged to do still better, and that bad servants are weeded out.

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

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

THE HON. CONWAY HARVEY : Your Excellency, the Noble Lord our leader, has asked me to express his very deep regret to Your Excellency and other Members of this Council for his inability, owing to unforeseen circumstances, to be present at this session. I should like to congratulate the hon. mover of this motion, Your Excellency, on the very clear and complete statement he has made to Council. It leaves very little to be said by those in favour of the measure. There is no doubt that it has only been introduced in response to a very genuine public demand, but opinion on this side of the House is undoubtedly divided. I think, Sir, we are all agreed on one point and that is that certain modifications are absolutely essential in matters of detail if the Bill is to be made workable and a permanent success, otherwise its object will undoubtedly be defeated. I allude particularly, Sir, to the most onerous nature of the obligations on the employer in regard to returns and so on and so forth, and we have to remember in this connection, Your Excellency, that an enormous number of employers of domestic servants in Kenya are not very highly

cultured people, and any legislation of this nature in order to be effective, must be made as simple and easily understandable as possible. Chiefly for these reasons, Your Excellency, and in order, if possible, to achieve unanimity, I trust the hon. the Colonial Secretary will agree to putting this Bill to a select committee.

THE HON. J. B. PANDYA : Your Excellency, I am sorry I cannot support the principle of this Bill which seems to me revolutionary in its contents and in its effect. I am sorry I cannot agree with the views expressed by the hon. the Colonial Secretary in regard to this Bill when he mentioned that it was not revolutionary. The principle of the Bill, Sir, is this. That Government undertakes to provide the employers with the characters of their servants. I object to this principle from this point of view that if it is accepted in the case of these domestic servants I do not know where it is going to end. Tomorrow it may be argued that this principle can be further applied to certain other industries, to certain other trades and to certain other avocations, and I am sorry that the principle is such and so dangerous that I cannot support it. The Bill, I understand, was first introduced in 1910 and could not be put into effect. That itself, Sir, shows that there is something wrong in regard to this Bill which makes it impossible to put it into practice and I must say that after seventeen years the world has advanced, that is all communities have advanced, and this Bill which seems to be bringing into practice the principle advocated in 1910 can hardly be supported.

Apart from the actual effect of this Bill it is going to have an effect on the cost of living. The result of this Bill so far as I can make out would be this, that we shall have fewer servants available, or fewer servants than we have at present available, for domestic service, and on account of restrictions there will ultimately be a shortage in the number of domestic servants available. It would put up the wages of the good servants available, and the cost of living, which is now so high, would go up as the cause of this Bill.

Further, it is evident from the particulars which have been submitted that the Bill is to cost £2,415 to start with, and that although the revenue will be derived from the operation of this Bill, it will entail a loss in the initial stages, but it is expected that there will be some profits in succeeding years and therefore this Bill it seems is to be used as a means of further taxation on the community. It generally happens that the natives do not work for a very long period, that you may have to change your servant in ten or twenty days on account of his unsatisfactory work and the community will have to pay very much more than the benefit they would get from the operation of this Bill.

As regards the necessity of this Bill, it has been mentioned that this is in the interest of the employee and the employers both. The necessity which the Hon. the Colonial Secretary has mentioned is this, that the necessity has been felt by the community and it has been urged by the Convention of Associations and such people. So it contradicts itself. It is clear that the necessity has been felt by the employers only and the employees, as such, have not felt the necessity of such a Bill. In regard to the remarks made by the Hon. Member for the Lake (Mr. Conway Harvey) he mentioned that public opinion has demanded the introduction of this Bill. Your Excellency, I have not seen any such demand by all the communities. I think he meant the communities who engage servants demand such a measure and so far as the Indian community is concerned I have not heard them expressing an opinion in regard to the demand for this Bill.

I am glad to hear one opinion expressed by the hon. Member that there is sonic necessity for the modification of this Bill, and then there is the cost of working, and the obligation of the employer as mentioned in the Bill is rather too high. I think, Sir, that the obligation of the employer is very little and that the onus of proof which has been demanded from the employer in regard to certifying adverse characters and so on is very little.

It is mentioned here " a reasonable cause " and the question as to what is considered reasonable is to be decided by the Registrar. I understand that he would be the sole authority to decide these questions. I do not think that the native against whom the reasonableness is to be applied is so civilised as to understand the points which would be put before the Registrar.

I think the result of this Bill will to a certain extent be to make the natives in regard to domestic service more scarce. It is recommended that the Registrar shall be the sole judge as regards characters of even the associates or friends of a domestic servant. I think there are so many objections to this Bill, that I am opposed to it, and I am sorry that I shall have to vote against it.

CANON THE HON. H. LEAREY : As this Ordinance so very closely concerns the interests of the African population I have the honour to represent here to-day, I would like to ask whether in the event of the Bill going through if it would be possible for Your Excellency to give an order that it should be printed, or a precis thereof be printed, in the Habari Magazine in Kiswahili. As I read the Bill I am prepared to endorse what has been said by the Hon. the Colonial Secretary, that it has advantages both for the employee as well as for the-



employer, but I do think it is most important that the domestic servants concerned—I am speaking especially about the African—so many of whom are becoming able to read themselves, should have every opportunity of getting to know what the Bill is about and how it concerns them, and when I say the Bill should be printed I mean that any changes afterwards should also be printed at a later date. At the same time I would ask Your Excellency if a reprint of just that part of Habari be printed so that everyone can read it or get someone to read it to him, to know exactly what the Bill is about. I do very much hope that that will be done.

THE HON. T. J. O'SHEA : Your Excellency, the hon. Mr. Pandya opened his address by using the word "revolutionary" in this hon. Council, which gives me a boyish thrill, (Laughter). I live in the hope of some day seeing this Council indulging in the passing of some revolutionary Acts. As he developed his theme, however, I came to the conclusion that there was nothing really very revolutionary in this measure and that he merely resented the domestic servant in this country being given a semi-official status.

Your Excellency, the Government in this and many other countries has already adopted for a very long time the principle of giving a definite status to people in different walks of life. The legal profession is registered by Government, and the community is protected against the depredations of that profession by Government. The medical profession, the surveyors and others are also Government registered, and I see no reason why the domestic servant should not have the benefit of similar protection.

The Hon. Canon Leakey in his speech has asked that this Bill, if passed, should be published in Kiswahili.

Your, Excellency, I would be very sorry to see anything done in this country to encourage bi-lingual legislation, more especially with such a language as Kiswahili, one of the two languages used, and I should take it as only plain common-sense that if the Bill is passed it will be explained in the fullest detail in the vernacular to the natives whose interests it so intimately concerns, and that it will be given the fullest publicity throughout the length and breadth of the land. Kiswahili has only become a written language in modern times, thanks to the efforts of Canon Leakey and people of his type.

THE HON. A. C. TANNAHILL : I feel very strongly at the present moment that this Bill ought, if possible, to be referred to a select committee. There are several points in it which am sure can be cleared up by consultation with people who are going to be interested in it. but at present I am very much opposed to the whole principle of the Bill. It is going to be of quite considerable expense. The Hon. the Colonial Secretary mentions that it will pay for itself—probably in the

second year, but all the same we shall have to pay for it. It creates a very great obligation on the employer and I should fancy that the existing legislation—although the Hon. the Colonial Secretary stated that the kipandi did not give any reference to character—yet to anybody who studies the kipandi and sees that a native has done ten days in one place, followed by a period of ten days at another place, and at monthly intervals leaves his jobs, can very quickly judge the character of the native applying for work. I further wish to oppose this Bill unless it can be first passed to a select committee.

THE HON. R. S. NEHRA : Your Excellency, it appears that we are very fond of registration in this country and now we have started to apply registration not only in the form of a kipandi but in the form of domestic servants registration as well. Your Excellency, as the Bill stands now I do feel that there are many hardships that will be inflicted upon the employers particularly, and also upon the employees. I see from the various clauses that there are various fines and imprisonments inflicted upon those people who infringe the law, and these are rather excessive for the employers and for the employees. Certainly if the Bill goes through I think those excessive punishments for the newly created offences do deserve further consideration. Another thing, Your Excellency, is that I do not believe that people in the world are made good by legislation. This seems to be an attempt that if you get the servants registered that you will improve their characters. It is very difficult to believe first of all whether the Registrar would have time to hear witnesses and evidence about the native who is going to be employed, and who is going to be licensed in the future to practice domestic service, and secondly the Registrar is endowed with more or less judicial powers. If any native complains that his employer has been unkind and unjust to him and puts the remarks on the kipandi, it is the Registrar who will have to hear evidence and decide whether that was really a just or unjust remark, and that actually compels me to realise the increased litigation that will be involved for the employers and for the employees to put this registration into practice. The employers may be rich men and may be able to employ advocates to defend them, but surely it is going to act very harshly on the native who will not be in a position to employ an advocate to defend him. I do not know if the hon. Member representing the natives is going to make any provision to supply free advocates for the natives who will defend their cases. The employers are at least richer than the employees. It is easy to pass legislation of this nature, but it is very difficult to act upon and it is very harsh on those people, particularly the natives, who are very poor and ignorant, and very illiterate—they will feel the pinch of it.

Another thing I am afraid of is that it is going to some extent to limit and discourage natives to come out for domestic service, because every time a native comes out from his reserve—as everybody knows they do not come out with money in their pockets, only with a blanket, if they possess one—he has to pay to be registered ; if this Bill goes through it means that they will have to pay some fees—Shs. 2 or Shs. 1, before they can get a licence to work. I submit, unless there is intention on the part of the Legislature to discourage new people to come out of the reserves, it is necessary that some funds should be supplied for those natives if the fees are going to be charged by the department, or at least the native should be given the first registration free so that there is no discouragement, as far as the natives are concerned, to come out to work.

I expect there is a desire on the part of some persons in this country to improve this native service on these lines, but I have my doubts whether this legislation is actually going to give us more competent and more reliable, more truthful and trustworthy natives as servants. It is very difficult where a native is concerned to make him tell the truth. He does not understand what is required of him in this connection. He can easily go to the Registrar and get his friends to come and say that he has a very good character to start with. Another thing is that the natives do not consider whether anything they are going to say is going to affect them in the future or not, and in that case when a wrong character is given to start with, the Registrar has the power to cancel the registration and to make them unfit for ever for domestic service. I submit that is a great stigma upon anybody, if once a man commits a fault he may *be* damaged for life if the Registrar should be in a position to cancel his kipandi for all time.

Another thing is that the employer, I think, is expected according to the clauses of this Bill, to carry a pocket register. I think it has to be done in the same way as *a* driving licence. Well, if a man has more than three servants he will have to have more than three registers in his pocket. The clause says that a sub-inspector of a certain grade may ask for the production of the domestic pocket register from the employer. This means that unless the policeman is very reasonable and allows you time to *go* home right away to fetch the pocket register, you would have committed an offence. (Laughter.) Unless the clause which has reference to this and is contained in this Bill is altered at this time—at the start, so as to save the employers being caught by any inspector at any place and at any time, there is going to be trouble.

I think this Bill requires very careful consideration before it can be really successful and a boon to the community, the employers and the employees. At present it seems to me *a* very ill-provised measure and I submit that the fees that

are to be charged, as has already been stated, to meet the expenses of the first year and also for the next years, should be waived. I understand that in the second year there will be a surplus, and I submit that if there is going to be a surplus these fees, from the very beginning, should be made so reasonable, if there should be any at all, to enable things to be made easier and should go towards the expenses of the natives. This Bill should not be a revenue producing Bill at all. If this Bill goes through to create revenue for future extravagance of Government it is very undesirable, because the communities are already over-taxed at the moment and to bring this legislation—which is estimated to bring in £2,000 extra—is highly undesirable, and on these grounds, Your Excellency, I too oppose this Bill.

LIEUT.-COL. THE HON. C. G. DURHAM : After the very fine exposition of this Bill by the Hon. the Colonial Secretary, I am very much surprised indeed that anybody at all can oppose it. I can hardly add anything to what has been said, but I would like to ask the hon. Members in this House <sup>to</sup> look at it from the point of view of the women of this country, and I do submit that this registration will prove a very great help to the women in Kenya.

THE HON. F. O'B. WILSON : Your Excellency, I am afraid I must add to the hon. Member for Kikuyu's bewilderment by saying that I also am going to oppose this Bill. I hope that the Government will see their way clear to sending it to a select committee and that it will there die a natural death. (Laughter.)

It seems to me that we here, when any Bill is brought up, have first of all to put it to two tests—one is to consider every law, or if possible to pass as few laws as possible, and <sup>secondly</sup> to avoid taxation or the new taxes initiated or <sup>formed</sup>, wherever possible. This Bill does not satisfy either of those two arguments. It creates a new law and a new tax—two most undesirable things. Sometimes that has got to be faced, but only, I believe, where a real necessity can be shown and more than that, where it can be shown that the Bill is going to carry out that necessity. I have grave doubts as to whether there is a real necessity, and this is fortified by the fact that a similar Bill on these lines was on the Statute Book and had been on the Statute Book for fourteen years and was never put into force. You must consider that if it was put into force would it carry out the objects of this Ordinance which is now before us, very good objects, I believe? I do not think, however, it will react harshly on employees, as there is so little which can be written down in the pocket register that it can hardly give anyone anything like a clear idea of the behaviour and character of a prospective servant. After all, an employer can get satisfaction very much better by writing to the last employer and getting

a character, as is done in most parts of the world. You do find also that where in one case a native may make a perfectly good servant to one employer the next employer will find just the opposite. It has nothing to do with either party. One servant may suit one person and not suit another, and it would be so unfair were a servant to get a bad character just because he did not happen to suit one employer, to condemn him for life. On the other hand, a man may in all good faith recommend a servant only to find that he has unwittingly misled the latter's future employer.

Those are some of the risks which will be taken and I feel I must oppose this Bill. I do hope that Government will in any case send it to a select committee, where it will be dealt with thoroughly.

MAJOR THE HON. R. W. B. ROBERTSON EUSTACE : I am entirely in favour of the principles of the Bill, and I agree that it should go to a select committee. There are certain points which do require consideration, and I am going to mention one—a very, very important one, if it can possibly be done—that is, that boys when being registered should also have a medical certificate as to their fitness.

CANON THE HON. H. Lksicky : Your Excellency, may I make a point of personal explanation? I do not intend to raise a " special fund " to provide counsel for the African domestics. Money is much too tight in this country. I would trust the fairness of the British Magistrates whether Counsel was engaged or not.

LIEUT.-COL. THE HON. J. G. KIRKWOOD : I have listened with much interest to the very valuable discussions on this Bill, which I personally think might have been very much shorter.

I intend to vote for the Bill, but I think it could with advantage go before a select committee ; but whether it does or not, I shall support it.

I think the principles of the Bill will be to the advantage of the employer and employee and it is one of those measures which has been very definitely asked for by the women of this Colony. It is also very gratifying to me to find that our women folk are taking an intellectual interest in the legislation of this Colony, especially the legislation that affects the home, and for that reason I support the Bill.

THE HON. G. G. ATKINSON : In stating that it is my intention to vote against the Bill I wish to make it clear that as regards the principles of the Bill in the abstract I am absolutely in favour of it. My chief objection is to the super-imposition of a new registration system on the existing one. As regards that I join issue with the statement made by the Hon. the Colonial Secretary that the existing system

could not be used with advantage for the purposes for which this Bill is designed. The existing kipandi which every male native has to take out is not, I submit with all due respect, a mere identification certificate—it is a very important certificate and anybody who reads the columns of the kipandi will see that there is a column for wages paid on engagement, wages paid on termination, whether posho is given free or not, and so on, and I think myself that it is a very important certificate and not merely an identification certificate.

As regards the demand for this Bill, **which is alleged to not by any means for it at all. The** Hon. the Colonial Secretary mentioned resolutions passed <sup>by</sup> the Convention of Associations and by the East African Women's League, but all those who know anything **at all of** public life will realise that a good deal can be done by log-rolling and one can procure the passing of resolutions which do not in fact represent the wishes or opinions **of t& majority** of the people. Everybody who takes an interest in the subject knows how prohibition was carried in America against the wishes of the majority of the inhabitants of America, and there is no evidence that there is any such demand in the country which can justify this Bill as it stands and my assumption, or my inference to that effect, is strengthened by the fact that this Bill, or almost an identical Bill, was passed in the year 1910 and was never put into operation—the **people of** this country seem to have **passed** the intervening years, seventeen years, without feeling any evil effects from the failure to put this Bill into force. In spite of the theoretical objection which I have to the Bill being superimposed over the existing registration I would be **inclined to vote for it if I** thought it would carry out the objects for which it is designed. Those objects are two : first of all, the Government is attempting to provide a body of servants whose characters will be guaranteed apparently by the State itself, and secondly a further intention seems to be to provide that on the termination of each engagement <sup>t</sup> i a registered servant **the employer should give a character to that boy.** But **if you look at the provisions of the Bill as to what has to be done on first registration you will see the very great or the very** prolonged and protracted enquiry which will be necessary if in fact the provisions of this Bill are to be carried out and brought into force, and I submit that the Registrar would not be able to carry out the provisions of this Bill except at great cost.

With regard to the figures given by **the Hon. the Colonial Secretary I think that most of the hon. Members in this House are under the impression that they are the figures for the whole country, but I understand they are only for Nairobi town. I think that is so.**

As regards the character to be given by the employer, first of all the Bill does not provide that it is compulsory for the employer to enter on the pocket register the character. If the employer does not choose to give the character on the pocket register he can avoid doing so by sending his reasons to the Registrar. But even assuming he has to give a character in one column, what is the character that is likely to be given in nine cases out of ten? The word "unsatisfactory," which conveys nothing, and could not possibly be of any help to anybody in attempting to find out the character of a servant he is trying to engage.

For these reasons I intend to vote against the Bill, although I will say that if the existing system of registration be varied to the extent that domestic servants if registered would not be subject to the kipandi system I will be prepared to vote for it, but I am not prepared to vote for a Bill which provides for two registration systems.

THE HON. A. H. MALIK : I lot has been said, and a lot could be said both for and against the measure. I do not propose to take much time, Your Excellency, but I would like to urge that this Bill be referred, as suggested by various hon. Members, to a representative select committee. This Bill no doubt has its advantages and disadvantages. At the present moment it appears to me that it has more disadvantages than advantages. I feel very nervous about the character part which is to be given by the employer on the pocket register. I think nobody disagrees and it is accepted on all hands that the housewife in this country has to be protected—equally there is no doubt that the domestic servant has also to be protected.

There is quite a lot of inconvenience which is experienced by the housewife in this country at the hands of the native servants and I do think that the measure to meet this trouble is absolutely essential and necessary, but as I said, in its present form this Bill has more disadvantages than advantages and should further be referred to a select committee, and the details of the Bill could then be investigated and workable clauses might be inserted in the Bill. To my mind one great important thing—it may seem minor, but I think it is important—is that whenever the natives want to leave the service they want to go at once at a moment's notice, with the result that service suffers a lot, and it has happened in a considerable number of cases that if a household has, say, two or three servants, not one wants to go right away, but they all want to leave at once sometimes; they all want to follow suit. Some protection is needed on that score and perhaps a certain clause limiting the time say to two weeks or a month when a native could not leave the service without proper notice, could be decided upon by the select committee.

When the Hon. the Colonial Secretary was discussing the character part of the register he said that it was to be feared that the employers in this country, if they give an adverse character, would make it so that it would reflect rather adversely on the local community—I mean the entire community. I beg to submit that this does not appear to me to be an argument. The fact is, as it has been brought forth by many hon. Members, that the character given by the employers will be in the majority of cases, perhaps nine out of ten, adverse to the native, and I think that this character part of it could advantageously, both from the employer's point of view and the native's point of view, be rectified, and I think this part of it could be deleted.

I would again urge, Your Excellency, that this Bill must be referred to a select committee for thorough examination of the details.

THE HON. THE COLONIAL SECRETARY : Your Excellency, I do not propose to deal at any length with the points that have been raised in this debate, for I am authorised by Your Excellency to say that you propose to appoint a select committee to consider this Bill. The recommendations of such select committee will be put before the Council in due course.

The two principal objections put forward against the Bill appear to be that it would lead to considerable expense and also that it is likely to lead to a great deal of litigation. As regards the taxation point of view the charges which are being made are extremely small. The highest charge is Shs. 2/- for the registration of a servant, payable by the employer of a servant, and in the case of an intending servant by the employee. There are only four charges, *i.e.*, Shs. 2/- for registering an existing servant, Shs. 9/- payable by a servant or intending servant on first registration, including the fee for the pocket register, Shs. 1/- payable by an employer on registering an engagement, and Sh. 2/- payable for a duplicate pocket register. This is called a measure of taxation. If hon. Members are acquainted with the practice in South Africa they will find that the cost is considerably higher than this. The possession by the employee of a registration certificate is of value as it is a certificate to the fact that he is an employee and is employable and recognises that he belongs to a class and has a definite standing. That is really the point and a point which cannot be urged in respect of any other system such as the present registration which would be put to a use for which it was never intended. I am not going into details, as I said, because these can be dealt with by the select committee, but I would like to say one thing more in regard to the natives and their views. I have made enquiries through several employers in regard to the point of view of domestic servants who have been in service for some



time. I find that these servants state that the system would protect them and they would like to have something to show that they have been in employment, such a thing as a pocket register which they can keep and which would be a record of good and faithful service. I have had experience of native domestic servants in other parts of the British Empire for twenty-eight years, and my experience is this, that the more you ask of them in this respect the better servants you get, a good servant appreciates the care taken in selecting him for employment. I do not think the system will have any effect on the question of recruitment. While wages are paid at the rates prevailing in this country you will have any number of domestic servants coming forward, and the fact that they have to register is not going to deter them from coming forward.

The question was put and carried.

HIS EXCELLENCY: I am consulting Members privately in regard to the suggested membership of the select committee.

THE CROWN GRANTS (EXECUTION) BILL.

THE HON. THE ATTORNEY GENERAL (MR. HUGGARD): Your Excellency, I beg to move that a Bill relating to the Execution of Crown Grants and other Disposition of Lands be read a second time.

Hon. Members will remember that grants and other instruments under the Crown Lands Ordinance and the Registration of Titles Ordinance have to be signed by the Governor. The object of the present Bill is to relieve the Governor of the obligation of personally signing all these documents which I am sure, as Your Excellency can testify, run into a very considerable number in the course of the year. This Bill proposes that all such documents should be signed by the Commissioner of Lands, and the Bill provides that if they are executed by that officer and are signed by the order of the Governor they shall be deemed to be duly and validly executed.

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

THE HON. CONWAY HARVEY: Your Excellency, I am very glad that Government has at last introduced this measure, a step which was advocated by Elected Members about eight years ago. There is no doubt whatever, Your Excellency, that very great inconvenience has been sustained by members of the public in land transactions owing to the interminable delay in getting documents completed. It is inconceivable to think that the Governor of a Colony is going to familiarise himself with the details and contents of all the documents he has to sign. He appends his name on the recommendation of the Commissioner of Lands and that being so there seems

to me to be no real reason against and a great many reasons in favour of the Governor delegating the power to the Commissioner of Lands.

THE HON. R. S. NEHRA : Your Excellency, I wish this Bill had been brought in much earlier than it has been to-day, because it will mean a great deal to everybody concerned. The work, for example, particularly the form of signing, is executed by the officer in charge of the department rather than by the Governor himself. It is absolutely unnecessary for the head of the State to familiarise himself with the details of all transactions, especially as all details are practically carried out by the head of the department concerned and I say that such methods, such duties, are only wasted time of the head of the State when they can be suitably carried out by the head of the department.

His EXCELLENCY : As the Governor himself is personally concerned to some extent in this Bill I should like on behalf both of the Land Department and myself to say that the delay to which hon. Members have quite properly referred is to my knowledge, due to no lack of zeal on the part of that Department, or I hope of myself, as I have always signed these papers without delay when they have come to me, although the task is exceptionally arduous and involves a great deal of time, as it involves not only signing the document but also initialling all alterations that may have been made, but the delay arises through the documents having to leave one office and come to another, and it arises particularly when the Governor is absent from the capital as it is not the practice that these documents can be signed by the Governor's Deputy. The delays have been due to this and I am very glad that Council approves of this measure.

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

The question was put and carried.

#### THE ASIATIC WIDOWS' AND ORPHANS' PENSIONS BILL.

THE HON. THE TREASURER (MILITARY) : Your Excellency, I beg to move the second reading of a Bill to make provision for granting pensions to widows and children of deceased Asiatic Public Officers.

As stated in the printed statement of Objects and Reasons at the end of the Bill, this Bill has been prepared on the instructions of the Secretary of State. The rate of contribution will be four per cent. on salaries and there will be a flat pension in all cases of £50 a year.

It has not been possible, Sir, as in the case of the European Widows' and Orphans' Pension scheme to frame pension tables based on the amount of contributions and the ages of the contributors and their wives and in this sense the

Bill is of course defective. Nor is it possible to say with any degree of accuracy what the condition of the fund will be from year to year because it is impossible to say how many members of the present Asiatic service will become contributors to the scheme and also because it is not possible to say, with the lack of statistical data, the number of pensions which are likely to become payable from year to year or what length of time such pensions as do become payable will continue to be paid. It is the fact, however, that had this fund been in existence during the five-year period 1922-26, and had all the Asian staff contributed to the fund, it would not only have been entirely self-supporting but there would have been a very handsome surplus to its credit at the present day. It may be noted that during the five-year period referred to the sum of .819 has been paid in the form of gratuities to the families of deceased Asian officers, which sum would have been saved to the Colony had this measure been in operation.

The account of the fund will be kept quite separate and distinct from the Colony's revenue and expenditure account and provision is made in the Bill for an actuarial enquiry into the fund after a period of ten years and for the revision, if necessary, of the rates of contribution and of the pensions payable, so that any uncertainty which now exists owing to the absence of statistical data, will cease to exist at the expiration of that period.

The Secretary of State has expressed the opinion, with which I would respectfully say I entirely agree, that the adoption of the scheme is unlikely to involve the Colony in any material expense.

Hon. Members, I am sure, will agree as to the real necessity for a fund such as that which is contemplated in this Bill and I commend the Bill to their favourable consideration. I may say that a Bill in the same terms was passed in Uganda in July last.

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

CAPT. THE HON. H. E. SCHWARTZ : Your Excellency, in discussing this Bill yesterday amongst the Members on this side of the House it was considered that there was no necessity for it to go to a select committee and all Members on this side of the House intended to support this measure, which we all consider is an excellent one and one that has come in none too early. After reading the Bill carefully I am going to ask that it goes to a select committee as there are one or two points which I think require a little more consideration than would perhaps be possible in a committee of the whole Council. There are three points which strike me. The first one is the question of the pensionable age. I am not sure that 18 to 21 are the correct ages. The second one is that a wife under this Bill will cease to be a dependent if divorced by a competent court. There are other ways of divorce open to the

race to which this Bill applies. A husband can divorce his wife without going near a court, competent or otherwise, and finally what does the Attorney General say would be the case if a man has four wives when he dies? Do they each become a widow and is each able to claim £50 per annum? These are all points which require consideration. I do not think it will delay the House, and I think this should go to a select committee. So far as the principle of the Bill goes I support it.

THE HON. R. S. NEEIRA : Your Excellency, I wholeheartedly support the principle of this Bill and I think there might be a few details which might usefully be adjusted in select committee. The ages of pensionable males and females if they need adjustment they should rather be reversed, which could be mentioned in select committee. There are a few other minor alterations and amendments which can be gone through in select committee and I congratulate the Government for doing everything it has done for the consolidation of its services. So far as the Pension Fund is concerned it is a very useful pleasure and I am sure there will be very few people who will not benefit by this measure when it goes through. I support the Bill and ask that it should go to a select committee.

THE HON. THE COLONIAL SECRETARY : I am prepared to say that this Bill will be referred to a select committee of this House.

The question was put and carried.

#### THE NAVIGABLE WATERS (CONSTRUCTION OF WORKS) BILL.

THE HON. THE ATTORNEY GENERAL (MR. HUGGARD) : I beg leave to move that a Bill to provide for the Construction of Works in or over Navigable or Tidal Waters be read a second time.

The object of this Bill is to enable the construction of works in navigable and tidal waters to be properly regulated. Hon. Members are probably aware that there exists by virtue of common law a public right, of navigation over tidal waters and that right may not be interfered with except under the authority of the legislature. Now what is proposed by this Bill is that the legislature should confer on the Governor in Council general powers to authorise the construction of certain works in these waters. The acceptance of the Bill will render it unnecessary to come to the legislature for special legislation whenever such works are required. Under clause 2, after the commencement of this Ordinance no person may construct any wharf, bridge, tunnel, pier or other structure of work or works in any navigable or tidal waters, or upon the beach, bed or lands covered by such waters, without first obtaining the consent and order of the Governor in Council. The Bill then goes on to indicate the procedure which is to be adopted

by any person who is desirous of constructing such works. Such person is required before the commencement of any such works to submit to the Director of Public Works, for the approval of the Governor in Council, a plan and description of the proposed site for such work, and a general plan of the work to be constructed, and such other plans, drawings and specifications as the Governor in Council may require. These plans and specifications are then submitted to the Governor in Council and the Governor is empowered to make an order authorising the works to be proceeded with. The Governor in Council is also empowered to make alterations in the plans, drawings and specifications, to give directions respecting the supervision of any such works, structures or equipment, and to require that such other works, structures, equipment, appliances and materials be provided, constructed, maintained, used and operated, and measures taken, as under the circumstances of each case may appear to be best adapted, for securing the protection, safety and convenience of the public.

Then, Sir, clauses 7 and 8 may be described as the penalty clauses. Under clause 7, if any person commences work of this character without the consent or order of the Governor in Council, the Director of Public Works is empowered to remove the work and to restore the site to its former condition at the cost of the person responsible for constructing it.

Clause 8 provides for the protection of works which are constructed in accordance with the provisions of this Ordinance and imposes penalties for damage to such works.

I may add that legislation, of this kind is, in my opinion, necessary in this Colony. Similar legislation exists in England and in the Dominions and this Bill which is now before the House is based on a similar enactment in force in the Dominion of Canada.

I beg to move the second reading of the Bill.

THE HON. THE DIRECTOR OF PUBLIC WORKS (MR. SIRE)  
Your Excellency, I beg to second.

THE HON. CONWAY HARVEY : Your Excellency, while favouring the principle of this measure, to my mind, Your Excellency, there is one serious omission. I am very sorry that no arrangement has been made by which interested parties, or local authorities such as individuals whose interests might be prejudicially affected by the construction of these proposed works, or the district committees, or whatever local authority may exist, should have the fullest opportunity of going into this matter with the great advantage of their knowledge of local conditions before either the Director of Public Works or the Governor in Council makes a decision.

I am not going to vote against the second reading I should like an assurance from Government that interested parties and local authorities will be given every opportunity of expressing their opinion before definite action is taken.

THE HON. G. G. ATKINSON : Your Excellency, I wish to associate myself with the remarks of the last speaker.

The Bill itself provides that the Governor in Council is to safeguard and secure the protection and convenience of the public, and I think it would be as well if a clause were added to the Bill providing that before the final order is issued the local authority, whose interests are to be safeguarded, should have an opportunity of expressing its view on the proposed works.

THE HON. R. S. NEHRA : Your Excellency, I support the remarks made by the two previous hon. Members and I hope some provision will be made, or some understanding will be given by Government to that effect.

THE HON. THE ATTORNEY GENERAL : Your Excellency, as far as an assurance is concerned, I am sure I can give the assurance that has been asked for, that in any case where a local authority is concerned in the construction of any such works the Governor in Council would obtain the views of such authority. If on the other hand the hon. Members consider it desirable that it should be specifically provided in the Bill that the Governor in Council should take into consideration the views of the local authority concerned, then I personally would not oppose it for a moment, and perhaps an amendment might be moved in Committee.

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

The question was put and carried.

#### THE NATIVE LIQUOR (AMENDMENT) BILL.

THE HON. THE CHIEF NATIVE COMMISSIONER (MR. MAXWELL) : Your Excellency, in pursuance of notice given I beg to move the second reading of a Bill to amend the Native Liquor Ordinance.

This Bill, Sir, amends the present law relating to native liquor in two respects. It deals in the first place with the manufacture, consumption and sale of native liquor in towns, trading centres or municipalities and secondly it makes provision for safeguarding the position with regard to native liquor on farms. So far as it relates to townships and municipalities the present amendments are the result of representations made by the Nairobi Municipal Council. The position is at present that the only control which the law

provides for native liquor in townships is the restriction which it imposes upon its manufacture for the purposes of sale. Now at present a great deal of native intoxicating liquor is manufactured in towns and there are reasons to believe that a very great proportion of this is illicitly sold, but while native liquor can be made privately in native houses it is impossible for any police force or any such organisation to detect the cases of illicit sales which may go on from time to time, and which undoubtedly do go on. Attached to the Bill is a very extensive statement of Objects and Reasons from which hon. Members will be able to obtain the intentions of this amending Ordinance. It is proposed that no native liquor shall be made in a township, trading centre or a municipality without a permit from the proper authority and the possession of liquor which is not covered by any permit will constitute an offence.

I am sure that hon. Members will realise that very grave conditions sometimes arise, particularly in the slum parts of the towns, where natives congregate in numbers and where large quantities of highly intoxicating liquor can be made and consumed. Naturally all the worst characters will resort to such a place and a high degree of **criminality and** much crime arise from such congregations.

The other part relates to farms. So far as native reserves are concerned there is quite a considerable **amount of** control exercised under the Native Authority Ordinance, but as soon as a native passes out of the control of his tribal authorities and comes into a non-native area the only authority he is and should be under on a farm is the occupier of that farm. We have now a system whereby in a great many cases the farm labour, consists of squatters who are unemployed for a number of days in a year, in some cases they work 180 days in the year, and in some cases a great deal more. Unless the native who works for only 180 days engages in other employment, he is free to do as he pleases for about 185 days in the year. It is necessary that the occupier of that farm should have the greatest possible measure of control put **in his** hands by the State against allowing these natives to indulge in unlimited liquor, and however much at present the farmer may wish to control the manufacture of liquor on his farm **there is no legislative sanction to such control.**

**The** purpose of this measure is to provide that no native liquor may be made on any farm except by direct permit, special or general, issued by the occupier, but in order that these permits may not be lightly given, or issued by farmers who do not recognise their full responsibility—though **I** am glad to say most do realise it—it is provided that such permits should only be given under **a** general authority by **the** **magistrate.**

In practice the magistrate would always consult his District Committee as to the degree of control to be exercised.

There are other minor amendments. Advantage has been taken of this amending Ordinance to put in definitions which were doubtful before. The main provisions are the two measures of control, namely, that in towns and that on farms.

I beg to move the second reading.

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

LIEUT.-COL. THE HON. C. G. DURHAM : Your Excellency, I would like to ask the Attorney General whether a " police officer " includes an ordinary askari.

THE HON. THE ATTORNEY GENERAL : The answer is in the affirmative. A " police officer " includes any member of the police force.

LIEUT.-COL. THE HON. C. G. DURHAM : I would also like to ask that power be given to the owner of the farm to make arrests on his own property. The question is this, that where you can get the askari handy he can arrest one, but there are a thousand cases where there is no askari handy. Nobody can stop them unless the owner of the farm has such power. Can the Hon. the Attorney General answer that now?

HIS EXCELLENCY : The Attorney General answers at the end.

THE HON. R. S. NEHRA : Your Excellency, I notice that this Bill contains very desirable improvements on the existing legislation so far as natives are concerned. I have noticed in many cases that natives go to the bar and drink so much that they are incapable of going to their houses, and when questioned why, they say it is because they cannot take liquor to their houses, and in this Bill it lays down that they can take a certain specified quantity to their premises and can drink there, which I think is a very desirable improvement on the existing conditions and I think the whole of this Bill contains legislation which is very useful in the interests of natives and the employers, and especially because it is very difficult to make the natives understand that they should drink to a reasonable extent unless there is some legislation to enforce it, and on these grounds I support this Bill very heartily.

THE HON. A. H. MALIK : Your Excellency, the evils of liquor are far more great than its benefits. I consider, Your Excellency, that the hon. Mover should make a little more strict the manufacture of native liquor. As a matter of fact.



I would welcome *any* suggestion from the Government or some official body to stop the possession of all the liquor in the country. (Hear, hear.)

I should like to hear the views of the hon. Mover why it is at all necessary that permission should be given for the manufacture of native liquor. I think this stuff is harmful to the natives and to the other communities with whom they come in contact and I suggest that provision might be made prohibiting natives from possessing any intoxicating liquor unless there is some very substantial reason why natives should be allowed at all to manufacture liquor, because its tendency is more criminal, and I dare say if the manufacture of liquor is controlled and the prohibitive clause passed there would be very few criminals in the country. The question, of course, is whether native liquor is to be used as a medicine or a drug for some ailment, otherwise generally its effect is dangerous.

THE HON. THE ATTORNEY GENERAL : With regard to the suggestion of my hon. friend the Member for Kikuyu that the powers of arrest as provided for by section 20 should be extended to private individuals, quite frankly I do not like it. It seems to me to be dangerous if you so extend this power of arrest and at present I am not quite satisfied that it is necessary. The section to which the hon. Member refers is section 20, which provides :-

" Any person who is found drunk and incapable or drunk and disorderly on or near any licensed premises, or on any road or on any farm, or in any place to which the public ordinarily have access whether as of right or not, or in any place which it is a trespass in him to enter, shall be guilty of an offence and any police officer may arrest such person without a warrant."

Does my hon. Friend suggest that all licences should have the right of arrest, or that if any person finds an individual drunk and incapable on a public road or a farm he should have the power to arrest him ? I am afraid I am not quite clear as to what exactly my hon. Friend's suggestion is, but if he means that the right of arrest should be given to all licensed public-house keepers and owners of farms and the public generally, I am afraid his suggestion goes further than I should be prepared to accept.

LIEUT.-COL. THE HON. C. G. DURHAM : On a point of explanation I had no intention that it should apply to Europeans outside any licensed houses. I do submit that power should be given to farmers in view of the fact that we have no protection from the askaris.

His EXCELLENCY . The hon. and gallant Member can hardly develop his points on a point of explanation. I would suggest that he should consult the hon. the Attorney General in the interval, who will no doubt be able to elucidate the points put.

*Council adjourned until 10 o'clock on Wednesday, the  
14th September, 1927.*

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WEDNESDAY, 14th SEPTEMBER, 1927.

The Council assembled at 10 a.m., on the 14th September, 1927, at the Supreme Court, Mombasa, His Excellency the Governor (SIR EDWARD W. M. GRIGG, E.C.V.O., C.M.G., D.S.O., M.C.), presiding.

His Excellency opened the Council with Prayer.

MINUTES.

The Minutes of the meeting of the 13th May, 1927, were confirmed.

ORAL ANSWERS TO QUESTIONS.

EASTERN TELEGRAPH COMPANY : DIRECT DEALING WITH PUBLIC.

MAJOR THE HON. R. W. B. ROBERTSON EUSTACE asked :

In view of the representations made by the Chambers of Commerce in direct dealing with the public by the Eastern Telegraph Company, will Government announce their decision on this matter?

THE HON. T. FITZGERALD (POSTMASTER GENERAL) : The Association of East African Chambers of Commerce recently passed a resolution favouring direct relations between the Eastern Telegraph Company and the public at Mombasa. Government is prepared to permit direct dealings at Mombasa provided a satisfactory arrangement can be arrived at in regard to the loss which would be involved, this loss being the difference between what it would cost the Cable Company to set up its own collection and delivery services and what the Post Office would save through being relieved of the work.

Government has offered to share this loss with the Company, but the latter has declined the offer. Government is not prepared to improve upon the offer it has made.

THE HON. A. C. TANNAHILL : Your Excellency, will the hon. the Postmaster General tell us what the loss is or what the amount is that should be glared?

THE HON. T. FITZGERALD (POSTMASTER GENERAL) : The loss referred to is £1,350.

RAILWAY RATES.

• THE HON. P. O'B. WILSON asked :

What is the estimated loss to Railway revenue that would be incurred by the abolition of classes 8 and 9 of the Tariff Rates and transferring articles now in those classes to class 7.

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What further loss would accrue by the abolition of class 7 and by transferring all articles in that and higher classes to class 6.

THE HON. THE GENERAL MANAGER, KENYA AND UGANDA RAILWAY : The estimated loss to Railway revenue by the abolition of classes 8 and 9 and transferring the goods in those classes to class 7 would be £132,000 per annum.

The estimated loss to Railway revenue by the abolition of classes 7, 8 and 9 and transferring the goods in those classes to class 6, would be £262,000 per annum.

#### KITALE-ELGON PROPOSED RAILWAY.

LIEUT.-COL. THE HON. J. O. KITUCWOON asked :

Will Government please lay on the table the Report of Economic Survey, Kitale-Elgon proposed railway?

THE HON. THE COLONIAL SECRETARY : The report will be placed at the disposal of the Railway Branch Lines Committee of which the hon. Member is a member.

### BILLS.

THE HON. THE COLONIAL SECRETARY : I beg to move that Council goes into Committee to consider the following Bills on the Order of the Day :-

- The Supplementary Appropriation Bill,
- The Ancient Monuments Preservation Bill,
- The Public Holidays (Amendment) Bill,
- The Crown Grants Execution Bill.
- The Native Liquor (Amendment) Bill.

It is proposed that the Navigable Waters (Construction of Works) Bill should not be taken in Committee to-day.

HIS EXCELLENCY : The question is that Council resolve itself into a Committee of the whole Council to consider the Bills on the Order Paper, with the exception of the Navigable Waters (Construction of Works) Bill.

The question was put and carried.

#### *In Committee.*

##### THE SUPPLEMENTARY APPROPRIATION BILL.

The Bill was considered clause by clause.

##### THE ANCIENT MONUMENTS PRESERVATION BILL.

Clause 11. *Protection of places of wierehip, etc., from /misuse, pollution or desecration.*

TUN HON. SWEITCH AM BIN SALIM : Your Excellency, I am not fond making speeches, but I think the present occasion of the passage of this Bill an exception. I congratulate Government on taking the matter in hand and stopping people who are trying to destroy these ancient monuments.

. Ancient monuments used to be seen all along the Coast in considerable numbers, but I am very sorry to say that there are very few now owing to their; destruction by those who sought to use the stone for other purposes. This was due to the absence of legalised control. I am not going to mention the whole of them because there are so many. I am not going to waste the time of the hon. Members of the Council, but I would like to mention some ancient monuments at Takaungu. These monuments as existing at Takaungu are several forts at the end of the cliff, which proved that the people who built them had strong forces attacking them from the sea. Anyone who has commonsense will see that. The forts as they existed were loopholed and both forts and loopholes faced the sea, from which the menace came. Then again at Kilifi there are ancient monuments also, and a tower, which I believe were built by the Persians, because the Persian writing is there. Many years ago I took the trouble to make a tracing of that inscription, which I gave to Mr. Hopley to send to London for translation. That was twelve years ago and I have not yet had an answer.

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THE HON. B. S. NEHRA : On a point of order, Your Excellency, is the hon. Member making a general speech on this Bill or is he making an amendment to any clause?

HIS EXCELLENCY : I understand he is dealing with the contents of clause 11, which he is entitled to do in the Committee stage. I will call him to order if he is to be called to order.

TIM HON. SHEIKH AU BUS SALIM : Again, at Mida Creek there is something worthy to be taken care of. There exists the ruins of a very large city, the city of Geda, which began at the inland end of the creek and ran down to the ocean, probably a distance of five miles, which showed the extent of the ancient city. Besides a stone wall blocked the channel of the creek so that no ship or dhow, or even a canoe, could get in even to-day. Indications also show that these people who inhabited that city feared a force from the sea. This wall which blocks the channel is very, very strongly built, and it shows also these people must have had a sense of defensive precaution to do what they have done.

Your Excellency, I received a letter a year ago from the Assistant District Commissioner at Malindi, asking me for particulars of an old building there. He wanted to know what it was. He said that some people at Malindi say that this is a Portuguese tomb, and some say it is a Portuguese house. I wrote to him to say that it is a church built by the Portuguese. How I came to know of this is that people believed it was an old mosque and all Mahommedans used to go there and pray there and ask God to give them rain during the dry season. That is what they did until Admiral Fremantle happened to visit Malindi and he asked me one day to go with him. On going out to the mosque he asked me what it was and I told him it was a mosque, and he said : " I would like to have a look," he went and had a look and after searching he said : " No, it is a church." I said I did not think it was a church, but a mosque; he said : " You come and have a look, there is the cross, it is a church built by the Portuguese." From that day to this any Christian who died there is buried there.

Now at Mamburui there is a tower which is very strong indeed. On the top of this tower is a china bowl embedded in the stone. I am not sure whether it will be believed, but I trust that every hon. Member of the House will not take it as a matter of suspicion of what I am going to say; because it is true. During the time Sir Arthur Hardinge was Consul General in Zanzibar he heard the story of the tragedy and went to see it himself immediately. The story is that an Arab took a gun and went on top of this tower. He got on the top of the tower and took his gun and fired at the bowl. The bowl broke into two pieces. One piece remained on the tower, the other piece fell down. After that he came down and dropped down dead. This is very strange and hard to believe, but it is a fact Sir Arthur Hardinge was there himself and gave orders that no one was to touch this ancient monument, and neither child nor old man or anything would touch this thing. Since then he has left the country and no more steps were taken by the Government and there is no law to stop people from doing what they want to do there. They are destroying all these ancient monuments and they use the stone for their Owri houses. •

If this Bill is to be passed by hon. Members, and I hope they will pass it, the old ancient monuments in this country will be preserved, as these ancient monuments indicate the unknown things that took place in the past, and I think myself it is just the time now for Government to introduce a Bill in this House to make it a law to look after these monuments so that no more destruction will take place to these ancient monuments.

The Bill was considered clause by clause.

#### THE PUBLIC HOLIDAYS (AMENDMENT) BILL

##### Clause 2. *Amendment of the Schedule to the Principal Ordinance.*

THE HON. T. J. O'SNEA : Your Excellency, I must apologise that the wisdom of second thoughts should be expressed so late in the day. I have been so busy lately that I have not had an opportunity before of notifying Government that I shall move an amendment to this Bill. I entirely agree, Sir, that it is advisable to include the day after Good Friday in the public holidays of the year, but I think that at the same time we do that we should remove one from the already long list of single-day holidays. Undoubtedly a single-day holiday is of very little use to the people of this country because our communications are so difficult and our population so scattered. We have so many of these holidays that the Colony must be losing a considerable sum of money by them. If you take the less of the Railway alone for the cost of closing up for one day it must be an appreciable sum, I would put it down at £1,000. I think also that the Civil Service closing down for an extra day would mean at least a similar sum.

And the private employer is also affected. He has of necessity to give all holidays to his employees. They expect and demand them and you are placing a distinct burden on trade and commerce if you increase the number of holidays. There is no great urgency about the passing of this Bill. It will only affect us next year and in the circumstances I would be glad if Government could see its way to postponing it. Failing that I would plead that the schedule be amended by the deletion of New Year's Day. There is a lot to be said for New Year's Day being dropped. At Christmas time it has become the practice of having a three-day holiday because we have found from experience that anything less than three days is of very little use as a holiday, and when Christmas falls on a Thursday or Friday or on Monday or Tuesday it is the practice to give an extra day. Then business has again to be stopped a week later for New Year's Day and it makes things very awkward indeed, and I feel certain that a great majority of people would gladly welcome the abolition of New Year's Day because they have already had sufficient holiday at Christmas from every point of view. There is, of course, a section of the public in this country who come from Scotland who might resent it because I understand in Scotland it is a very public holiday indeed. On that account I am sorry that I have to fall back upon New Year's Day. I would much rather that Government would agree to postpone consideration of the Bill until the public has had a chance of considering it. There is no urgency about it because it will not effect anything for another twelve months.

CAPT. THE HON. H. E. SCHWARTZ : Your Excellency, it is interesting to find that the hon. Member who loses no opportunity in this Council and outside it of hurling Jeremiads against the inefficiency of the legal profession is at last hoist with his own petard. It is refreshing to see that while this Hebrew profession is prepared to give up for one full day the earning of those enormous fees which I understand we are supposed to receive, the hon. Member is not prepared to forego his earnings for like period.

Seriously, Your Excellency, I do not agree to putting back this Bill. This motion, which was passed in Council months ago now, foreshadowed quite distinctly that an amendment to this Bill would be introduced making the day after Good Friday a public holiday. There has been plenty of opportunity for the country to consider the matter. There has been plenty of opportunity for the ubiquitous scribe to write to the papers. I think it is a bad thing always to put back a measure, and thereby pander to the adventitious protester who generally becomes vocal not when, it



14th September, 1927

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New Year's Day holiday to put in a half-day holiday and take out a  
measure is under

a great benefit  
The hon. Member has suggested that a one-day holiday is no good  
:\whole day holiday.  
at all. I cannot agree. I think in a country like this it is means two days  
to all classes of persons occasionally to have a day's holiday. I might

first fifty per cent of New Year because if New Year's Day comes on a  
Sunday or a Monday, it means two days holiday for people  
Day comes on a Friday and no. the Colonial  
Saturday Year's days. The trust, that the  
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Year's days. The trust, that the  
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affect what has been the custom for  
Security, if that will be passed, will stand the Bill financial strain without

incurring any lasting harm. I find myself rather addi in a public  
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I like to oppose publicly a Bill proposing an Railway  
B. until I find out how the hon. Member was adopted and also  
consulted about this business which the hon. Member was adopted and also  
absence, but I as General/ Manager must take exception to this Bill. I  
for my The actual

Eastern Monday public holiday even though we can close our office  
other things to be considered  
position of the Railway Department is this, workshops is sometimes no  
on the Saturday there are publicly often when a ha

day like that intervenes between two  
the machinery in the workshops in countries with  
worth while tiling hip recall it is a necessary for the Civil Service offices as a  
to allow that half-day to be taken

holiday. That is a totally different thing to declaring that training all  
and Railway Headquarter you declare it a public holiday you must run, you  
trains station staff

the \corking station staff holiday cannot have  
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must have the this Bill is going to work. r, oppouste ik.stalee !lffe  
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quite apart from these declared public holidays, there are other religious holes: 51  
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are taken by members of various tee", aYIC1 terthe ar Cgs t. go,  
holidays taken. And  
these do suggest we should go no further than it is. necesstay  
whatever arrangements are made internally to allow certain sections of the  
are very strong

staff to go off in: this haardaY. Your Excellency, I des  
to support the Ron. Member for Nairobi South and I was very surpris  
TIM 1104 Ron. the General Manager raise an objection to this Bill.

I believe that all business people do not consider a public holiday a loss  
to they consider it a very proper and a very remunerative of  
expenditure. Their staffs get the benefit and the general -working of their  
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offices also gets the benefit of these holidays. It has been  
for the last three years, at the very last moment generally, to  
Special Gazette declaring the Saturday a public holiday. I have no objection  
Nairobi in this Bill because, who have for quite  
and I believe almost unanimously asked that Saturday after Good

of do hope that the hon. Member will not be too much influenced by the words  
of the hon. Member for Plateau South. I think most people know that  
he considers work not as work but as rather a hobby and there are other  
people, particularly the junior members of one's staff, who have other views

at the Ron. Member for Plateau South wish  
on the subject Does not not done so.  
tits Exestunzet :  
40 move his amendment? He has  
Yes, Sir.

Tat Ilea. T. J. O'Snas :

if he wishes EXCELLENCY: I think before I put perhaps unfortunate would say to the hon. his amendment—I will people and also affects their arrangements. Member d that it seems to do so Perhaps if p give kin at such very short lives of many through, that may satisfy hon. Member an assurance that Government take his point into consideration immediately after the Bill has gone THE HON. T. J. O'Stss: Thank you, Sir. His EXCELLENCY: The am endment is withdrawn.

THE BILL WAS CONSIDERED clause BY clause. GROWN GRANTS (EXECUTION) BILL. THE HON. A. C. TANNAHILL: In I think was given yesterday, I would like to ask General has considered whether it of the notice of motion which Bill provisions for a quarterly s might not the Hon. the Attorney His EXCELLENCY: tatement of be advisable to insert in the pending transactions and past

THE NAT/FE LQUOR (AMENDMENT) BILL. Clause I. t: 'hort title. Tun How. move a small a THE ATTORNEY GENEitAX in line 3 of clause 1 the figure this Bill in order to r Excellency, I desire to substitute therefor: 1 the figure s "143 " should correct a printers error— HIS EXCELLENCY: "143 " should be deleted and " 133 " The question is that in line 3 of Tux Hosr. be deleted and that " 133 " be substituted therefor clause the lency, on the subject of this tenth clause: I want His Excellency: We have to speak, Your Excel- with clause 1. not yet reached clause 2.

substituted therefor. The question is that in line 3 the words " 143 " be deleted and We are dealing The question was put and carried, " 133 " Clause 2. Interpretation. the TirEttel2ste If)AltRED MDHAMED BIN I amu " excluded from SS : Your for house hold purposes and not altogether as an intoxicating liquor. It is quite often used for making vinegar and other things, and I think used the deletion of the words " Lembo tamu " in that way. I would like to move His EXCELLENCY: deletion of the words " Lembo " Lembo tamu " in clause 2 be deleted. I understand the hon. Member wishes to move the in HON. The question is that the words will raise THE CHIEF NATIVE COMMISSIONER: considerable difficulty. from The difficulty is that this li Your Excellency, this tion: it then becomes or It is a point that has been considered hours it can become highly or intoxicating—the trouble starts on fermenta- intoxicating almost immediately and w His EXCELLENCY: clause 2 be deleted. within a few

His EXCELLENCY: The question is that the words " tenth " tame " in THE MN. Does the hon. Member wish a division ? The quei HAMED MOHAMED B/N ISSA : Yes, Sir. Aye : Mr. Named Mohamed bin by 34 votes to 1. Isla.

Noes : Mr. Atkinson, Major Brassey-Edwards, Messrs. Bruce, Campbell, Sir Edward Denham, Mr. Dobbs, Lieut.-Col. Durham, Messrs. Felling, Fitzgerald, Dr. Gilks, Messrs. Grannum, Harrison, Conway Harvey, Hemsted, Haggard, Capt. Kenealy, Major Kent-Lemon, Lieut.-Col. Kirkwood, Canon Leakey, Messrs. Malik, Martin, Maxwell, Montgomery, Nehra, O'Shea, Orr, Pandya, Major Robertson-Eustace, Capt. Schwartze, Sheikh Ali bin Salim, Messrs. Sikes, Tannehill, Walsh and Wilson.

His EXCELLENCY : I must apologise to the Committee for a verbal error on my part which made the division necessary.

Clause 2 stands as part of the Bill.

Clause 8. *arrest and punishment of persons found drunk.*

THE HON. THE ATTORNEY GENERAL : POUT Excellency, in accordance with notice given I beg leave to move an amendment to this clause in order to give effect to a suggestion which was made yesterday by the Hon. Member for Kikuyu on the second reading of this Bill.

The amendment is that section 20 of the Principal Ordinance, as set out in clause 8 of the Bill, be amended as follows :-

- (a) By inserting the words "or justice of the peace" after the words "police officer" in the sixth line.
- (b) By the addition of the following proviso :—" Provided that where any person is arrested under this section by a justice of the peace he shall with all practicable speed be either handed over to the police or brought before a magistrate to be dealt with according to law."

The amendment, if accepted, will enable a person who is found drunk and incapable or drunk and disorderly in any of the places mentioned in the clause to be arrested either by a police officer or a justice of the peace.

His EXCELLENCY : The question is that the section quoted in clause 8 of this Bill be amended as follows :

" That section 20 of the Principal Ordinance as set out in clause 8 of the Bill be amended as follows :—

- (a) By inserting the words " or justice of the peace " after the words " police officer " in the sixth line.
- (b) By the addition of the following proviso :—" Provided that where any person is arrested under this section by a justice of the peace, he shall with all practicable speed be either handed over to the police or brought before a magistrate to be dealt with according to law."

The question was put and carried.

THE HON. THE COLONIAL SECRETARY : I beg to move that Council now resume its sitting.

### *Council resumed its sitting.*

HIS EXCELLENCY : I have to report that the Supplementary Appropriation Bill, the Ancient Monuments Bill, the Public Holidays (Amendment) Bill and the Crown Grants (Execution) Bill have been considered in Committee of the whole Council and have been reported back to Council without amendment, and that the Native Liquor (Amendment) Bill has been considered in Committee of the whole Council and has been reported back to Council with amendments.

THE HON. THE COLONIAL SECRETARY : I beg to give notice that I shall move at a later stage of the Session the third readings of the following Bills :-

The Supplementary Appropriation Bill.

The Ancient Monuments Preservation Bill.

The Public Holidays (Amendment) Bill.

THE HON. THE ATTORNEY GENERAL: I beg to give notice that at a later stage of the Session I shall move the third reading of the Crown Grants (Execution) Bill.

THE Hon. A. C. TANNAHILL : I would like to ask the Hon. the Attorney General whether he would consider it appropriate to include in the Bill a provision whereby a return is made to the Council quarterly of Crown Grants of land pending and of Crown Grants of land which have been settled.

**tnn** HON. THE ATTORNEY GENERAL : Subject to what my hon. friend the Commissioner of Lands may have to say about it, I think that a provision of that kind would be inappropriate in the present Bill. This Bill has been introduced for one purpose only, namely, to enable Crown Grants and other Instruments to be executed by the Commissioner of Lands instead of by the Governor, and the insertion of a provision on the lines suggested by the hon. Member would appear to be out of place.

THE HON. THE CHIEF NATIVE COMMISSIONER : I beg to give notice that I shall move the third reading of the Native Liquor (Amendment) Bill at a later stage of the Session.

CAPT. THE HON. H. E. SCHWARIZE : I want to give notice of a motion, Your Excellency, to the effect that I would like this Bill re-committed as regards clause 9.

Consequential on the amendments that have been passed this morning to clause 5 I wish to move that clause 9 be amended by adding after the words " officer in charge of police station " the words " or justice of the peace. An officer in charge of a police station or a justice of the peace may give written authority to a police officer to effect an arrest.

THE HON. THE ATTORNEY GENERAL : I think the hon. Member's appropriate procedure is to move to recommit the Bill on third reading.

HIS EXCELLENCY Will that meet the hon. Member?

CAPT. THE HON. H. E. SCHWARTZE : I was only giving notice. Your Excellency.

## REGISTRATION OF DOMESTIC SERVANTS BILL.

HIS EXCELLENCY : I have to inform Council that I understand by agreement on the part of all hon. Members of Council the following Select Committee will be appointed to deal with Registration of Domestic Servants' Bill :-

Colonial Secretary (*Chairman*).

Attorney General.

Chief Native Commissioner.

Lieut.-Colonel C. G. Durham.

Mr. F. O'B. Wilson.

Mr. A. C. Tannahill.

Mr. J. B. Pandya.

The Rev. Canon H. Leakey.

## ASIATIC WIDOWS' AND ORPHANS' PENSIONS BILL.

And the following Select Committee will be appointed to deal with the Asiatic Widows' and Orphans' Pensions Bill :—

The Treasurer (*Chairman*).

The Attorney General.

Captain H. E. Schwartz.

Mr. A. H. Malik.

Mr. R. S. Nehra.

THE HON. THE COLONIAL SECRETARY : I would now inform Council that it is proposed to take a photograph of the Council at five minutes to ten to-morrow morning.

*Council adjourned to 10 a.m. on Thursday, September 15th, 1927.*

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THURSDAY, 15th SEPTEMBER, 1927.

*The* Council assembled at 10 a.m., on the 15th September, 1927, at the Supreme Court, Mombasa, His Excellency the Governor (SIR EDWARD W. M. Once, R.O.V.O., C.M.G., D.S.O., M.G.), presiding.

His EXCELLENCY opened the Council with prayer.

O

MINUTES.

The minutes of the meeting of September 14th, 1927, were confirmed.

ORAL ANSWER TO QUESTION.

RESIDENTIAL PLOTS, MOMBASA.

THE HON. J. D. PA NDYA asked :

With reference to Notice No. 738 appearing in the Official Gazette of 23rd instant, regarding tender for certain residential plots in Mombasa Township, will Government state :

1. If these plots are reserved for Europeans only?
2. If the reply be in affirmative, will the Government remove these restrictions according to 1924 White Paper Policy laying down the principle of no segregation in township areas?
3. If the reply be in the negative will the Government state reasons therefor?
4. Will the Government state reasons of asking for tender in this case instead of the usual procedure of sale by public auction?

THE HON. THE COLONIAL SECRETARY (SIR EDWARD DENHAM):

The reply to the first part of the question is in the affirmative.

As regards the second and third parts of the question, the hon. Member is no doubt aware that the declaration of the White Paper of 1923 against residential segregation as between Europeans and Indians cannot in practice be applied without qualification in areas governed by covenants made before 1923 when segregation was, under Imperial sanction, part of the settled policy of the Colony. In such areas the policy of the declaration of 1923 is limited in application by the facts of the situation, since Government

can neither unmake covenants entered into before 1923 nor accept the liability involved in ignoring them. The question whether or not a particular area comes under this limitation must depend upon legal opinion as to whether sales without restriction would adversely affect existing interests or render Government liable to claims from holders of existing titles in the area. Government has been advised that in the Mombasa area to which the hon. Member's question refers unrestricted sale would affect existing interests and could expose Government to claims from existing holders. The course taken by the Government is therefore the only course possible, if the plots in question are not to be withheld indefinitely from residential occupation.

4. With regard to the fourth part of the question, tenders were called for at the urgent request of the District Committee and Town Planning Authority. The urgency is due to the lack of houses in Mombasa, which is still very serious.

#### MOTIONS.

LATE MR. SLIADI RAM.

THE HON. THE TREASURER. (MR. GRANNUM) : Your Excellency, I beg to move the first resolution standing in my name on the order paper :-

" In consideration of the destitution of the widow of the late Mr. Shadi Ram, who after rendering 12 years, 2 months and 2 days' satisfactory service in the Post and Telegraphs Department of this Colony, died at Nairobi on the 7th of March, 1927, this Council is pleased to award her a compassionate gratuity of Sh. 2,160 which amount is equivalent to six months' salary of her deceased husband at the rate drawn by him at the time of his death."

THE HON. THE COLONIAL SECRETARY beg leave to second the motion.

The question was put and carried.

LATE MR. A. A. E. ROZARIO.

THE HON. THE TREASURER: Your Excellency, I beg to move the second motion standing in my name on the order paper :-

" In consideration of the destitution of the widow of the late Mr. A. A. E. Rozario, who, after rendering 19 years, 10 months and 15 days' satisfactory service in the Provincial Administration of this Colony, died at Mombasa on the 22nd January, 1927, this Council is pleased to award her a compassionate gratuity of Sh. 2,820 which amount is equivalent to six months salary of her deceased husband at the rate drawn by him at the time of his death."



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

The question was put and carried.

KENYA AND UGANDA RAILWAYS AND HARBOURS ESTIMATES.

THE HON. THE GENERAL MANAGER, KENYA AND UGANDA RAILWAYS : Your Excellency, I beg to move the resolution standing in my name :-

" That this Council approve the draft Estimates of Revenue and Expenditure of the Kenya and Uganda Railways and Harbours (including main and branch lines, lake marine services, motor services, and Mombasa Port Administration) for the year 1928, as laid on the table."

The Estimates for 1928, as now submitted to the Council for discussion, are comprehensive estimates of the revenue and expenditure of the Kenya and Uganda Railways and Harbours Administration, including the main and branch lines of the railway, the marine services on the three large inland lakes (Victoria, Kioga and Albert), the motor services, and the Mombasa Port Administration.

The form adopted shows the revenue and expenditure accounts and proposed expenditure from reserve funds for the Railway, Lake and Motor Services, and for the Port Services, separately, with a combined net revenue account for all services.

So far as the Railway, Lake, Marine and Motor Services are concerned, Sir, we are estimating for an increase of £128,660 in earnings as compared with the estimate passed for 1927. This increase should be realised, unless the Uganda traffic fails to come up to expectations. On the expenditure side we are providing for working an additional 116 miles of open line, and increased traffic throughout, but the estimated expenditure shows a decrease under most heads.

Members will remember, Sir, that the estimates for 1927 were separated as between Port and Railway at the very last moment in great haste, and it is probable that in the division between Port and Railway insufficient deduction was made from both railway revenue and railway expenditure figures as certain items of expenditure and revenue were left in under both heads. This has now been adjusted. On the expenditure side I have made considerable reductions on the figures submitted to me by my departments, but I think I should say there is ample margin for eventualities. In other words, I think I shall be able to secure for the year 1928 expenditure returns below what we have allowed on these Estimates.

We anticipate that, after providing for depreciation on the scale which has been in operation since the commencement of

1023, we shall, at the end of 1928, have a balance for the year to carry from the Railway to the combined Railway and Port Net Revenue Account of approximately £253,000.

These Railway Estimates have been passed by the inter-Colonial Railway Council, and they do not really call for further comment from me at this stage. I shall, of course, as usual, be prepared to answer any questions Members of this Honourable Council may desire to put on principles or details.

The Mombasa Port Estimates, Sir, for 1928 have presented more difficulty. As now submitted they cannot be described as framed in close consultation with the Port Advisory Board, for the reason that that Board has only just come into existence and has had no opportunity of making itself fully acquainted with the revenue and expenditure details before these figures were compiled. The figures were prepared with due regard to the experience in 1027, but it must be understood that in the course of the next twelve months changes may take place at the Port which may seriously disturb these figures. Meanwhile we have done our best to provide a fair basis to work on.

It will be observed, Sir, that we are estimating for a loss at the Port next year of 09,311. The Council will remember that the loss estimated for this year was £20,700; but there is every hope now that the final figures for this year will show the actual loss as not more than 00,000.

Next year, however, we have to take into account increased interest and redemption charges of approximately £22,300 ; and this accounts for the increased loss as compared with this year's probable actual figures.

I will not take up the time of Council, Sir, by a long statement in regard to the settlement arrived at in England in connection with the control of Mombasa Port. The main conditions of that settlement are very well known. Whether the country as a whole is satisfied with the arrangement made I do not know ; but for myself I would say just this, that while the position at the Port is not free from difficulty, I believe that the settlement arrived at by those entrusted with the work of negotiation in London was the best obtainable under all the circumstances. I believe also, Sir, that the co-operative working spirit at the Port of Mombasa to-day is better than it has ever been, and I think we can look to the new Port Advisory Board, which is fully representative of all interests concerned and what is essentially a commercial undertaking, to do its best to evolve and establish a sound system of working, finance and development.

The financial side, Sir, must receive attention. Unless we are to stop railway development inland, the Port loss must be reduced, and it can only be reduced by changing the system

of charges. I see no reason why charges in operation at other ports should be taken exception to at Mombasa. I think I can say I have reason to believe that the thinking section of the community now realise the wisdom of making the Port more self-supporting.

In the combined Railway and Port Net Revenue Account it will be observed that the general balance for 1928 is reduced to £154,590. This, Your Excellency, is without taking into consideration the possibility of a change in connection with the £3,500,000 loan granted to us free of interest for five years for Uganda extensions, etc. I take it, however, that if there is any change in connection with that loan it will affect the interest accumulated in London rather than our current balances, so that that has not been taken into account.

I propose now to give this Honourable Council some information as to the probable actual results for 1927 as compared with the estimates passed last year ; then, if the Council will bear with me, I wish to make some remarks on our position now as compared with five years ago, and the probabilities for the next few years, and then deal with some questions of general interest.

Taking first the probable results for this year—I refer to the year 1927—this Council will remember that when I introduced the estimates last year I mentioned that railway expenditure had increased very considerably in the first half of 1926. I attributed this increase to three causes—

- (1) additional facilities, speeding up cotton traffic, and greatly increased cost of work generally on the lake piers ;
- (2) the working of new non-paying branch lines in Kenya ; and
- (3) the high expenditure necessarily incurred by the railway on fuel for locomotives and for lake steamers, so much of our fuel being necessarily imported.

During the latter half of 1926 every possible action, Sir, was taken to reduce working costs and this process has continued ever since. In our estimates for 1927 submitted to this Council, we anticipated a credit balance on the Railway and Marine Services of £189,000 after providing for contributions to renewals fund. After the estimates were prepared it was decided that the Railway was to bear the loss on the working of the Port, This reduced our estimated balance to approximately £68,500. Thereafter we reduced the rates on building material and we temporarily reduced the rate on cotton for export. These reductions were estimated to cost us £90,500 per annum, with the result that our estimates as framed show the balance on the wrong side. On the other hand, as I have already pointed out, some small items of expenditure were probably left in both the Railway and Port Estimates.

I am glad to say now, Your Excellency, that so far instead of the balance being on the wrong side at the end of the year, it is evident now that we can rely on a balance on the right side, after making full provision for renewals fund of at least £275,000. This is due, to the extent of about £35,000, to reductions in the Port losses anticipated, to some extent to the Railway earnings exceeding estimates, but in the main to keeping the Railway working expenditure below the estimates.

Our traffic earnings to date show an increase of approximately only £13,000 above the estimate. We are at present passing through what is ordinarily a very slack period. This figure is right up to date, but I think we can reasonably expect that the revenue for 1927 will not be less than £40,000 above the estimate. In addition, our earnings on net revenue will be above the estimate.

It is, however, on the expenditure side that the position shows such great improvement in comparison with the estimates presented last year. During the first six months of this year we carried a tonnage of traffic for the public no less than 58.96 per cent. in excess of the tonnage carried during the same period last year, and we carried a total tonnage (*i.e.*, including railway material) 22.80 per cent. in excess of last year. Notwithstanding this greatly increased work and increased open mileage, the working expenditure was actually 6.54 per cent. below the expenditure in 1926. Compared with the estimates passed last year for 1927, our anticipations now are that our normal working expenditure for 1927 will not be far short of £200,000 (or about 14.8 per cent.) below the estimate. In calculating this figure I should like to say I have not taken into account a heavy claim payment which may perhaps have to be made this year as the result of a decision made against us by the East African Appeal Court in the event of our not appealing to the Privy Council.

I quote these figures with some satisfaction—the more so as there has been no policy of retrenchment of staff. It is quite true, Sir, that, to some small extent, minor works have been postponed, but it really means that we have in fact done considerable additional work without corresponding additional staff and by better traffic control and operation and the better use of labour. I suggest, Sir, that these results could not have been obtained without hard work and the most loyal co-operation with the management and departmental heads, by the railway and marine officers and the railway and marine staff as a whole.

Our current financial position now is as sound as it is likely to be for years to come. It is now almost five years since an improvement in the previously unsatisfactory financial position of the Uganda Railway commenced to manifest itself, and as our position to-day is so totally different from the doleful

prophecies put forward by various authorities with which the country was treated in 1921 and 1922, I trust I may be permitted to refer briefly to just a few salient comparative figures for the Railway and Marine services for this period of five years. I do not wish to quote names but all the prophecies have turned out wrong.

In the year 1922 the total tonnage carried was 518,412. For the year ended June last it was 1,158,095—an increase of 123 per cent.

For the year 1922 the earnings amounted to £1,092,488. For this year the earnings for the Railway and Lake services alone (*i.e.*, excluding the Port of Mombasa) should amount to £2,190,000—an increase of over 100 per cent, needless to say that is an increase of 123 per cent. in tonnage and 100 per cent, in earnings.

As against that, in 1922 our expenditure amounted to £952,784; whereas this year it should not exceed £1,152,000 or an increase of only 21 per cent.

These figures, of course include estimates for the few remaining months of this year, and I have taken them on a strictly conservative basis.

It is, however, to the ratio of gross working expenditure to gross earnings (excluding contributions to renewals funds, so as not to disturb the comparison), and to the receipts and expenditure per ton mile, that I wish to draw special attention. In 1922 the percentage of gross earnings to gross expenditure was 87.21 ; in 1927 it should not exceed 54.

The earnings per ton mile have decreased considerably. In 1922 the earnings per ton mile for all traffic carried amounted to 14.33 cents. For the latest period of twelve months for which figures are available, the receipts per ton mile are only 11.61 cents.

This reduction of 18.98 per cent. in earnings per ton per mile is partly due to the increased tonnage of railway stores and low-rated material for new construction, partly to the transfer of bulk tonnage from higher to low-rated commodities—a process which hon. Members opposite will realise must go on automatically as the country increases its exports and becomes more self-supporting—and largely also to reductions in railway rates made during the past five years.

Nothing that the Railway does is received in this country in such silence as reductions in rates (laughter). Newspapers and public seem to combine in referring to reductions in rates either not at all or only in whispers ; but the simple fact is that during the past five years rates have been reduced on no less than 367 commodities, and while in the case of the great majority of these commodities the revenue surrendered may be small, we have made substantial reductions on some

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commodities which have involved large sacrifices of revenue in ratio to the work done. I will deal later with the general question of rates. I have a lot more to say about it.

But it is to the ton mile expenditure that I wish to draw special attention. I find, Sir, that in 1922 the expenditure per ton mile was 12.29 cents. For the latest period of twelve months for which figures are now available, the expenditure per ton per mile was only 5.99 cents; in other words, there has been a reduction of 51 per cent., whilst in one recent month when traffic was heavy, the ton mile expenditure was actually as low at 4.75 cents. In the Transportation Department our ton mile expenditure has been reduced from 5.21 cents in 1922 to 3.12 cents for the twelve months ended June last, and I would ask hon. Members in fairness to take note of these figures because they show what some of my efforts have done.

Of course we all know that fixed charges do not increase in direct ratio to increase in tonnage, but, making all allowances, I think that these figures are satisfactory, the more so as we are working in this country under difficult and in some respects expensive conditions. Our fuel bill is high—relatively much higher now than in 1922—our train loads are restricted because we have a line which rises from sea level to 9,130 feet and then drops again to the lake level of 3,700 feet, and we also carry the heavy expenditure involved due to so very large a proportion of our traffic requiring to be transhipped, owing to the breaks in the through railway chain caused by the existence of marine services on three lakes along the existing main routes to the interior. Moreover, our European rates of pay are high in amount—I am not speaking of the relation of wages to cost of living because our rates are not too high in comparison with other countries. Our average remuneration per European (allowing for quarters) is at least 331 per cent. above the remuneration on the Southern Rhodesian Railways. Our leave conditions are quite exceptionally liberal compared with general railway practice, in long leave, passage time, local leave, statutory holidays, religious holidays, and the like.

Then, Sir, there is also the unfortunate fact in this country it happens that various classes of bulk exports require transport about the same time. This, of course, makes a big difference to railway expenditure, because it means the use of rolling stock is not evenly distributed throughout the year. We have seasons of great strain and seasons of slackness.

Our earnings, Sir, have increased substantially, but I think any reasoning examination of our figures makes it quite clear that the improved results are due more to the decreased relative expenditure than to increased earnings, and this most important feature must not be lost sight of in assessing the interest bearing capacity in connection with future development.

I think at the same time we can claim that the reduction in relative expenditure has not resulted in less efficiency, but that, on the contrary, the record of the last five years has been one of steady improvement in working, even although much I admit candidly as the responsible officer, still remains to be done—that much is still undone which I should like to see done by now—but nevertheless I think there is a decided improvement.

During the last five years the open mileage of railway will have been increased from 685 to 1,275 or by 86 per cent., while lake marine mileage has been considerably extended by new services, and we have taken over and extended motor services. The additional open mileage which we shall be working by the end of the year, as compared with five years ago, will include the line from Thika to Naro Morn, the Solai line, the Kitale line, the Uasin Gishu Railway, and the extension of the Uasin Gishu Railway from Turbo to Mbulamuti, total of 510 miles. In addition, we have also taken over the Magadi Railway in our working accounts.

The cost of the Uasin Gishu Railway now stands in our books at the unfortunate figure of T16,731 per mile. The other lines to which I have referred have all been built under departmental control, and on present estimates, taking theta together, they should stand in our books at T5,815 per mile. The three branch lines were built with second-hand material at an average cost of £5,040 per mile. The line from Turbo to Mbulamuti, which is being built with new material, is estimated to cost £6,527 per mile.

The cost of the Uasin Gishu Railway it must be admitted was inflated, but, apart from that, it was high. I do not suggest that it could have been built under departmental control at the same cost as the line into Uganda, because there was some very heavy work on the Plateau line which does not exist on the Uganda extension; but if our costs are compared with the estimates prepared before departmental control of construction was authorised, then it must be admitted, Sir, by all concerned that departmental construction has been more than fully justified and has saved the country large sums of money. I mention this, Sir, because of the opposition and even unpleasantness—probably my own fault—I encountered when I contended for the policy of departmental control in railway construction. We have, Sir, no doubt made many mistakes—I admit frankly that the excess on the estimated cost of the Kitale line, the high cost of works in Uganda, stores losses and other difficulties have at times upset me considerably—but I claim that whatever mistakes we may have made under new and complex conditions, our engineers on the whole have done very good work for East Africa, and some of them have secured excellent results under the system of control.



While, Sir, this new construction has been going on, we have proceeded steadily with the relaying of the main line, strengthening of bridges, building of new stations, additional housing for the staff, hygienic housing for natives, re-organisation of the workshops and general improvements all along the line, all round the lakes and in the craft on the lakes. Apart, Sir, from several millions of capital expenditure on new lines and on improvements to existing transport facilities (and I would like hon. Members to take note of these figures because they cannot really discuss the Estimates without being in possession of these figures), I estimate that from 1923 until the end of this year we shall have spent also from funds created from revenue for renewals and betterments approximately £1,500,000; our expenditure in the same period from revenue contributions alone towards work the cost of which can legitimately be capitalised will amount to £900,000. This, of course, Sir, means permanent freedom from interest on capital expenditure to the extent of £45,000 per annum, on the top of that Members will be aware that we are steadily making heavy sinking and contributions on all our loans.

This brings me to the general financial position. This requires constant attention, because of the increasing interest charges. Let me say, however, that there is no need—no need whatever—(hear, hear) for alarm about our financial position, on the contrary, Sir, I think there is every justification for satisfaction, that some of the inferences drawn from a statement made by the Acting General Manager in May last were not warranted. Our financial position is sound in every respect.

Our loan charges on the Railway and Port, in 1922 amounted to only £77,964. In 1928 they will amount to £563,516. In 1929, on the basis of present commitments only, they will amount to £713,000; and in 1930 to £511,000.

This, I repeat, is based on present commitments only. We have not allowed for interest charges on the suggested extension of the railway line to Kampala, on any further branch lines contemplated in he:Iva, or on additional rolling stock and equipment.

Now, Sir, can the Railway face these additional interest charges? I am quite satisfied, Sir, that we can (hear, bear), and I am quite satisfied that we must, and can, also face what is involved in the extension to Kampala. I feel, Sir, we must connect the commercial capital of Uganda with the main railway system. Certain branch line development in Kenya is also necessary and should be undertaken, subject to Government guarantees; but further commitments must receive the most careful consideration until the interest burdens to which we are committed and in which these new lines will involve us are fully digested.

On current accounts our position to and at the end of this year will be this—I hope that the Hon. Member for Plateau South will like these figures : for five years we shall have contributed to the renewals and betterment funds approximately 12,557,000, of which approximately 11,500,000 will have been spent, leaving at the end of the year a balance on renewals and betterment funds of £1,057,000. In addition, we shall have a balance of approximately £36,000 on a Marine Insurance fund invested in England, and we shall have a Reserve Fund against Stores of approximately £242,000. This latter reserve, Sir, may have to be increased, because the value of our necessary stores balances now amounts to 1485,000. We have no working capital, so we must carry stores against our reserve funds.

For next year we are submitting in these estimates a betterment and renewals programme amounting to approximately 1650,000 ; but all my proposals, Sir, are based on the principle that we must always have a large balance on reserve funds to tide us over a bad season in view of our increasing interest charges.

I think I have made it plain, Your Excellency, that we have large reserves and that there have been very large relative reductions in railway expenditure, but it must be understood that on the expenditure side there is a point beyond which we cannot go. Additional facilities are constantly being asked for, and a proportion of the demands must be met, as the country develops. It is, therefore, rather in increased traffic and traffic earnings, concurrent with a tight grip on expenditure, that our future soundness lies.

About Kenya I must say I am optimistic. In Kenya there has been, and will continue to be, substantial agricultural development. I think the European settler can be relied upon for that, as the example of the European settler unquestionably is an inspiration to the native who works for him and to the native reserves ; but in Uganda, Sir, traffic has not been satisfactory this year and the Uganda proportion of railway earnings has unfortunately shown a considerable decrease at the very time when we are expending large sums in Uganda. This is regrettable, but I think I can say now I hope and believe that the Uganda Government will be able to shape its policy in such a way as to inspire substantially increased production in Uganda in the near future.

I would now like to make a few remarks in regard to the financing of future through main lines and connecting links between the existing separate Railway Administrations in East Africa.

We all know, Sir, that a Commission is shortly coming to East Africa to inquire into the problems connected with the suggested closer union of Kenya, Uganda and Tanganyika, and

no doubt, Sir, the future control of railways and lake services will be an important matter into which that Commission will inquire.

I would like to say, Sir, that, to my mind, speaking as General Manager of the Kenya and Uganda Railway, unless some central authority for railway matters in East Africa is established fairly soon, we shall find it most difficult, if not impossible, to avoid competition between the railways. Apart, however, from the question of competition for traffic at given points, there is an urgent need for a well-considered policy in connection with development ; an urgent need also for a central authority to face and reconcile administrative and executive differences, to inaugurate and press forward action towards standardisation in legislation and working regulations and working conditions and railway appliances, uniformity of principles of railway finance, railway rates, and other matters of importance to the three East African territories, in connection with which it will be fatal for us to develop on separate lines.

In my opinion, the problems facing us can only be dealt with by the institution, as soon as possible, of a central authority located in East Africa, with a properly constituted Advisory Board of Government and public representatives of Kenya, Uganda and Tanganyika, who must be brought together to face each other's problems.

I have not hitherto, Sir, suggested at any time that there should be an amalgamation of managements as between the Kenya and Uganda Railway and the Tanganyika Railway, but circumstances may arise to make me advocate one management. One management will come in due course, but there is no urgent need for an amalgamation of managements; and in any case such an amalgamation would be very difficult to arrange until there is a definite railway link connecting the two territories. Far more important than the question of the amalgamation of managements is the question of central control of policy in consultation with a fully representative Council.

Now, Sir, to my mind also it is clear that it is necessary for the general development of this part of the Empire that there should be rail communication between Kenya and the (Central Tanganyika line, also a steady programme of railway construction to connect the Tanganyika Railway with Northern Rhodesia and Nyasaland. In addition, everything points to the desirability of proceeding steadily with the building of a railway line, or perhaps two railway lines to the Congo.

The problem, Sir, is how is the expenditure involved to be financed? We can hardly expect the comparatively small number of European settlers already in East Africa, and the natives in their present stage of development in Colonies and Protectorates which are almost entirely agricultural, to produce

immediately sufficient to pay interest charges not only on their own development lines but on those through lines through the different territories.

Then, Sir, is private enterprise in railway development in East Africa obtainable except with onerous subsidies or guarantees? I doubt it, and I doubt also whether, even if obtainable on reasonable conditions, construction and working of railways by private enterprise would be a wise policy for East Africa. There has been a lot of talk of private railway company development, and also of railway development and management by a form of public private company, but so far no definite proposals have been made which could be regarded as in any way practicable or acceptable to East Africa.

The disadvantages of Government ownership and management, Sir, are numerous; but there are also great advantages, and in my opinion, in young, developing territories they more than counterbalance any possible disadvantages.

So far as private enterprise is concerned, the inducement of substantial mineral development does not as yet exist; while land grants to private companies would be impracticable with our existing land alienation and native reserve principles.

No doubt, Sir, discussion will proceed, I suggest; but I think, Sir, it will be found that further extensive railway construction in East Africa will have to be undertaken by the Governments concerned.

Through trunk lines, Your Excellency, should be built by the State, but how are the East African Governments to finance them? Through trunk line development will, I fear, be very slow if we rely on local efforts unless we can be assisted, and I venture again to suggest that the Imperial Government should seriously consider ways and means of providing for the capital cost of these through trunk lines to be free of interest for a long period—say ten years—but subject, of course, to a revision of the terms if it is found that any particular line can pay its way within a shorter period.

If such lines were built, all material required would be purchased in Great Britain, and markets would be created for Great Britain.

I think, Sir, that such railway development in East Africa should not be looked upon so much as an East African investment as a sound Imperial investment, as in the interests of the people of Great Britain even more than in the interests of the Europeans already here, and as decidedly in the interests of the native inhabitants of the territories concerned. I sincerely trust, Sir, that the time will come when the Imperial Government will find itself able to look at the matter from this point of view.

I would now, Your Excellency, like to refer to the question of railway rates. I have already remarked that rates reductions are generally received in silence, to which I may add that demands for further reductions in rates in this country seem to be endless, and there appears to be an impression that I, spend most of my time obstinately turning down or dodging such demands.

I have heard arguments to the effect that charges paid for the conveyance of goods by rail form portion of the taxation of the country. That, of course, is quite ridiculous, because the Governments of Kenya and Uganda do not receive a penny out of railway rates, and railway charges are no more taxation here than they are in England.

I have also heard it suggested over and over again that our railway rates as a whole are high. I need hardly say. Your Excellency, that I deny it.

As General Manager of Railways, I must judge the position from the point of view of average receipts, hauls, etc., but perhaps the figure that will appeal to hon. Members most is average income received per ton of traffic per mile, and I say emphatically that, taking into consideration the local working conditions and rates of pay, an average income of 13.33 cents per ton per mile of total traffic carded, and 13.33 cents per ton per mile of revenue earning traffic carried, cannot in East Africa be regarded as other than low. Now, Sir, it may interest this honourable Council to know that the average earnings per ton. mile on revenue earning traffic carried on the Nigerian Railway, as set out in the latest report to hand here, is 18.50 cents as against our 13.83 cents, and the Nigerian Railway includes in its traffic a large tonnage of coal, which is usually a very low-rated railway traffic. We have no international traffic. We actually carried valuable cotton this year, including handling costs at the piers en route, at a through rate one cent per ton per mile lower than the rate on coal in Nigeria. Compare the value and the bulk of a ton of cotton with a ton of coal ! Normally, also, we carry even our most valuable exports at extremely low rates. If it were possible for us to obtain the Nigerian average, our income would be increased by 1,574,727 per annum for goods traffic alone, our ratio of expenditure would be just about a low record for the railway world, and our ability to carry increased interest charges would give me no concern. Please do not construe these words into a criticism of Nigerian practice. Their conditions are totally different from ours, and I neither wish to judge the Nigerian position nor do I pretend to have the necessary knowledge to enable me to do so. Railway rates must fit in with railway revenue and expenditure requirements and other conditions, and I again wish to point out that rates

are not high, and it is interesting to know that in the month of April last the average ton mile receipts in Great Britain for traffic other than coal and minerals was 19.65 cents, and including coal, 12.68 cents; so that in the country where railways have been established longest, with much competition, the average is much higher than ours. My point is not that the Nigerian rates are high in view of their conditions and requirements, but that ours on the average are not high, bearing in mind our working conditions, and that on the great bulk of our traffic our rates are extremely low.

Our average receipts are really low, and a good many of our rates are very low, in comparison with other railways. During the six months ended June last no less than 18.85 per cent. of our public traffic consisted of export maize, that traffic is carried from any point on our main line, and from some branch lines to the coast at Sh. 1 per bag, and for this shilling we give services in addition to carriage. I am fully aware that on the South African Railways maize for export was also carried at Sh. 1 per bag, but, according to the last annual report, export maize in South Africa represented only a small proportion of the total South African Railways' public tonnage. Then take our cotton seed traffic, a most unsatisfactory class of traffic if I may say so. In this traffic we carry a very large tonnage at a very low rate. I do not wish Members to gain the impression that the rate on maize for export should be increased at the present time, the future must look after itself, but I do suggest that the public in this country should, in fairness, concentrate attention on our low rates as well as on some of our individual rates which are admittedly high.

From time to time, Your Excellency, we are asked to reduce rates on petrol, kerosene and crude oils. It is a fact that since I have been in the country we have reduced (on an average) the rates on petrol by 29.93 per cent., kerosene by 35.85 per cent. and crude oils by 30.36 per cent.; and throughout this period the Governments concerned have made no reduction in Customs duty or, in the case of petrol, in the consumption tax. The whole burden has been thrown on the Railway, and yet the Railway is asked again and again to do more.

Now, Your Excellency, I want to be quite clear, I am here only as a servant and a trustee of the public, and I say in all seriousness that I am only too anxious to reduce rates. There is nothing that pleases me so much as to be able to reduce rates, but I must face the responsibility of not reducing railway rates in such a way that the Railway, and consequently the country, will suffer financially. I know, Sir, that the subject of railway rates is one which many people think they can handle better than those who have studied the subject throughout their Working lives, but my advice to the Railway Council must be based on my own experience and judgment. I personally

have really devoted a very considerable amount of personal attention to rates questions, and I can say quite frankly that I am more than anxious to change our whole classification and to put it on a more scientific basis, and the Mwanza connection may, in any case, precipitate matters; but to do what I want to do would cost us at least 10 per cent. of our present income, and I cannot at the moment see that the Railway can face it. When I can see my way to do so, I will advise the Railway Council to act.

We could, of course, refrain from authorising further railway construction and so avoid increasing our interest charges, reduce rates, and then wait until the general financial position has adjusted itself before incurring further capital expenditure, but any such policy would be very shortsighted. We cannot have it both ways. We cannot proceed with substantial rate reductions which have the effect of reducing our earnings in comparison with tonnage carried, and at the same time work additional main and branch lines which will be non-paying for some time to come. East Africa has the choice, but in my judgment the choice should lie with such further development expenditure as we can carry, and retention, as far as practicable and as long as the need is there of existing rates, which, I think I have made clear, are on the average by no means high whatever individual rates may be and for exports I may add, Sir, are low in accord with what I regard as sound policy for an agricultural country, and I think that is the general feeling.

I feel, Sir, that popular as rates reductions may be, and popular as increased, but expensive, facilities on new lines may be, I feel that I must, in the general public interest, take a stand against precipitate reductions in railway rates and luxuries in working which we cannot afford.

Naturally the position would be greatly improved if the Port finances were put on a better foundation, it is essential that this will be done. Indeed, it is essential for this to be done if the Railway is not to suffer badly in consequence of having to carry so heavy a loss at the Port. If we could wipe out the bulk of the Port loss, we could again examine the railway rates position. I would like to say here that I accept it as a principle that the Railway must pay for the services rendered to it at the Port, and I accept it as a principle also that as the Port position improves railway rates should be adjusted.

I have dealt, Sir, with the rates position in these terms because I observed that during my absence in England the Acting General Manager made a very important statement in regard to the Railway financial position, and the only response he got in this Council was a request for further reductions in rates.

This, of course, arises from the fact that during the past five years the Railway financial position has been so good that it has occasioned no concern in the country. Memories are short—personally I am naturally anxious that a sound position should be maintained, and I suggest that Members of this honourable Council should realise that the Railway Council has made numerous reductions in rates during the past five years, and is constantly studying rates matters, but that it must have regard to sound finance rather than speculation when considering demands for railway rate reductions. The public should also realise that the Railway traffic officials have by close attention to their working conditions done remarkably good work in improving efficiency and reducing working costs, but that there are limits to what is possible further to do in that respect.

. There is just one matter to which I would like to refer before I sit down, and that is the extension of the railway from Jinja to Kampala because I consider that of great importance. I am satisfied, after a long consideration of all the issues involved, that we must build a line to Kampala as part of the main line system, and I am satisfied also that the Jinja-Kampala route is the best. On this point I differ from the opinion expressed very ably and with courage by General Rhodes. I differ further from him in that I think that, instead of aiming at a 1 per cent. grade and 10 degree curve line on the connection to Kampala as portion of the probable future through line to the Congo, we should cut the cost by adopting 2 per cent. grades and 14 degree curves unless, of course, we find on further survey that 11 per cent. is obtainable at about the same expenditure. I think such a line should be capable of handling all the traffic likely to be offered for very many years to come, and would not embarrass us seriously if the line at some future date becomes portion of the through line to the Congo.

The Jinja-Kampala line, however, is likely to show a direct loss, while there will also be a consequential loss to the marine services, and we may have craft temporarily idle and staff not fully employed from time to time on the lakes, but I think these difficulties must be faced. I do not wish to hide that fact, we must face that figure.

The marine service is by no means the inexpensive service it is generally regarded as being. The mileages are much too short, there is far too much transshipment at each end, the number of officers carried of necessity is too large ; and the carrying capacity of the steamers too small, to make the working economical ; but, so far as I can judge, Sir, whatever through lines we build will not do away entirely with the *need* for the lake services, and that also must be faced. Allowing for that, however, I believe that the connection from Jinja to Kampala is the most important step in railway development



which the Kenya and Uganda Railway, and East Africa as a whole, could take at this stage. I believe that the line will attract fresh capital to Uganda; will produce additional traffic; will encourage the growing of mixed crops instead of cotton only; will promote Inter-Colonial trade and improve Inter-Colonial feeling and trust as between Kenya and Uganda; and will stimulate general development in the whole of Uganda itself.

That, Your Excellency, is all I have to say at present, but I shall, of course, be prepared to give any further explanation Members may desire on any points they care to raise.

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

THE HON. CONWAY HARVEY : Your Excellency, at the risk of wearying my hon. friend the General Manager who must be getting rather tired of the monotonous storm of applause which greets the introduction of his estimates year after year, I feel I must again follow that precedent which can hardly fail to be gratifying to all of those concerned in the preparation of what I may accurately describe as a very clever statement of revenue and expenditure. At the same time, Sir, I should like to express my own very deep thanks and the very deep gratification which will be felt by the whole of the country for the magnificent exposition that the General Manager has given us this morning in regard to the numerous services under his control. To those who knew the Uganda Railway twenty years ago the transformation that has taken place especially during the last five years savours of magic.

No doubt, Your Excellency, some of my colleagues with greater experience of commercial concerns and industrial concerns will find weak links in the chain, but so far as I am concerned at the moment, Your Excellency, I wish to express my admiration for the wonderful achievement of the General Manager in having greatly reduced the costs of this essential service, in having greatly increased traffic at the same time, and in having very generally improved to a marked degree all the services under his control. This, Sir, I venture to suggest is an example which might well be followed by other Government departments. (Laughter).

There is, however, one portion of this comprehensive financial statement that I am not quite satisfied about. I allude particularly, Sir, to the enormous sums of money which are being devoted to the essential work of maintenance. In addition to that, Sir, we see fairly colossal sums at the same time going to what is known as Renewals and Betterment. In addition to this, Sir, we have a very substantial item for depreciation and it appears to me and to many others, Your Excellency, that the present generation is being bled almost to

the point of death for the benefit of coming generations. In this matter, Your Excellency, I regret that the General Manager does not exhibit the same callous disregard as to the future as he indicated in his remarks regarding the flat rate on maize when he said that the future could look after itself. (Laughter).

THE HON. T. J. O'SHEA : Your Excellency, I have much pleasure in associating myself with the congratulations that have been showered upon the Hon. the General Manager by the previous speaker though not perhaps in the same unmeasured terms. I should like to add that in my opinion the greatest benefit he has conferred upon the country is the spirit he has introduced into the whole of the service of which he is the head. (Hear, hear). It must be obvious to anybody studying the working of the railway that the co-operation of the people working under him, imbued with the spirit which emanates from him, is responsible for the achievement set forth in the statement he has given us to-day. Having had some experience of the railway for eighteen years I take great pleasure in expressing my deep regard for those who are now running it and my appreciation of the improvement made in the service, which manifests itself from top to bottom. It is to some extent a pleasure to-day to travel on the Uganda Railway. It is not a very great pleasure, perhaps, except for the tourist but the staff of to-day has certainly modified its discomforts to a remarkable extent.

Your Excellency, last year I ventured some little criticism of the accounts which were placed before us by the hon. the General Manager. In doing so I felt very much like a small schoolboy criticising the expositions of the august headmaster. I felt very small indeed, but I venture to suggest, Your Excellency, that the very lucid statement made by the hon. the General Manager himself to-day is the very best justification I could have for my temerity on that occasion. He has proved himself to the hilt that I was right.

First of all I contended that there were large hidden profits in his accounts—hidden away in a manner which is very plain to him but not so plain to his critics. I should also like to point out that he has proved to day my second contention that during the past four years the country has been called upon to contribute to an unfair extent out of revenue for the capital expenditure of the Uganda Railway. Your Excellency, nobody has greater admiration than I have for the ability with which the hon. the General Manager is running the railway from a business point of view. The policy he is pursuing is undoubtedly sound. But the more I study his accounts from year to year the more I think that he is following that conservative policy to an extreme extent. He is pursuing it to an extent that places an undue burden on the community. The shareholders of this concern, the people of

Kenya, and they alone are the shareholders, are beginning to feel more and more every day that they are paying too much for efficient management. They feel there should be an increase in the distribution of profits, the profits on a State railway being in the form of a reduction in rates. Your Excellency, it is strictly laid down in the Railway Ordinance that the service shall be administered on business principles—that has certainly been complied with—but with due regard to agricultural and industrial development in Kenya and Uganda by the means of cheap transport. The question arises, have we got cheap transport? The hon. the General Manager has endeavoured to show in comparison with other countries that in fact we have cheap transport. But has he himself proved that we have not got cheap transport, the proof of it being that he is in a position to extract something in the neighbourhood of £600,000 out of one year's revenue for various purposes, and in all £2,500,000 over a period of four or five years.

He justified that by his statement that in the past couple of years there have been reductions in rates and he expresses surprise and not a little disappointment that there should be <sup>so</sup> little notice taken of these reductions. Now, Your Excellency, I feel no more grateful for these reductions than I would feel grateful to a cat burglar who after stealing my entire wardrobe returned me a soiled shirt and a pair of tennis shoes. (Laughter).

The hon. the General Manager only went back five years in his retrospection of what has happened on the Uganda Railway. Had he gone back a little further he might have treated us to an exposition of what was the position prior to his taking over. He took it over when it was in a most unsatisfactory state—when the cost of running was colossal. Obviously if you improve the efficiency of an organisation it should as a part and parcel of that improvement reduce the cost of its operation. We naturally expected that a more efficient manager would reduce the cost of operation. Furthermore, before the present General Manager took over, the Railway was used as a source of raising general revenue, so that the rates were based not only upon the cost of transportation, but upon the cost of transportation plus a contribution to general revenue.

Then again, during the war the rates were increased very considerably and on the settlement of the currency question were again automatically increased fifty per cent.

When the present General Manager took over, this railway was generally agreed to be one of the most expensively and most inefficiently run railways in the world and one that was endeavouring to exist on rates that were out of proportion to the value of the services rendered. Further I think that

in a concern such as the railway increased turnover means less cost and lower prices. In the early days of the Uganda Railway I remember there were only three trains a week running between Nairobi and the Coast ; to-day it appears to me there are three trains in the course of half a day and from the very illuminating figures which have been given by the hon. the General Manager to-day it appears that the traffic has increased by 123 per cent. Surely that in itself would lead to a reduction in costs.

I am very largely concerned with the question of the reduction of rates because of the benefit it would confer on the country as a whole.

I am not aware that the Railway authorities have been pestered day after day about lowering the rates or that the variety of rate reductions asked for is very wide. So far as one can gather from meetings of Chambers of Commerce and from public meetings generally the most persistent demand is for a reduction in the charge for carrying power kerosene. Those who have studied that question are satisfied that it is essential to future development of this country that it should be lower. The hon. the General Manager argues that because our rates compare favourably with the rates operating in other countries that there is no justification for lowering them further.

I contend first of all that if he can take £2,500,000 out of revenue for capital expenditure in a period of four years and secondly by his own admission manipulate his estimates to the extent of £275,000 in one year he can very well afford to lower his rates. The fact that our rates compare favourably with the rates prevailing in other countries does not impress me very much, because the conditions prevailing in different countries may not be analagous. I might as well argue that the Railway should be in a position to lower its working costs and rates by 50 per cent. because I know that at least one railway in America operates at very much lower working costs than in this country and charges very much lower rates.

Take the case of an industrial concern. In one particular business employing 80,000 men and equipped with the most modern machinery, the owners make a profit per annum running into millions sterling on the basis of a very small profit indeed per man per hour. I might argue from that that if our railway were run on scientific principles of management the railway would not be so expensive to run and rates would be very much lower.

I am not alone this year in my contention. Other Members on this side of the House have made a very close examination of the railway estimates and they are convinced that there is room for money to be devoted to freight reductions next year. We are convinced of it and I speak for myself and

I should imagine for them when I express great disappointment that the hon. the General Manager has held out no hope of any reductions during the forthcoming year. We have endeavoured to satisfy him that in the matter of the particular rate with which we are concerned a reduction in that respect would be of an immense benefit not only to the country as a whole but also to the line which he is so ably administering. He has contended time after time that such reduction as he could afford to give would not be of any material benefit to the farmer. I leave it to others more closely identified with farming to satisfy him that it would in fact make a very big difference in the cost of farming operations. I attach the utmost importance to it because it would lead to the substitution of mechanical power for manual labour and oxen, which would have far-reaching effects on the country. It means a lot to this country and I sincerely hope that the hon. the General Manager has not definitely closed the door upon us for the forthcoming year.

Also I would ask him for once to have a little faith in us on this side of the House and put himself in our hands, and if we do not justify ourselves in our statements we will take the full consequences.

It is very largely as a result of agitation by the plain people in this country that the policy of subsidising the export trade was adopted. The success of that movement has been proved to the hilt and I feel certain that if the hon. the General Manager on this occasion also will have the same trust in us he will not be disappointed. I believe that within a year or two he himself will be among the first to acknowledge that we were right.

Your Excellency, there are one or two minor matters that I would like in a very short space of time to mention before sitting down. I should like to ask the hon. the General Manager whether he is satisfied with the efficiency of his present police force. I am aware that since that force was organised the position in regard to thefts from railway carriages has been much improved, but can he say that the position has been improved in other respects. In the last few months one or two things have occurred that make me think the force is not altogether as efficient as it might be. I very nearly had my head smashed in by a stone thrown at the train in which I was travelling to Legislative Council under circumstances that I thought should have made it comparatively easy to effect an arrest, but I have since heard nothing of the matter. Then there were two bags of postal matter stolen off the railway between Hoey's Bridge and Nakuru a few months ago, unfortunately one of them contained about £300 worth of survey plans and notes and no trace of them has since been found. I should have thought that this class of theft could readily have been traced.

I would further ask the hon. the General Manager whether he is satisfied that " graft " has been eliminated from the railway service. Some of us are aware that in the past the Uganda Railway was subject to graft to a very large extent. We also believe that the position in that respect has been very much improved in recent years, but I have come across several cases in the last twelve months which lead me to believe that it still exists in the service.

Then again I should like to draw attention to the attitude adopted by the Administrative headquarters towards the running staff. I realise that a popular representative is treading on very dangerous ground when he interferes to any extent between the management of such a concern as the railway and its employees, and I hope that I am not raising unnecessary fears or false hopes in just touching upon it. I have during the last twelve months come across several cases of members of the running staff being reprimanded by headquarters for minor breaches of discipline. I feel quite certain that the disciplinary action taken by the Administration was perfectly justified, but I was very much astonished at the tone of the correspondence that passed between the Administration and the men concerned. I think I am not doing any Harm in asking the hon. the General Manager to let his associates know that, while these men may fail on occasions, although working comparatively very efficiently and doing their utmost to give service, they should not be dealt with in a way that unnecessarily injures their self-respect.

Lastly, I would draw attention to two remarks of the hon. the General Manager on the subject of leave conditions.

In pointing out that the cost of personnel of the railway in this country was comparatively high he mentions leave conditions. Now that the railway is distinct from the rest of the Civil Service I certainly hope it will be possible for him to entirely reconsider the terms of service in relation to leave. Every year more and more people in this country are beginning to realise that the 21 years period is not really necessary or desirable. More particularly in the case of the subordinate staff it is a hardship and I feel certain that they would welcome a readjustment of the conditions of service under which owing to a longer period being brought in a saving which would be effected thereby would be distributed as between the Administration and the men.

THE HON. J. B. PANDYA : Your Excellency, it is agreed on all sides that the hon. the General Manager has run these railways during the last few years very efficiently and that he has improved the service comparatively to a very great extent.

With regard to the policy of freights, I do not think that I can agree with the statement made by the hon. the General Manager that the rates at present are not following the policy of taxation. To my mind he is purely and simply following the rules and principles of taxation in every way and therefore they can be treated as part and parcel of the taxation policy of the country.

Your Excellency, the freights are based not on the business policy of any industrial concern that they should be charged what it costs, but on a policy of ability to pay, and it is well-known that the export industry to a certain extent is subsidised at the expense of imported articles.

Whilst I do agree that to a certain extent an important industry in any country has got a first claim on the reduction of tariff rates, to my mind it seems in this country the railway has gone a little too far. It is impossible that any industrial concern could transport a bag of maize from any railway centre 500 miles away for Sh. 1. Sh. 1 is demanded by a hamili cart for transport from Kilindini to Mombasa Station and therefore it is quite clear that this rate is absolutely low, much lower than could be justified in any other country.

The hon. the General Manager has stated that during the last two years a very large reduction has been made in regard to 367 commodities. I find that only during the last year, however, the rates have been actually increased on crushed salt. Up to the present the Railway Authorities have been treating this salt as coarse salt and we have been charged a lower rate accordingly, but on account of circumstances of which I am not aware it has been found necessary to increase these rates on crushed salt, which is used mainly by natives in Uganda.

Your Excellency, the hon. the General Manager has expressed very great satisfaction at the way in which the staff has worked for him, and I do feel that he also includes in his speech the Asian staff. May I appeal to him again this year to see that the leave rules and conditions applicable to this staff are improved ; they are not considered satisfactory. The Asian staff to a certain extent is not satisfied with the present leave rules.

There is also differentiation between the running staff and station staff as regards overtime and privileges and these small things I hope the hon. the General Manager will see are looked into and remedied at the first opportunity. This matter has every year been put before the hon. the General Manager.

Another thing is in regard to the accommodation of second class passengers on the railway. The second class coaches which are now running on the railway are nothing but

a disgrace to the country. Your Excellency, these coaches are only fit for horses. They were imported into this country I suppose at the time the railway was built and very often the hon. the General Manager has said that these coaches will be replaced at the first opportunity. I have seen these coaches running only a month ago when I came from Nairobi.

Your Excellency, I think that to a certain extent no doubt the new coaches are being imported, but sufficient have not been ordered to replace the coaches which are now being used for second class traffic. I do appeal to the hon. the General Manager and hope that he will try to replace these coaches at the first opportunity. He claims to run this concern as a business concern ; therefore he will no doubt feel that anyone who travels on the railway ought to get value for what he pays. It amounts to this that a man paying the same fare gets different treatment ; that if a man is fortunate enough to come early he gets better accommodation in the same train than the man who is late. I therefore trust that the first opportunity will be taken to replace these coaches, which are very unsatisfactory.

In regard to the Port, I think I ought to say that I feel there has been very little time since the hon. the General Manager took over the control to judge whether it has been a success or not, but there is a certain dissatisfaction on the part of certain sections of the mercantile community with regard to this Port working. Perhaps when they have had better experience these troubles will be removed. No doubt the present rates of rent charges at the Port are considered to be necessary in order to expedite the traffic, especially the transit traffic, but these high rates are being used as a means to add to revenue. In certain cases where it is proved that delivery could not be taken earlier—it is a contingency that can always arise—consideration should be given towards the reduction of these rates. I believe the Port Manager cannot reduce these rates because he has not got the authority to do so. In these matters I feel that the hon. the General Manager ought to see his way clear to giving the Port Manager certain powers to reduce rates where he finds it is necessary or justified.

CANON THE HON. H. LEAKK: Your Excellency, I would like to take this opportunity of congratulating and thanking, on behalf of the African community in this country, the hon. the General Manager of Railways. We appreciate very much the great improvements he has recently made in the coaches for third class passengers—the Africans travelling in that class. Often, Your Excellency, in the past I have been perfectly ashamed when visitors from Europe and America saw the way in which the Kenya natives were herded together like cattle in trucks. I trust that the hon. the General Manager will see his



way clear to continuing this excellent work he has done, and if it is at all possible perhaps he will provide special coaches and accommodation for females as apart from males.

CAPT. THE HON. E. M. V. KENEALY : Your Excellency, the reason why these estimates are placed before the Council is because this Council consists of reasonable and well-balanced men. To the average man the specialist is invariably mad and the more enthusiastic and more efficient that specialist is the madder he is. That is an invariable rule. He has a disproportionate view of the value and importance of his own interests and department and the average man is the co-ordinating factor who decides values between one department and another. It is ridiculous, I suggest, to allow the specialist to decide for himself, to allow the case to be judged by the prisoner, to allow the General Manager to use the knowledge of his efficiency. It is because he is efficient that he is vulnerable. The hon. the General Manager has said that because he has stated that they cannot reduce rates on the railways and because you consider him efficient you will admit that they cannot reduce the rates. But it is not only a matter of efficiency but of judgment, and in this respect we all recognise that the hon. the General Manager's efficiency is far greater than his judgment. We know that by imposing upon him against his will a further reduction in rates we have so much faith in him that his efficiency will pull him out of the situation and he will be able to meet it.

Your Excellency, the hon. the General Manager has an element of a threat in one of his statements which was that of course if we wanted reductions in rates it might be effected at the expense of the construction of branch lines. I do not think that is really a very fair way of meeting the suggestion that there should be a reduction in rates. It can be met in another way. The railway mind, Your Excellency, is very hungry for maintaining its own internal welfare and I think it has lost its sense of balance in starving the rest of the internal welfare of the Colony to the apotheosis of his stomachic requirements. (Laughter).

I think, Your Excellency, that we on this side of the House are definitely agreed to oppose these estimates unless we have a promise of a reduction in rates on fuel oils, and I think we should state that definitely now. We are making a specific application for a specific reduction—and it is on fuel oils. I am sorry that any extraneous matters have been introduced—not by me—in regard to these estimates. I thought we were going to concentrate and work for that very reduction and no other, and if we get that we will have accomplished a great deal. I hope that the hon. the General Manager will agree in regard to fuel oils to reduce these rates as soon as possible.

THE HON. R. S. NEHEA : Your Excellency, it is very difficult for me to add to the praises already earned by the hon. the General Manager, but I feel that in view of the state of affairs of the railway in this Colony there is one thing which is very important, and that is that no reference has been made to the railway needs of the Coast.

I might point out that at this present moment the Coast may not be quite so productive as up-country, but I think it is on account of the fact that there are not so many facilities at the Coast as there are up-country.

I might point out also that the local Mazaras service which is for the benefit of the Coast and Mombasa town is so highly defective that it could do with a great improvement in its efficiency and also in the coaches which are utilised in serving this place. I submit that it is many times seen that the type of coaches, the number of coaches is not adequate to carry all the passengers and also for commodities to be carried from one place to Mazaras and intermediate stations to Mombasa and *vice versa*. This is due I think to the fact that the hon. the General Manager is always flying much higher than the Coast area. I would like him to come down a little bit to the Coast more occasionally and take a little more interest in the local service and afterwards try to find out if possible whether it is possible and advantageous to construct an additional line on different parts of the Coast to bring the different Coast products to Mombasa Island.

I agree that the desires and wishes of the hon. General Manager are very sincere. He sincerely does his best; to reduce the rates but it is usual when annual estimates are before Council or any House of Parliament or representative body that the head of the department always foreshadows some reduction in some commodity which the country desires. I would be very glad indeed if the hon. the General Manager would take into consideration the few remarks that I have made about the Coast so that we can one day be in a position to say that travelling from the Coast to Nairobi is as pleasant as from Nairobi further on.

CAPT. THE HON. H. E. SCHWAETZE : Your Excellency in listening to this debate this morning I was most of all struck by the speech of the hon. Member for Plateau South, especially when he made that appeal to the General Manager to trust us on this side of the House and for once sink his own convictions with regard to this question of rates in favour of the convictions of others and to see whether those others were not for once right on this matter. I thought his speech an extremely reasonable one, and, if I may do so, I must congratulate him very much on that speech. I hope we all agree with the remarks of the Member for West Kenya when he said that we

are reasonable men, although some Members on either side of the House may not be well balanced, but I cannot help feeling, Your Excellency, that it is a very big thing to turn an estimated deficit into a surplus of ,250,000 and that the General Manager might reconsider this question of reducing to some extent inward rates. It is true that he says it is not only his view but it is the view of the Inter-Colonial Railway Council, but, Your Excellency, I cannot help thinking that the advice given by that Advisory body to the General Manager, or Your Excellency through the General Manager, must to a great extent be tempered by the persuasive tongue of the General Manager who speaks first.

I am not certain that a reduction in the rate on fuel oils is most necessary and there I disagree with the Member for West Kenya. I am not at all certain that the present rate of freight on kerosene is in fact having any effect on the increased use of tractors in this country. (Hear, hear). I do not know but I say I am not at all satisfied. There is no question whatever that the increase in the number of tractors has been very marked during the last twelve months. It could, of course, be argued that if the rates had been lower the number of tractors would be greater. That may or may not be. But I would ask the hon. the General Manager to consider before he replies to this hon. Council if he cannot put aside say £00,000 for the reduction of rates in 1928, and then get down to the question of what are the more important rates to be reduced. It is not a matter to be discussed here, but it is a matter for consideration. Before leaving rates I wish to dissociate myself, and I believe every member of this side of the House must dissociate himself, from the remarks of Mr. Pandya when he said there was no justification for the Sh. 1 export rate on maize. Your Excellency, there has been nothing in the last fourteen years since I have been in the country which has had so marked an effect on the production and wealth of this country as the result of the recommendation to the Government by the Economic and Finance Committee some eight years ago for the reduction of the export rate on maize to Sh. 1 a bag. The marked increase in production of maize is due practically entirely to that wise executive action.

There are three quite small matters I would ask the hon. the General Manager in reply to tell me.

The first one is I understand when the new carriages on the railway will be running it is to be a daily service. I understand that as a result of there being restaurant cars there will be a decrease in running time. I understand it is proposed at present to leave Nairobi at 4 o'clock instead of at 1.55, and to arrive at Mombasa at 8.30 instead of 7.34. I would ask his advisors to consider when considering the time-table to further decrease the time from Nairobi to Mombasa by bringing the train in at the same time as now. It seems a small matter

but it is not. If you have a daily service leaving Nairobi at 4 p.m. it means people can do their day's work in Nairobi, leave after office hours and if they get down here the same time as at present they will be able to do their work here and leave at 4.15 and get back next morning. It is the difference between 7.34 and 8.30. Offices start at 8.30. I would urge upon him and I think my colleague the Member for Nairobi North will agree with me that that is the view of the commercial community in Nairobi.

Two small points before I sit down. I would like to ask the General Manager when it is anticipated that the new railway offices will be completed and whether it has yet been decided whether the building will be two storeys as originally anticipated or three.

Finally is it his intention to continue and complete the ballasting of the line from Makindu to Nairobi so that those who come down from Nairobi to this salubrious spot can remain here without having tonsillitis.

THE HON. A. C. TANNAHILL : Your Excellency, I think I am going to confine most of my remarks to Appendix I on page 102. The hon. the General Manager said in his most admirable speech that there was no fear for alarm in regard to the finances of the Uganda Railway. I do not think there is any need for fear. What I am so frightened of is that the Kenya and Uganda Railway as exemplified by Appendix I will accumulate the whole of the money in the whole of *the* world. According to this statement, in 1928 the railway anticipates an excess of receipts over expenditure of some £462,000 as against the extremely cautious figure of £154,000 shown on page 4. To that the hon. General Manager adds that he anticipates another £100,000 making the excess of receipts over *npendi*-ture over £562,000. This figure is made up of depreciation, allowance for depreciations, the net profit and a sum which I cannot trace elsewhere in the estimates of £6,000 for insurance. Now I ask myself, in view of the increase which appears in the estimates whether there is any need for this figure for depreciation. Going through the abstracts one by one we find on very nearly every page allowances for maintenance and renewals which I have totalled and they are in the neighbourhood of £178,000. Maintenance of ways, works, rolling-stock and steamers and exclusive of salaries and wages in connection therewith and exclusive of Mombasa Port ; and on top of that during 1928 it is proposed to spend on renewals a further £186,000 according to Abstract M on page 100. In other words a quarter of a million pounds is being spent on maintenance and yet on top of that the hon. the General Manager with, if I may say so, an excessive caution is laying aside a very large sum for depreciation. It appears that at the

end of 1927 there will be a net accumulative reserve amounting to approximately £1,287,000. I am sure, Sir, that every member of this House is satisfied with the financial position to-day, and that the hon. the General Manager's anticipations are ample and very full justification for the declaration of a dividend. In a concern such as this if it were run by a company I think the first thing that the shareholders would do would be to arrange for a set of directors who were pledged to declare a dividend, the next thing they would do would be to insure the life of the General Manager for a considerable term of years because he would run a considerable risk, after the figures had been disclosed, of being shot by some unfortunate shareholder whose doctor had told him he had only six months to live, and would not be able to share in the profits which ought to have been distributed before. (Hear, hear).

In a concern like the Kenya and Uganda Railway the shareholders obtain their dividends by a reduction in tariffs. £262,000 is required, as the hon. the General Manager informed this House yesterday, to abolish Classes 7, 8 and 9. This can be provided for even if the present system of finance and capital expenditure from revenue is insisted upon to the detriment of this generation. The reduction on power kerosene should, Sir, in my opinion be granted without further consideration. The system of capital expenditure from revenue we submit, Your Excellency, is an intolerable burden to this generation, a generation which is struggling with a large amount of pioneer difficulties. The obligation should be extended over a period of years.

In Abstract M on page 100 it is proposed to spend on betterments in 1928, a sum of £467,000. If, Your Excellency, the hon. the General Manager could see his way to borrowing £467,000, to pay interest on it at the rate of 6 per cent. per annum and write it off in about 20 years in equal annual instalments, I think he would find that he would have left to spend for the benefit of settlers of to-day a sum of approximately £415,000 and I suggest, Sir, that in fairness to ourselves we should not sacrifice the whole of our lives in improving the position for future generations.

There are one or two minor aspects which I trust the hon. General Manager will see his way to refer to in his reply. The first of these and I believe the most frightfully-important is truck shortage. In this Colony, and I would like to say here with the most efficient service and the most courteous help that it is possible to imagine from the members of the transportation staff and the Railway Control, in this railway there are regular seasonal shortages of trucks with very disastrous results to everybody who is depending on these trucks to get their produce.

from one place to another. I notice again in Abstract M that the hon. the General Manager is providing a total sum of only £20,000 for betterments in locomotives, coaches and wagons. There is, Sir, an increase of mileage involved which must necessitate, so I imagine, an increase in trucks, an increase in locomotives and rolling-stock of all sorts. I cannot imagine, Sir, that £20,000 is all that is required to provide the rolling-stock necessary to deal with the increase in the length of the railway. I do hope the hon. the General Manager fully appreciates that there will be periods, if we had sufficient rolling-stock to deal with the loads at their maximum, when certain of that rolling-stock will be lying idle, but it will not be depreciating and the saving to the community will be enormous. I hope the hon. General Manager will be able to give an assurance that rolling-stock will be substantially increased.

In regard to coaching-stock and corridor trains. My hon. friend the Member for Nairobi South has mentioned that. The hon. the General Manager was good enough to allow the Chamber of Commerce a sight of the proposed new timing when the coaching-stock is available, and I think I am right in saying that the commercial community was a little disappointed that with these additional facilities the hon. the General Manager was only able to show, I think, a saving of 1 hour 45 minutes in the timing from Mombasa to Nairobi. I would also like to emphasise what the hon. Member for Nairobi South mentioned, that there is a very real difference in the arrival in Mombasa between 7.30 and 8.30, and it would I believe be greatly appreciated if the old arrival time could be maintained.

Very shortly to summarise what I have been trying to maintain, I believe and I gather Members on this side of the House agree with me that there are ample resources materially to reduce a good number of rates. Secondly I maintain that it is not a correct procedure to burden a struggling era for the benefit of future generations. Thirdly, I think that capital expenditure should come from loan money and be spread over a number of years in payment. Fourthly, we must, Sir, have trucks to do away with these always recurring seasonal shortages, and, Sir, I trust when the hon. General Manager deals with these points that he will not adopt that ruthless manner he has sometimes in this House. When it is our pleasure and privilege to meet him in the seclusion of his office he is a very courteous and extremely reasonable gentleman, and I trust, Sir, that these very timid suggestions that have been put up by me will not be dealt with too ruthlessly.

THE HON. G. G. ATKINSON : Your Excellency, I do not wish to comment at any length or at all in fact on the statement made by the General Manager. I would only like to express my gratitude to him for his extremely lucid statement

and clear exposition of the railway case. I do associate myself with most of the remarks that have fallen from the lips of hon. Members on this side of the House but again I would express my personal pleasure in the extremely clear statement which the General Manager made. But in his reply, on behalf of the people of Mombasa, I would like him to deal with one point in connection with the Port management.

He said that the figures that appeared in the estimates for 1928 in connection with the Port management were based on the working of the Port under the present arrangement, and he stated that changes that would take place in the near future would possibly lead to the necessity for revising these figures very considerably. If in his reply he would give some detail of the changes which he foreshadows it would be appreciated.

The other point on which I wish information, in which Mombasa and not only the up country community is interested, is the date of the opening of the Thomson's Falls line.

LIEUT.-COL. THE HON. J. G. KIRKWOOD : Your Excellency, I wish to associate myself with the views that have been expressed by the elected Members, that is, generally, and I appreciate the statement which has been put forward by the General Manager which shows very clearly the financial position of the railway. From a financial point of view I quite agree with the hon. General Manager's optimism as regards the future, but I also wish to stress the point from this side of the House that the present generation is paying for the future politically and economically which is unsound. I would much prefer to see these estimates withdrawn and reconstructed with a view to reducing rates and finding money out of loan funds for capital expenditure.

The General Manager mentioned with reference to the freight rate on maize that it was a matter which might be left to the future. I rather gather myself that that might lead to some misunderstanding. Whether it is intended to discuss a revision of these rates in the future I do not know, but I would like to ask for a definite assurance from this House that there is no intention of revising the freight rate on maize. It is not only the question of maize but it is going to effect the future very closely. Shortly we will have to discuss the question of closer settlement which also associates itself with new people coming into the Colony, and if they are going to come to the Colony, a maize producing country and the maize producing districts especially, if there is any question of the freight rate being revised it will have a very serious effect on any closer settlement scheme that may be put up by this House.

There is another point which has been mentioned casually and that is the question of competition of motor transport against the railway. It is no fault of the railway, but there

is one that can be remedied, and which is the fault of the management and that is the time-table from Kitale and the time-table from Eldoret. Down line the one train leaves Eldoret at 11 o'clock to go down, and one train leaves the same day from Kitale at 1 o'clock and I do not see why these trains cannot be synchronised and turned into one train. The result at the moment is that the majority of first and second class passengers travel by car from Eldoret to Kitale making it a 90-mile return journey to catch the train at Eldoret. The Kitale line will be affected later on because people travel by road instead of by train because there is no suitable train.

I also realise, and many members on this side of the House do realise that I am probably a voice crying in the wilderness when we look at the opposite side of the House.

I am not going to ask for a free vote, but I do ask that full consideration be given to the views which have been put forward by the Elected Members.

THE HON. THE GENERAL MANAGER, KENYA AND UGANDA RAILWAY: Your Excellency, I can give an assurance on behalf of the Railway Council that the views put forward by the Elected Members will be given full consideration. I do not know, Your Excellency, whether I am praised or blamed, whether I have put up a good show or not. I am like the curate's *egg*, good in parts. I think members are under a misapprehension in regard to railway rates. It is not for this hon. Council to move a reduction of rates. Under the Order in Council there is a Railway Council, an Inter-Colonial Railway Council to which body all rates questions must go and we can only express an opinion to that Council and it is considered on an Inter-Colonial basis. On that Council we have no railway officials, we have four Government representatives, two from Kenya and two from Uganda, and two public representatives from Kenya and two from Uganda. So it cannot be suggested that the General Manager is in a position to use undue influence on that Council. I can give hon. Members a prospective assurance that the public representatives are very wide awake. They have not gone to sleep on this question of railway rates. There is not a single meeting of the Council at which railway rates are not discussed. There has certainly not been a single meeting at which rates have not been discussed and at not a single meeting are rates not reduced.

An hon. Member suggested that the railway should set aside £50,000 next year. I cannot recollect a single year, Your Excellency, when we have not spent more than that in rate reductions. When I spoke this morning about reductions I was speaking in a general way on reductions of rates. What will happen now is that as the import traffic comes in we shall know gradually how we are likely to stand next year and then



the Railway Advisory Council will of course again consider rates reductions. Furthermore the Railway Council will know better next year what is going to happen in connection with this Port of Mombasa. I made it very clear this morning that whatever improvement is effected by the Port Advisory Board will be reflected similarly in railway rate reductions. I can only suggest that this hon. Council leave it there.

While I am on the subject. The question was asked by the hon. Member for Mombasa what precisely I meant by saying that the harbour estimates were subject to adjustment as a result of changes that might take place. What I meant was this : that the Port Advisory Board has only just come into existence ; that Board is studying the general question of harbour charges and if that board enters into a different scale of charges all our figures will have to be reversed. That is what I mean, but if that scale results in the Port being more self-supporting as it should and as every one hopes it will then you will get a reduction in railway rates. Whether the rate on kerosene will be reduced I cannot say. The fact has not been proved to the Railway Council. It has certainly not been proved to the General Manager of Railways that a reduction in the rate on kerosene is going to increase the use of kerosene in tractors. I have seen a memorandum circulated showing how to improve the use of kerosene in tractors.

It has been stated that a reduction in rates would lower the farmer's working cost by Sh. 1 per acre. Perhaps that memorandum is the result of a misunderstanding of the general conditions of using tractors, but the fact is that the difference would not be Sh. 1 an acre. That has not been disproved and if anyone can disprove that I shall be glad. I do not think that the rate on kerosene affects the use of tractors. I think that the rate on kerosene taken with other things may affect the use of tractors, but there is far more likelihood that farmers are not maintaining their tractors properly.

THE HON. T. J. O'SHEA : On a point of order. Your Excellency, is the hon. Member entitled to introduce a fresh point in his reply?

Its Excithi, ENcv : I understand he is dealing with a point which the hon. Member raised—the question of the rate on kerosene which the hon. Member raised.

THE HON. T. J. O'SHEA : Has he the right to introduce fresh arguments in his reply?

His EXCELLENCY He is certainly entitled to introduce fresh arguments.

THE HON. THE GENERAL MANAGER, KENYA AND UGANDA RAILWAY. My information was that from experience in other countries what is wanted in connection with the use of tractors is not so much a reduction of the rate on kerosene but the better looking after of the tractors.

The point I wish to make is this. No reduction will improve the position and furthermore as I said this morning it is a little unfair after the reductions which have been made to keep piling on this question of rate reduction. There has been a statement made on a previous occasion that the railway has never been pressed to do it.

Now, Sir, it is rather difficult for me to deal very briefly with some of the general remarks regarding financial matters made this morning. Personally I am extremely pleased that Members of this hon. Council are at last commencing to realise the real position in connection with the finances of the Railway. It is the first time so much interest has been taken and I think that in itself is an excellent sign, and if I may be excused for saying so, I was quietly chuckling to myself during the speeches. When I first came to this country in 1922 and took over, there was no question of the Government living on the Railway, because the Railway in fact was showing a loss. The Railway was actually showing a loss in 1921, and for 1922 there was a nominal profit which was due to the high rates charged. Now, Sir, what has made the change? The adoption of the very policy criticised this morning. Now, of course, hon. Members say: "But you have gone too far—you have too much money and you should give it away as soon as you can." Your Excellency, if I adopt the policy put forward by the hon. Members the country is going back to the very position in which it was in 1922. I suggest that we ought to be very careful—extraordinarily careful—before we walk into the same trouble again.

I tried to explain the position. In 1922 our loan charges were £77,964. For 1928 they will be £563,516. In 1929 £743,000, and in 1930 £814,000. How could these heavy loan charges have been met if money were not being put aside for your renewals and betterment funds instead of being given in reduction of rates in the low interest period? You could not possibly reduce rates permanently against a temporary freedom of interest. The Railway must secure its ability to pay its interest charges. Statements are in existence which prove that the time is very near when the possible provision for betterment will not exceed £100,000 a year. It is also the case that we may have to reduce our provisions for depreciation. That is well known to the members of the Railway Council and I suggest to the hon. Members of this Council that they put a little trust in a matter of this sort in their representative on the Railway Council, because it is quite impossible to drag some of these matters into public

discussion. It is unwise to do so. But I can assure hon. Members that the Railway Council is fully alive to the position and that provision for betterment will come down while the rate for depreciation will probably have to be reduced.

May, I explain, Sir, that our contributions to renewals fund are based on the life of the assets. We do not in this country indulge in special scales; we have no such thing. We adopt a simple percentage of three per cent. Now, Sir, I admit that is high, but it had to be so because the line was in such a shocking state and no provision had been made for betterment and renewals for many years. Therefore we had to start off on a fairly reasonable basis. I know we cannot have that basis indefinitely, but I want to see it maintained as long as possible, so that if we do again strike financial trouble we shall be ready for it.

Reference has been made to the fact that provision is also made in Estimates for maintenance, and that maintenance of course includes large renewals. That is not so. I would point out, however, that the principles with regard to allocation from Loan Funds, Betterment Funds, Insurance Funds, Renewals Funds, Railway and Marine, were drawn up here in 1923 and approved in England. They are in accord with principles laid down by provincial authorities. If any hon. Member wishes to see the regulations and will call at my office I shall be only too pleased to let him see them. They are well defined principles. In fact, the renewals fund actually exists for the purpose of replacing or renewing wasting assets. In spite of all that can be done to maintain an asset it does wear out and the time comes when the asset must be replaced. A line is drawn between minor works charges against maintenance and renewals charges against the Renewals Fund in the cost of the work.

It has been suggested that we are doing too much for posterity and that we are doing a lot of extension out of Revenue. Of course we are doing a lot of extension, but that is all coming out of loan funds. I do admit, however, that we are doing rather a lot for posterity in providing for redemption of loans on top of all the provision for renewals and betterments. But it must be borne in mind that Colonies cannot obtain loans very easily to-day unless there are redemption conditions. The East African Colonies are not yet sufficiently far ahead for me to say that redemption can be put on the Government and not upon the Railway.

With regard to hidden profits, I would just like to say there are no hidden profits at all. The Acting General Manager published a most comprehensive balance sheet in the General Manager's report, giving full information. Every figure is shown there in the balance sheet. We cannot do more than that. Everything we possess is there.

The Insurance Fund contribution for 1928, which one hon Member was rather stuck in understanding, is simply interest expected on the balance invested.

In regard to provision for rolling stock, the biggest expenditure is on capital account. We have just ordered another £531,000 worth of rolling stock this year against capital account. More than that we cannot do. I do not think we have ever really suffered from truck shortage in this country, but that is a point on which the general public and the Railway never could see eye to eye. I have never known any country where the public has admitted that the railway has a full supply of trucks. In this country we have a very full supply of trucks in comparison with other railways, and as I say, we have ordered still more. We can do no more in that respect. In this country, owing to the seasonal conditions there may be times of strain but we have a very full supply of trucks compared with other countries. We cannot do more because there are limits as to what it is possible to carry in dead capital for the bulk of the year.

The Hon. Member for Plateau South referred to a certain railway in America. I would invite the attention of the hon. Members to the reply of the American railroad authorities to the points he made. My recollection is that the American railroad authorities and not the gentleman who owns the railway had the best of the argument.

I was asked a question about the Police Force. It is well known, I think, that I myself am not at all satisfied with the position with regard to the Railway Police. I am not blaming the Police Department, but I regard the present system as simply a case of off-loading Government expenditure on to the Railway—it is a case of Government police doing work they would have to do in any case for a private company and for which no private railway company would pay. A real railway police force still remains to be established in this country and nothing can be done until we get an officer with considerable experience of railway police work to organise the force. The matter is still under consideration, but I must say I do not consider the Government Police as such have done their work badly. They have certainly improved very considerably in the last few years. My point is not so much that they are inefficient as that they are not really railway police. They are Government Police watching the Railway.

As regards the question of "graft," I would be the last to suggest that with a mixed staff there is no graft, but I think the position is very much better than it has been in the past, and as far as I personally am concerned I have prosecuted every case where I have found sufficient evidence for the Railway to prosecute. I admit it is very unfortunate that irregularities do occur in this country from time to time, and one can only hammer away at it and eliminate it as rapidly

as possible. If hon. Members and their friends would only help the Railway by bringing every case of which they know to the notice of the Railway, the Railway officials' task in stopping dishonesty would be very much easier.

With regard to the remarks regarding the running staff, I know from experience that you do not always get polish in a practical railway man and what appears to be discourteous to an outsider does not always appear in the same light to the railwayman. I will, however, make enquiries.

In so far as leave conditions are concerned, the Hon. Pandya appears to want the conditions of leave for the Asiatic staff improved, while the Hon. Member for Plateau South suggested that the General Manager should reduce the leave conditions further. Well, Sir, we already have leave conditions which are not the same as those in the Government service. It must be admitted that both our rates of pay and our leave conditions for Asiatics are lower, *i.e.*, less liberal than they are in the Government Service, but they are extraordinarily liberal compared with other railways. Having regard to supply and demand, we pay our men perhaps more than they would be paid, but they are not as highly paid as in the Government Service. I cannot say more than that I am not prepared to recommend any further reduction in our leave conditions while Government conditions remain as they are, and I am also not prepared to recommend any further reductions in the Asiatic pay conditions under present circumstances. On the other hand I do not see, on the merits of the case, any justification for recommending any increase in the pay or leave.

It was suggested on the question of the Railway rates that we seemed to be basing the rates on what the traffic can bear. Most railways charge what the traffic can bear and I am quite satisfied that in this country our charges, on the average, are very reasonable.

Regarding crushed salt, there has been no increase whatever. The simple fact is that advantage had been taken of an abbreviation in the Railway tariff book and the Railway staff did not spot it for some time, but when they found it out a change was made and adherence to the tariff book insisted upon. Since then a general reduction has been made by the Inter-Colonial Railway Council. The fact is that our classification was misused for a time.

Speaking of second-class carriages, the position is that we are putting more and more coaches on the line. Regarding the local coast services, this is a matter I will go into with the Superintendent of the Line as soon as I get back to Nairobi, but I know he has always studied the running conditions.

With regard to the new time-tables, I cannot recall whether the Chamber of Commerce suggested any changes to be put forward, but a new time-table cannot come into operation for a time and we are quite prepared to consider any other recommendations. We must, however, consult the whole country and it is extraordinarily difficult to suit everybody—Nairobi, Mombasa, Nakuru and Eldoret ; all these places must be considered. It is very difficult to find timings acceptable to all centres throughout the country from Mombasa bath to Jinja, but the Traffic Department will always be willing to discuss any recommendations that are made.

The new offices will take about eighteen months to two years to complete. The intention now is to have a third storey, but I have not yet heard definitely from the Government whether or not they are going to pay for this third storey. (Laughter.)

As regards the ballasting we will <sup>80011</sup> have contracts all along the line for this work. It is proposed next year on the Makindu-Nairobi section that ballasting should take place simultaneously with relaying. I hope that the line will be relaid with the heavy rails and properly ballasted as far as Nairobi by the end of 1930.

I think if the necessary authority is given by this Legislative Council we ought to commence the Thomson's Falls line in January, and it should not take more than eighteen months to complete.

The motor transport question may become a very serious one in this country at any time. My own view is that there should be more control over the use of roads. I think the Hon. the Director of Public Works knows something about the subject and I certainly do hope that that officer will look into the matter. It is hardly fair to tell the Railway that they must reduce their rates on petrol while Inc tioverfintnt collects the revenue from the consumption tax on petrol to pay for the roads which are being used in competition with the Railway.

I would like to thank some of the hon. Members of Council for their remarks and praise of the work which has been done by the Railway during the last year. I want to make it clear, Your Excellency, that as General Manager of Railways I am only the co-ordinating force, and I consider that my heads of departments and their staffs have done really good work and it is a great pleasure to hear this recognised. (Hear, hear.)

HIS EXCELLENCY : The question is :-

" That this Council approve the draft Estimates of Revenue and Expenditure of the Kenya and Uganda Railways and Harbours (including main and branch lines, lake marine services, motor services, and Mombasa Port Administration) for the year 1928, as laid on the table."

The question was put and carried.

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*Council adjourned to 10 a.m. on Friday, September 16th, 1927.*

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FRIDAY, 16th SEPTEMBER, 1927.

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The Council assembled at 10 a.m. on the 16th September, 1927, at the Supreme Court, Mombasa, His Excellency the Governor (Sul EDWARD W. M. GRIGG, K.C.V.O., C.M.G., D.S.O., M.C.), presiding.

His Excellency opened the Council with prayer.

ADMINISTRATION OF THE OATH.

The Oath of Allegiance was administered to :—  
ETIIMFREY TRICE MARTIN, Commissioner of Lands.

MINUTES.

The Minutes of the meeting of the 15th September, 1927, were confirmed.

PAPER LAID ON THE TABLE.

BY THE HON. THE TREASURER •

Report of the Select Committee on the Asiatic Widows' and Orphans' Pensions Fund.

THE HON. THE TREASURER : Your Excellency, this report has been signed by five members, but Mr. Nehra has communicated to me the fact that he is ill and his signature *has not* been obtained to the report.

ORAL ANSWERS TO QUESTIONS.

JUDGES' TRAVELLING EXPENSES.

THE HON. CONWAY HARVEY asked :

What is the total mileage covered by judges of the Supreme Court and on Court of Appeal work for the eighteen months ending the 30th June, 1927?

2. What was the total sum expended on :-

(a) Transport allowance ;

(b) Travelling allowance?

3. On how many occasions in the said period were sessions held at Meru and how many cases were tried at such Sessions?



THE HON. THE COLONIAL SECRETARY (SIR EDWARD DENHAM) :

1. (a) The mileage travelled by Kenya judges on Supreme Court work during the eighteen months ending the 30th June, 1927, was :-

- (1) 5,777 miles by road ;
- (2) 4,728 miles by rail.

(b) Mileage travelled by all the members of Court of Appeal in attending sessions during the same period was :—

- (1) 2,781 miles by road ;
- (2) 7,365 miles by rail ;
- (3) 880 miles by sea.

2. (a) Total amount expended during the eighteen months ending 30th June, 1927, on transport for :-

- (1) Travelling of Kenya judges on Supreme Court work, £388;
- (2) Travelling of members of Court of Appeal, £438.
- (6) Travelling allowance paid to :-
  - (1) Kenya judges on Supreme Court work, £332.
  - (2) All members of Court of Appeal, £274.

3. During the said eighteen months three sessions of the Supreme Court were held at Meru and six cases were tried, involving nine accused persons. There was no separate circuit journey to Meru, Meru being visited in conjunction with the circuits to Fort Hall, Nyeri, Embu, etc.

THE HON. CONWAY HARVEY : Your Excellency, arising out of that answer, can Government give us any idea as to the cost of members of the Attorney General's staff in addition to the judicial charges?

HIS EXCELLENCY : The hon. Member should give notice of that question, which is a separate question.

THE HON. CONWAY HARVEY : Can this be taken as notice and may I have a written reply in due course?

SUGAR MILLS, KIKUYU RESERVE.

THE HON. F. O'B. WILSON asked :

Is it a fact that the Government is closing down sugar mills in the Kikuyu Reserve. If so, what compensation is being paid to the owners of the mills and out of what funds is the compensation being provided?

THE HON. THE CHIEF NATIVE COMMISSIONER (MR. MAXWELL) :

A marked increase in drunkenness among natives in the Fort Hall Native Reserve, which was attributed to the existence of a number of small native-owned hand-power sugar mills in the area, led to a request by the local Native Council for the closing of these mills.

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The Sugar Ordinance has accordingly been applied to the Fort Hall Native Reserve and the sugar mills have had to *cease* operations.

No compensation to owners from public funds is contemplated, but the question of an *ex gratia* partial compensation from the Local Native Fund is under consideration by the Local Native Council.

THE HON. F. O'13. WILSON : Your Excellency, arising out of that answer, is it not a fact that these natives in many cases were encouraged by the district officials to erect such sugar mills?

THE HON. THE CHIEF NATIVE COMMISSIONER : Your Excellency, so far as my information goes the answer is in the negative. Records in my office show that some time ago the natives who proposed to establish these small mills asked the permission of the District Commissioner. The then District Commissioner informed them that as the Ordinance was not in force he could not refuse them permission, but he warned them that if as a result of the establishment of these mills there was an apparent increase in drunkenness, Government would undoubtedly have to take steps to apply the Ordinance.

#### DISEASE AMONGST COAST PEOPLES.

CANON THE HON. H. LEAKEY asked :

Can the Government give any information as to the incidence of disease among the Coast people and the steps, if any, which are being taken to combat same?

THE HON. THE DIRECTOR OF MEDICAL AND SANITARY SERVICES (DR. GILLES) : During the past year it has been possible to maintain a medical officer in the Digo District.

A survey of the population has been undertaken and is being continued. The facts ascertained indicate that a high percentage of the population is infected with hookworm and that the physical condition of the people is seriously affected by this cause. The incidence of yaws is considerable and the amount of tuberculosis is disquieting. Coincident with the carrying out of the survey, dispensaries have been instituted where treatment for yaws is being given. Arrangements are

being concluded by which a campaign involving the treatment for hookworm of every individual will be carried out. Combined with the provision of treatment to individuals an educational campaign directed towards an amelioration of sanitary conditions is being conducted and will be continued. Pit latrines are being constructed throughout the Reserve.

It has been possible, as a temporary measure, to post a second medical officer to the Digo Reserve to assist in the heavy work of the campaign.

One medical officer is posted to the Malindi and Kilifi districts. Data as regards the condition of the people are being collected. The figures indicate that much the same state of affairs obtains North as well as South of Mombasa. Appropriate measures are being and will be taken.

Necessary financial provision is being considered in connection with the estimates for 1928.

#### GILGIL-THOMSON'S FALLS RAILWAY.

CAPT. THE HON. E. M. V. KENEALY asked :

Will Government state the approximate date of the commencement of the construction of the Gilgil-Thomson's Falls branch line?

THE HON. THE GENERAL MANAGER, KENYA AND UGANDA RAILWAY (MIL C. N. L. FELLING) : Arrangements are being made for the commencement of the construction work of the Gilgil-Thomson's Falls branch line in January, 1928.

#### STANDING RULES AND ORDERS.

CAPT. THE HON. E. M. V. KENEALY asked :

Will Government state when the report of the Committee appointed to consider standing rules and orders of this hon. Council will be submitted to Council?

THE HON. THE COLONIAL SECRETARY : A revised draft of the Standing Rules and Orders approved by the Committee will be laid on the table at the meeting of Council in October.

#### MANUFACTURE OF BRICKS BY THE KENYA AND UGANDA RAILWAY.

THE HON. G. O. ATKINSON asked :

1. Does the Kenya and Uganda Railway manufacture bricks for sale to the public?

2. Is there in the Mombasa district on the mainland another brick factory which also offers bricks for sale to the public?

3. If the answer to the above two questions is in the affirmative is it not contrary to the declared principle of the Kenya and Uganda Railway that the Railway does not compete with or against private enterprise?

4. Does the Port Authority of Mombasa charge Shs. 2/- per 1,000 bricks manufactured in the Mombasa district on the mainland and landed on Mombasa Island by boat, or make any other charge therefor, and if so, by what authority?

5. Does the Port Authority make any charge for any other article coming from the mainland and landed on Mombasa Island by boat?

THE HON. THE GENERAL MANAGER. KENYA AND UGANDA RAILWAY :

1. Bricks are manufactured by the Kenya and Uganda Railway for Railway and Port purposes. The Railway does not lay itself out to sell bricks to the public but does not decline offers to purchase bricks not required by the Railway.

2. The answer is in the affirmative.

3. The answer is in the negative.

4. The Port Authority has the right to control the use of the Port and Port lands, wharves, etc. A temporary charge of Shs. 2/- per 1,000 bricks is being made for landing after certain high-handed action by a company which had to be stopped. Any complaint on the subject should be addressed to the Port Manager, who can be asked to refer the matter to the Port Advisory Board.

5. It is the case that during the long period of uncertainty about Port Control some users of the Port have escaped charges but the Port Authority should charge. It is understood to be the intention now to charge *all* who use the Port, including Government Departments, the Railway, the public, steamship companies, etc., etc.

## MOTION 5.

### NATURAL HISTORY MUSEUM.

THE HON. THE COLONIAL SECRETARY (SIR EDWARD DENHAM) : Your Excellency, I beg to move :-

" That this Council approve the expenditure of £6,500 out of revenue under head Public Works Extraordinary for the acquisition of and in payment of compensation to the Lady Northey Home in order that the present site and buildings of the Home may be utilized to provide a natural history museum in Nairobi in connection with the Coryndon Memorial Fund, the present natural history museum being taken over by Government."

Some hon. Members of this Council, Your Excellency, who were present on the occasion when the first insertion of an item on behalf of the Natural History Society was made in the Estimates, may remember the speech made on that occasion by Sir Robert Coryndon, in which he stressed the importance of there being a proper museum, a fully equipped museum in Nairobi. He said that such a museum would not merely be a collection of trophies or a collection of different kinds of specimens. It should go further than that. It should be in the nature of a research museum. A museum which should contain specimens of the flora and fauna of the country and should give opportunities for the study of agricultural, medical and other branches of research in this country. He spoke of the importance that this country plays in the study of natural history throughout the world. He reminded hon. Members of the fact that we draw every year large numbers of distinguished visitors to this country who always make it a point to visit the museum and see for themselves objects which are shown there illustrating the natural history and flora and fauna of this country.

Now, Your Excellency, when considering the form the memorial to Sir Robert Coryndon should take, it was unanimously agreed that his name could not be better associated with anything than such a museum as he had suggested that this Colony should provide for present and future generations. It was felt that a sum might be collected in subscriptions for such a memorial which might well take the form of a hall which should be called the "Coryndon Hall" and which should be joined up with the natural history museum building. Well, our first difficulty was to decide where such a hall was to be erected and how it could be worked in with any existing building.

Now, I do not wish in any way to criticise the present museum building. I know that that building was only made possible by the enthusiasm and ability of Dr. Van Someren and individual subscribers who helped to get that building put up, but I think that we can all agree that it is not, as it stands at present, a worthy natural history museum for such a country as this. If we are going to use the sum which has been subscribed for a memorial to Sir Robert Coryndon, a sum which amounts to £5,250 and altogether to £6,000 with payments and promises, if we are going to utilise this in connection with the museum it is essential that we should have such a museum, a real museum, a research museum, at a spot which will be suitable for such a building. Now the Committee made several visits all round Nairobi, they searched the town itself, they searched the immediate neighbourhood for a suitable site and it was agreed that the best site was on that hill where the Lady Northey Home now stands, and that they could not do better than purchase that site and its buildings which could be adapted and used for the purpose required.

Now the advantages of having such a building there are that it is well situated, overlooks the town, it does not get that dust which we have far too much of in Nairobi to the extent that it would be felt if you had such a museum placed in Government Road or in the heart of the town of Nairobi. A museum is not merely a collection round which curious strangers wander, it is not intended merely for the person who wants to go in and see a record head. **It is** intended for those who are really going to study a subject and who want to see what they can learn from the specimens on view there. Such museums have rooms connected with them in which studies can be followed up. It needs a library too. It needs a lecture room and it needs to be a real centre of natural history and research generally.

Now the site of the Lady Northey Home at present has the further advantage that it is quite close to the present European school and the new school which is being put up there. It will be quite easy for children to go down there and see the collection. A museum is of great importance not merely to the present generation but to subsequent generations and who will make this country in the future. The Lady Northey Home Committee was approached in regard to this matter and were asked if they were willing to agree to the suggestion that they should take land in another part of Nairobi. The land suggested is five acres in place of the four acres which they now have at the present Lady Northey Home, This site is close to Nairobi Club, near the polo ground, off Hurlingham Road. It is a very good site indeed. It is a good site and also has land round which will be protected from building ; and the Lady Northey Home unanimously agreed that such a site was preferable to the site which they occupy at present and they were willing to agree to such an exchange. They stipulated, of course, that if they were moved from their present premises they should be given a sum which would enable them to build a, similar home on the new site, they also asked for compensation in respect of removal and they also asked that they should not be removed from their present building until they were able to erect a new building on the new site.

After considerable negotiations, which are one of the reasons why this matter was not put before Council earlier, a decision was reached that £6,050 should be paid to the Lady Northey Home which will enable them to erect a building of the same type and size on the site at Hurlingham Road, plus a sum of £450 which was awarded them as compensation in respect of removal, the total being a sum of £6,500. They get five acres in place of four. The value of the land is perhaps not so great in Hurlingham Road as it is on the present site, but the fact of having an additional acre When you are dealing with small children and dealing

with the type of people who use the Lady Northey Home, I think, is a very great advantage indeed. It is recognised as such by the Committee of the Lady Northey Home.

What we propose therefore is to give the Lady Northey Home £6,500 with which they will erect a building on the Hurlingham Road site and we will take over the present site and the buildings thereon, which can well be adapted for the purpose for which they are required and to which it is proposed to add a central hall in memory of Sir Robert Coryndon from the funds subscribed by subscribers to this memorial.

Now Council may ask why this matter cannot wait over until the estimates for 1028, and why it should be brought forward to Council at this time. Well the matter is really very urgent indeed. You have here a charitable institution which is giving up its land according to the terms offered them by Government and willing to make the exchange at this time. That Home makes an appeal to the public for funds and, as we all know, if appeals are qualified in the minds of the public by any uncertainty as to the future of the institution for which funds are asked it must prejudice that appeal. The longer this stands over, the longer the public is in doubt as to what is to happen and the less they will be inclined to support this institution in the way they should support it. Further, the Lady Northey Home Committee has made a considerable sacrifice in dealing with this matter, for they have at present a sum of £800 subscribed for a new wing to the building. They cannot spend this £800 while this question is in doubt. The Lady Northey Home will be a better institution, better equipped and better situated for the purpose than it is at present, but we do not want to delay them in the matter. The more delay we have in this matter the more is the institution prejudiced and the more seriously the home must suffer. Government is asked to provide out of funds which are available and to put this proposal through, not wily because it is a very sound proposal—I believe we are getting an excellent site and excellent buildings at a reasonable cost—not only because we have a site worthy of this Colony, but also because it will enable us to give effect to the wishes of one whom we wish to commemorate in connection with this natural history museum, and it is a memorial which we can no longer delay.

I trust Council will approve the motion which I have to move to-day.

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

LTEUT.-COL. THE HON. C. G. Duncan : Your Excellency, I admit that the Hon. the Colonial Secretary has done his best with his mimic little patient, but I hope with the help of my colleagues on this side of the House to strangle it before it is many hours older.

\* I look on this as a gross waste of public funds. I main-  
 a Lain that if the Lady Northey Home were put up to auction  
 you would not get £6,000 for it. I do not think you would get  
 £3,000 for it. With regard to the position, Sir, for this  
 museum, I still disagree with the Hon. Colonial Secretary  
 and submit that the proper place for the museum is in the  
 town. With regard to the additions to this Lady Northey  
 Home I do not think that the present building is at all  
 suitable and I am afraid that in the near future we will  
 be asked to vote a further sum of money to erect a suitable  
 building.

With regard to what has been said about the position  
 of the Lady Northey Home on the new site, I suggest that  
 the present site of the home is more suitable for mothers  
 who are working in the town to go and see their children  
 at the end of the day. Further, I would like to ask, as it has  
 been stated that the Committee has agreed to this transfer or  
 exchange, whether the donors of the Lady Northey Home  
 have ever been approached on the matter. Finally I would  
 also like to know what the Government's intention is in regard  
 to the present museum. What is going to happen to it?

CAPT. THE HON. H. E. SCHWARTZE : Your Excellency,  
 I regret that I cannot agree with the Hon. Member for  
 Kikuyu (Lieut.-Col Durham). Of the two points he made one  
 was the payment of £6,000 which he said was a gross waste of  
 public money, presumably because it was 100 per cent. more  
 than it should be as he places the value of the building at  
 £3,000 ; and a further point is that the new site for the Lady  
 Northey Home is not an appropriate or suitable site. Now,  
 Your Excellency, with regard to these two points, taking the  
 last one first. The position is that the Committee of the Lady  
 Northey Home, as the Hon. the Colonial Secretary has said,  
 unanimously approved the new site. Those who were present  
 at the meeting unanimously approved it. As a result of a  
 certain outcry and certain criticism which appeared in the  
 Press, a further meeting of the Committee was held, at which  
 the trustees were present and agreed that they unanimously  
 approved of this site.

It seems to me that if the people responsible for the  
 Home are unanimous as to the new site that this hon.  
 Council has a duty to follow that opinion. If the opinion  
 were equally divided, if there had been a cleavage in the  
 matter, it would have been turned down.

In regard to the second point, namely, how much payment  
 should be made to the Lady Northey Home provided the  
 move is decided on, this figure was reached, if I am right in  
 saying so—the Hon. Colonial Secretary will correct me if I  
 am wrong—this figure was reached by a Committee consisting  
 of representatives of the Home and representatives of the



Government, to which was attached an impartial valuator, and I believe I am right in saying that this figure was the mean figure reached. It is very much less than what the Lady Northey Home asked for in the first instance and not very much greater than the Government valuator was prepared to offer. For these reasons I trust that the opposition to the payment of compensation for the moving of the Lady Northey Home will not be a strong one.

Your Excellency, there is 'one point. I cannot but think it is wrong to put this in Supplementary Estimates. The Hon. Colonial Secretary has told us that there is a certain amount of urgency, but I would remind this Council that the Estimates are coming on in little more than a month now, and if approval is given in the Estimates for 1928 to the expenditure of this amount the delay in fact only means a matter of six weeks or two months. I realise the money cannot be spent before the end of the year but the Lady Northey Home will know at the end of October or the beginning of November that it has been approved of, and I would ask Government to consider, in view of the line taken by Government and this Council in regard to Supplementary Estimates, that even though the matter is urgent, they should consider the matter is not so urgent as to come with the 1928 Estimates in the ordinary way and not push it through in Supplementary Estimates. If the Noble Lord were here he would agree with me that it is not a matter to be included in Supplementary Estimates.

CAPT. THE HON. E. M. V. KENEALY . Your Excellency, it is suggested by the wording of this motion that this sum of money—16,500—is coming out of revenue and that nothing is being sacrificed because it is coming out of revenue. It must be recognised, however, that this is not the case and that something in the Public Works Department Extraordinary Vote is to be sacrificed for this. I think it is entirely improper that it should be suggested that this money should be diverted from the other purpose until this hon. House has been told what the alternative is. I think if money was to have been spent in some other way this House should properly be told what the other purpose was.

I agree with the Hon. Member for Nairobi South that this is the wrong time to introduce this measure. With the Estimates coming up next month the value of his suggestion should bear comparison with other suggestions for the expenditure of Kenya funds and I agree that Government should at least postpone this issue until the Budget is considered. I am inclined to agree with the suggestion that the new site for the Lady Northey Home is a most unsuitable one and I suggest that the women of the town who are in such circumstances that they cannot afford to employ nurses to look after their families and so have to send them to the

Lady Northey Home will find it is too far and too costly to pay for transport to the Home in order that their children may be looked after by someone else.

We have been told that the trustees or the body responsible for dealing with the Lady Northey Home unanimously approved of the new site. If they unanimously approved of the new site did they offer to buy that new site and at what figure? I submit that this motion should be postponed for discussion when the Estimates are being considered. I shall vote against it.

CAPT. THE HON. P. O'D. WILSON : Your Excellency, I should like to support the point of view put forward by the Hon. Member for Nairobi South. I do believe all these things involving the voting of money should be weighed and carefully considered with other requirements for money. The funds may be available, as is stated in the motion on the Order Paper, but there are funds wanted for other important things in this country—for roads, for buildings in out-stations, and we have not got the money for these various things available and something has got to come out every time. The bringing forward of a motion such as this one is liable to obscure the interests of these other things which are urgently wanting money to help them. I do hope the Government will be able to see its way to putting consideration of this question off until the Estimates come up, when it can be judged on its merits in relation to other proposals.

THE HON. THE DIRECTOR OF PUBLIC WORKS (MR. SIKES) : One point has been raised by the Hon. Member for Kikuyu in connection with the value of the present building on the site. It is the case that the Chief Quantity Surveyor in my Department valued the present building at £3,406, but this was the value of the building if placed in the market for sale. It was subsequently estimated by the Executive Engineer that the cost of erecting a new building covering approximately the accommodation of the present building would be £6,050. This was subsequently confirmed by a local architect.

THE HON. CONWAY HARVEY : Your Excellency, I would urge Government to postpone taking a vote in connection with this matter. I submit that it would be a thousand pities if a vote of this nature was forced on us by the sweating steam-roller of the Government in face of the unanimous opposition of all elected Members, and I would urge Your Excellency seriously to consider whether or not it would be a tactful thing and a wise thing to postpone taking a vote on this issue at the present time.

THE HON. THE COLONIAL SECRETARY : Your Excellency, Government does appreciate the view that has been put forward by the unofficial Members with regard to the question of

Lady Northey Home will find it is too far and too costly to pay for transport to the Home in order that their children may be looked after by someone else.

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THE HON. THE COLONIAL SECRETARY : YOUY Excellency, Government does appreciate the view that has been put forward by the unofficial Members with regard to the question of

urgency in respect of supplementary supply. Government does realise supplementary supply should only be asked for on very urgent and very good reasons, but the reason why Council has been asked to approve this, sum is in the interests of this charitable institution. There must be occasions arising when Government must come to Council for Supplementary Supply and when it comes under Public Works Extraordinary I think it is a Head to which this Council should give additional weight. When the Estimates were framed last year the Public Works Extraordinary Vote was put very low indeed. The provision made for buildings is extraordinary low, in fact far below that made in other Colonies—Uganda, Tanganyika and Nyasaland. When the case of this kind comes up you have to consider it on its own merits, and I would appeal to members of this Council to deal with this matter not from the point of view of Government asking for supplementary provision in order that Government may get a building for a specific purpose, but in order that money may be voted now instead of four months hence, so that the Home may know what the position is. They want to make an appeal at the end of the year—a Christmas appeal—and they must know how they stand. No money will be able to be spent at all until January next year if we do not bring this matter up now and get it settled. I am asking Council to vote this money in the interests of the Home.

His Excno. ENor The question is :-

" That this Council approve the expenditure of £6,500 out of revenue under Head ' Public Works Extraordinary,' for the acquisition of and in payment of compensation to the Lady Northey Home in order that the present site and buildings of the Home may be utilised to provide a natural history museum in Nairobi in connection with the Coryndon Memorial Fund, the present natural history museum being taken over by the Government."

The question was put and carried by 21 votes to 13.

*Ayes* : —Major Brassey-Edwards, Messrs. Bruce, Campbell, Sir Edward Denham, Messrs. Dobbs, Felling, Fitzgerald, Dr. Gilks, Messrs. Grannum, Harrison, Hemsted, Huggard, Major Kent-Lemon, Canon Leakey, Messrs. Martin, Maxwell, Montgomery, Orr, Sheikh Ali bin Salim, Messrs. Sikes and Walsh.

*Noes* : —Mr. Atkinson, Lieut.-Col. Durham, Messrs. Harvey, Hamed Mohamed bin Issa, Captain Henealy, Kirkwood, Messrs. Malik, O'Shea, Pandya, Major Robertson-Fustace, Capt. Schwartze, Messrs. Tannahill and Wilson.

## SECOND SUPPLEMENTARY ESTIMATES.

THE HON. THE COLONIAL SECRETARY : Your Excellency, I beg to move :-

" That this Council do approve the Second Supplementary Estimates, 1927, as laid on the table."

THE HON. THE TREASURER seconded.

On Motion of the Hon. the Colonial Secretary, Council resolved itself into a Committee of the whole Council to consider the Second Supplementary Estimates, 1927.

*In Committee.*

Head IV.—His Excellency the Governor, £208.

THE HON. CONWAY HARVEY: It is a source of very deep regret to myself and my colleagues that we are again confronted with an epidemic of Supplementary Estimates, more especially as, so far as we are able to judge at the moment, the very large number of the items before us now are not such as come within the terms of the Colonial Office Regulation, which specifically lays down that Supplementary Estimates should only be provided for cases of urgency and cases which could not be reasonably foreseen . . .

His EXCELLENCY: Order, order. I must ask the hon. Member to deal with the Head which is now before Council.

THE HON. CONWAY HARVEY: Your Excellency, I am dealing with the Head under discussion. My objection is that it does not conform with the Colonial Office Regulation, which clearly lays down that Supplementary Estimates should only be confined to such items as are inevitable and could not be foreseen. I suggest with all due respect, Your Excellency, that the matter of an acting allowance for a head gardener could quite easily have been foreseen when the Estimates for the year were under discussion, and pending further information I fail to see the immediate urgency in this matter involving the expenditure of public funds.

THE HON. THE COLONIAL SECRETARY: Your Excellency, it was not possible to foresee that this would be required because it was not anticipated at the time that the head gardener would be going on leave. This particular temporary man was seconded from another department and it was necessary to make some provision whilst the permanent gardener was on leave.

Head XXVI—Miscellaneous Services, £12,792.

CAPT. THE HON. E. M. V. KENEALY: Your Excellency, in the item " Acquisition of Land for inclusion in Masai Reserve," may we have a statement from Government in regard to the land in North Laikipia which was ceded by the Masai for European settlement, because it is pertinent to this . . .

His EXCELLENCY: Order order. I am afraid I cannot allow discussion of such a matter in Committee. It has no bearing on the question before Committee.

THE HON. T. J. O'SHEA: Under this Head, may I ask when the public is likely to have the benefit of reading the Census taken some eighteen months ago ?

CAPT. THE HON. H. E. SCHWARTZ: In regard to the item " Contribution to the Survey of Air Route, Khartoum to Kisumu, £2,524," I understand that £2,000 of this is merely money revoted, and that £524 is an addition which I understand is a further contribution from Kenya, and that other Governments are doing the same. May I ask for information as to whether some definite arrangement has been made whereby the Company will carry out their side of the agreement and make the trial flights? So far a lot of money has been already spent.

Carr. THE HON. E. M. V. KENEALY : May we have further information about the compensation paid to Mr. A. Cartwright, £504.

THE HON. THE COLONIAL SECRETARY : Your Excellency, with regard to the contribution to Survey of Air Route, I may say that this Council was asked for a further contribution. I do not think it is included in this particular amount ; that is merely a readjustment, but we made it a condition of this contribution that we should be advised that these surveys would be carried out and continued, if it is considered essential that the whole of these twelve flights should be made.

With regard to the question of the Census Report, attention has been given to this matter and I hope the Report will be laid on the table of this Council at the October Session.

The other question will be answered by the Ho', the Commissioner of Lands.

TUFTIION. THE COMMISSIONER OF LANDS (MR. MARTIN) : With regard to the compensation paid to Mr. Cartwright, this is one of a number of cases which have cropped up during the last two years—cases of discovery of errors in old original surveys. I suppose that sort of thing is inevitable in a country like this. The initial surveys are not as accurate as they might be and where complications arise is in the transfer of land where a *bona fide* purchaser finds he has bought land which does not exist, and it is an obvious matter for rectification. The Government has to pay for its past mistakes. This survey was made in the region of twenty years ago. The error was discovered recently on its sub-division.

THE HON. CONWAY HARVEY : I ask on what basis this valuation was arrived at ? What are the qualifications of the valuers and exactly how was this sum arrived at and decided upon ? It seems an enormous sum of money, Your Excellency, for land in that area.

THE HON. THE COMMISSIONER OF LANDS : I regret to say I have not all the papers in front of me at the moment, but I will make a special note that information is required and I will supply this to the hon. Member at the first opportunity, but I think every possible source of information was tapped.

THE HON. CONWAY HARVEY : I take it they are right in assuming that this money has not yet been paid ?

THE HON. THE TREASURER (MR. RANI:IM) : I am afraid, Your Excellency, I am not in a position at the moment to say whether it has been paid ; with a few minutes' search I may be able to do so. But if it has been paid it has been done on a Governor's Warrant.

HIS EXCELLENCY : With regard to the question asked by the Hon. Member for Nairobi South, I may tell him that when I was at home I went into the question of the Air Survey with the Air Ministry and those concerned with such Air Survey. The question of granting the Company further contributions for completing these Air Surveys was very carefully gone into and supported by the Air Ministry, and I was given an assurance that the Air Survey would be carried out in the present year. The other Colonial Governments were also represented and all agreed that it would be a pity that the results of the survey should be lost.

THE HON. CONWAY HARVEY : I should like to congratulate the Government on the belated justice indicated by the compensation paid to the Lumbwa native with a peculiar name.

Head X XI X—Public Works Recurrent, £16,620.

CAPT. THE HON. H. E. SCR WARTZE : Your Excellency, in view of the note which appears in the appendix with reference to the £16,000 asked for rent of Government houses, I would be grateful if the HON. the Director of Public Works could give us information about the rents paid to landlords and I should like to ask the Hon. the Colonial Secretary if it is not a fact that a large number of Asiatics in Nairobi paying rent have petitioned Government to take some steps to prevent rents being raised by their landlords.

THE HON. THE DIRECTOR OF PUBLIC WORKS : (MR. SIRE) The portion of the £16,000 which is due to the decision of Government to pay the difference between the house allowance of Asiatic Civil Servants and the rents which they pay as at the 1st July, 1927, is £5,678. I cannot give any details regarding the negotiations which took place between the Government and the Asian Civil Servants on this matter. As far as my Department is concerned, we are only required to pay that difference and perhaps the Hon. the Colonial Secretary will reply to that part of the question.

THE HON. THE COLONIAL SECRETARY : It is the case, as stated by the Hon. Member for Nairobi South, that representations have been made to Government in this matter. There is no doubt that the Asiatic staff have suffered very considerably on account of the way rents have been raised, but there are obvious defects in dealing with landlords in this manner, and a proposal was made by the Asiatic Civil Servants' Association that a Rent Restriction Ordinance be instituted. The need must be very urgent indeed to justify such a measure being brought before Council, and the deputation was informed that Government was not prepared to take such steps, but that Government was prepared to open up Eastleigh as rapidly as possible and give every assistance in building houses for Asiatic clerks, and the Works Committee have approved the erection of a number of houses and steps have been taken which I hope will result in the reduction of rents.

THE HON. CONWAY HARVEY: I observe that there is a sum of money to cover the cost of importing road foremen from Australia. May we be informed, Your Excellency, what the organisation is by which these foremen were recruited in Australia? I wish to give my hon. friend the Director of Public Works an opportunity of contradicting a rumour current in Nairobi to the effect that the methods of recruitment in Australia are very slipshod. It has been stated that one of the road foremen recently imported was a member of a theatrical company. I do not know whether his special line was comedy or tragedy but perhaps he possesses the necessary qualifications for functioning as a road foreman?

THE HON. THE DIRECTOR OF PUBLIC WORKS : The hon. Member is referring to the Head "Public Works Department," which has already been passed. The recruitment of these foremen from Australia was undertaken by Government on the advice of the Road Engineer. We have actually obtained seven from Australia now and the indications are that these are very capable and competent men. This is the first I have heard that one of these men was really a member of a theatrical company. The men were selected after a great deal of care, I believe by the chairman of the Victorian Road Board, which is a large organisation carrying out a large amount of road work every annum. If the hon. Member will give me information regarding the foreman whom he mentions, I will certainly look into it.

CAPT. THE HON. H. E. SCHWARTZ : Your Excellency, I am not quite certain if I am in order. If I am not I crave your indulgence. Your Excellency will remember some years ago the question arose with regard to the building of a road from Nairobi to Mombasa and at the last session in Nairobi the question arose with regard to expenditure on that road, especially in regard to bridges, and it was decided upon by Council ...

His EXCELLENCY : Order, order. I am afraid that there is no vote for roads and bridges in these estimates.

CAPT. THE HON. H. E. SCHWARTZ : Yes, Sir, there is a bridge here twice.

His EXCELLENCY : There is no bridge in these estimates . . .

CAPT. THE HON. H. E. SCHWARTZ : A bridge over the Nyanga River, £800.

His EXCELLENCY I am sorry to call the hon. Member to order. There is no opportunity to raise that point but he can raise it in another way. I cannot allow the discussion of a question which does not appear under a head in the Supplementary Estimates.

CAPT. THE HON. H. E. SCHWARTZ : I thought the road had got so far that provision might be made . . .

THE HON. CONWAY HARVEY : Your Excellency, may we hear what the particular urgency is that the Kacheliba-Lodwar Road, £1,800, should be included in Supplementary Estimates?

HON. THE DIRECTOR OF DUBUC WORKS : A road has already been made out to Logitanyala, near Lodwar, which was suitable to a certain extent for ox-drawn wagons. I went over a portion of that road not long ago and found that for ox wagons it is extremely difficult. It is a road along a line of foothills and as a matter of fact the alignment of the road is like the teeth of a saw. You go up very steep gradients and down steep gradients and the ox wagons now employed are constantly getting out of action and so on. It is now intended to make a road which will be suitable for lorry traffic because it is contended, and I think I may say it has been proved, that lorry transport in that area will be more economical than ox wagon transport. The road as at present aligned is unsuitable for motor lorries and only an occasional car can get over the road. If the road were not made the motor lorries would be constantly going out of action. An alignment has been found on the west Side of the road which avoids these steep gradients, which are due to drainage from the Suk Hills, and the cost of making up that alignment of 58 miles between Logitanyala and Lekibeimet is estimated at £1,800. The necessity for this work is agreed upon. At present it is impossible to keep the troops out in that area supplied and it is desirable immediately to inaugurate mechanical transport for proper supplies for the K.A.R. and for the Administration.

THE HON. THE COLONIAL SECRETARY : I beg to move that the Committee HOW report to Council.

HIS EXCELLENCY : The question is that the Second Supplementary Estimates as considered by this Committee be reported to Council.

The question was put and carried.

*Council resumed its sitting.*

HIS EXCELLENCY : I have to report that the Second Supplementary Estimates, 1927, have been considered in Committee of the whole Council and have been returned to Council without amendment.

THE HON. THE COLONIAL SECRETARY : Your Excellency, I beg to move that the Second Supplementary Estimates be now adopted.

THE HON. THE TREASURER : I beg to second.

The question was put and carried.

LAND FOR ELDORET SCHOOL.

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

That this Council do not approve the purchase of more and for Elderest School Site than is essential for the new building programme.

In view of the very big programme laid before us to-day, Sir, I propose to be as brief as possible and in case I do not stake my argument extensive I hope hon. Members will make allowance for me.



Your Excellency, I take a pride in being associated with the development of our town and I believe I have something of a reputation among my colleagues for making demands on the common purse for our requirements. On this occasion, however, I am refusing to vote public money for the town from which I come. The reason for that is because after consideration of the requirements of the School I am perfectly satisfied that it is not necessary to spend upon the school site all the money contemplated. Doubtless, Sir, your advisers will have let you know that since my original motion has been tabled a number of my leading constituents have deserted me in the matter and are quite prepared to have this money expended. The explanation of that is easily understood. They have been assured by an army of Government experts who have honoured us with visits during the past few weeks that the future of the school is jeopardised unless we include a comparatively large area of land and they need not worry about the financial side because Government is coming forward with the money. Naturally if Government is going to provide the money there is no need for them to jeopardise the future of the school. I told them quite plainly that while they fully approve the efforts of their Member in Council to curtail unnecessary Government expenditure they are not prepared to support curtailing it in their own territory.

I went into the matter of the new plots with the architect and others and I am satisfied that it is necessary to include a small area of land on the east side. There is no necessity to make a mess of this thing and I have seceded from my original intention of opposing this expenditure to the extent of agreeing that it is desirable to buy a small area of land for these requirements, but at the same time as that is going through, the Education Department have made an offer to carry out a much more ambitious programme using the architectural requirements as a lever to get through their belated scheme. I do not question for a moment that the Eldoret school will be the better off with having an area of approximately 45 acres, but that is no reason why we should spend money. If it belongs to the school well and good, if it belongs to Government and is merely a transfer of land from one purpose to another, well and good. But there is no justification whatever for the purchase of privately owned land in order to say that the school would be better off. Of course it would be, but does the school require it? Having gone into the matter I am perfectly satisfied the school does not require it. An area of approximately 25 acres has already been laid out as an educational site and an additional area of 22 acres has recently been purchased for an extension of that site in the form of playing grounds.

Your Excellency, it is only a few months ago since we were asked to vote the money for these playing grounds. At the time we were asked to vote that money very strong reasons

were given as to the necessity for the purchase, and not a breath of suspicion nor any objection was raised to the purchasing of this piece of land, but now when it is considered desirable to improve on that by another scheme, we have been told that it is most undesirable indeed to have this piece of land for playing grounds because there is a road between it and the existing school site. I contend that the arguments have not been changed in the past few months and that the land purchased four months ago is a perfectly sound purchase to-day. Therefore there should be no reason why the choosing of the playing grounds should be mixed up with the architect's requirements.

Your Excellency, I understand the Government is prepared to give favourable consideration to the motion as now drafted. That being so I think it is necessary to emphasise what I have in mind—what I mean by the use of the word "essential," and I would ask before the motion is finished with, whether the Government's ideas on the site are the same as mine. I believe, Sir, that the general requirements at Eldoret school can be met by the purchase of an area of approximately twelve acres on the south-east corner of the existing school site. That is what I mean when I say "essential requirements." What I meant to exclude was the purchase of 45 acres and the purchase of a house standing thereon. I amended my motion and now submit it for the favourable consideration of the House and presumably I shall have an opportunity during the course of the debate of supplementing my arguments.

CAPT. "THE HON. E. M. V. EEN EALY I beg to second the motion.

THE HON. THE COLONIAL SECRETARY (SIR EDWARD DENHAM) : Your Excellency, whether Council agrees with the Hon. Member for Plateau South or not, I think we must all admire his manifest sincerity in this matter, because he has taken a line, as he told Council, which is not in accordance with the general views expressed at a meeting held at Eldoret, and he has satisfied Government by his representations in this matter that further investigation should be given to it. One point appeals very strongly to me and that is that Eldoret school should not be delayed any longer. The construction of it should be pushed forward and the architect should get the land required by him in order to get the correct layout for this building. That will involve the purchase of an additional twelve acres and, Your Excellency, I am authorised to state that Government, on the understanding which I now give to Council, will acquire those twelve acres for this particular purpose and is prepared to give a further undertaking that no additional land shall be purchased on account of this school without Council being previously informed at the earliest opportunity.

There is a difficulty in regard to a road. A road is a very serious difficulty to a school. If you have a road running through a school or close to a school with the motor traffic to-day passing on the road, it is undoubtedly not only a disadvantage but a danger to the school and Government has to satisfy itself with regard to this road, that there is no danger for children passing from the school to the playing grounds. I will give an undertaking to the hon. Member that the matter will be further investigated, and that no further land other than this twelve acres will be purchased without reference to Council.

THE HON. T. J. O'SHEA: I wish to express my thanks for Government's action in the matter. I have fortified myself with a plan to demonstrate that the road issue can be satisfactorily settled.

HIS EXCELLENCY: Does the hon. Member withdraw his motion or does he wish it to be put?

THE HON. T. J. O'SHEA: I understand it is going to be put.

CAPT. THE HON. H. E. SCHWARTZE: May I move to report progress? I understand Government cannot accept the motion as it stands. The whole matter must be considered by Government and brought back to this Council.

HIS EXCELLENCY: I would ask the hon. Member if he presses the motion as it stands now, because the undertaking has been given as asked for. The hon. Member has asked that Government will not purchase more land than is required unless the matter is referred to Council and an undertaking has been given to that effect.

THE HON. T. J. O'SHEA: As I am satisfied with the assurance given and in view of the difficulties in the way of putting my motion I agree to the withdrawal of the motion.

HIS EXCELLENCY: The motion is accordingly withdrawn.

#### DAYLIGHT SAVING.

CAPT. THE HON. H. E. SCHWARTZE: I have been asked by Government to postpone the introduction of the motion standing in my name until the October Session to be held at Nairobi, the reason being, I understand, that Government is anxious to get into communication with the Governments of Tanganyika and Uganda in regard to this matter, and also to consult the Inter-Colonial Railway Council.

In view of this fact I think I have no alternative but to agree to postponing this motion and I therefore do so. I need hardly say that I am extremely disappointed to have to postpone this matter, because I very earnestly hoped,

seeing that Lord Delamere is absent and unable to propound old chestnuts about Wednesday and Italy, that when I returned to Nairobi I would be in a position to take back with me the achievement of eight years of endeavour.

**HIS EXCELLENCY:** I should like to express on behalf of Government the sense of its very great obligation to the hon. Member who, at great personal sacrifice, has agreed to this matter being postponed, in order that enquiries might be made which I believe are necessary to enable daylight saving to be carried out.

#### WATER LEGISLATION AND CONTROL.

**CAPT. THE HON. E. M. V. KENEALY:** Your Excellency, I beg to move that :

" Government appoint a Committee of this House to make recommendations concerning water legislation and control."

In this country we have not even the elementary principles of water legislation laid down. I will summarise the advantages of having water legislation and the disabilities Kenya suffers from their lack. There is in existence a draft Ordinance dealing with water legislation and it is admirable, but it represents to a certain extent the limitations from the specialist's point of view which I commented on yesterday. The greatest disability from which Kenya suffers from the lack of water legislation is that it actually and actively prevents settlement ; because it is wasteful. Where there is no legislation there can be no development. There are certain regulations governing the control of water, but they are not water regulations, but based on two Land Ordinances which are inadequate. The present system is one under which one gets an annual licence, I believe, from the Public Works Department, and that is based on the advice of the local authority. But it is an uncertain method and there is not sufficient data for the Public Works Department to deal with it adequately. It is essential that funds should be provided to enable exploration of the water resources of this country to be undertaken. We see the results of the lack of water legislation in Railway expenditure on water supplies, whereas if there had been water legislation and the Railway had been assured of a supply which could be maintained they would have been able to use a far cheaper source of supply than the one they actually adopted.

I think the principles of the value of water for certain purposes should be decided ; whether for the purpose of irrigation, or the purpose of power, and which should receive priority. I believe that this motion is acceptable to Government, possibly with some modification. I will not elaborate the subject further because I think I have given sufficient reasons to enable this motion to be passed.

MAJOR THE HON. R. W. B. ROBERTSON-EUSTACE : I beg  
to second.

THE HON. THE DIRECTOR OF PUBLIC WORKS (MR. BIKES) : Your Excellency, I am glad to be able to find myself in agreement with the principle of this motion, namely, that the question of water legislation should be referred to a Committee, and also equally to be able to agree with almost everything which the hon. and gallant Member has stated. The water resources of a country are comparable to its resources in land, in forests and in mines. The administration of water resources and the control of their alienation to individuals is just as complex, in fact in many ways it is more complex, than the control of the alienation of land and forest concessions to individuals. It is to be remembered that to acquire full knowledge of flowing water, which varies from season to season and from year to year, long investigation comprised in the term hydrometric survey has to be carried out for a series of years, whereas to acquire a sufficient knowledge on which to base the alienation of a forest concession or a land grant only one actual survey is necessary. From the nature of water it varies in quantity, whereas land is more or less immovable and unchanged. On that account it is necessary to incur considerable expenditure in acquiring sufficient knowledge of the water resources of the country before we proceed to alienate rights in water with any high degree of security of tenure. That costs a considerable amount of money.

A draft Water Bill was drafted in 1922—the one referred to by the hon. and gallant Member, and this Bill was held up because Government was not in a position to provide funds for the staff which would be required for its administration. The rock on which that Bill was wrecked still remains and it requires reference to a Committee, *i.e.*, the question of funds for acquiring knowledge of the water resources of the country by which alone any individual or any body such as a water board or department can control water rights.

Mr. Lewis in his report on the irrigation resources of this country emphasised that no state determination of water rights would be successful without proper staff to administer it. That is one of the most important things which has to be referred to a Committee. Associated with it is the other question as to whether Government should adopt the same procedure as it does with its other natural resources, *viz.*, land and forests, that is to charge for the documents granting rights to individuals to use that particular resource and to charge rental for its use by which a certain percentage of the expenditure on the administration of the law can be recovered.

For these two reasons I am in favour of the reference of the matter to a Committee, but it seems to me that there should be technical representatives on this Committee. It is

a highly technical matter and I would ask the hon. and gallant Mover if he would accept the proposal that it should be referred to a Committee not composed entirely of Members of this House, *i.e.*, that we leave out the words " of this House " from his motion.

CAPT. THE HON. T. M. V. KENEALY : Your Excellency, with the permission of my seconder I agree to that amendment.

THE HON. THE DIRECTOR OF PUBLIC WORKS : The amendment is that the words " of this House " should be omitted. The motion will then read :-

" That Government appoint a Committee to make recommendations concerning water legislation and control."

His EXCELLENCY : The question is that the motion be amended by the omission of the words " of this House " in the first line.

The question was put and carried.

His EXCELLENCY : The question is :—

" That Government appoint a Committee to make recommendations concerning water legislation and control."

The question was put and carried.

#### RAILWAY EXTENSION To NANYUKI.

CAPT. THE HON. E. M. V. KENEALY : Your Excellency, I beg to move--

" That Government give instructions for an immediate economic survey of the country north of Nanyuki River with a view to the immediate extension of the Nyeri Railway to Nanyuki—a distance of 15 miles."

This is a matter which has been given consideration before and it was decided by the Branch Lines Committee that because the Nanyuki Section of the land was prejudiced by the lack of a survey it should not be considered with other lines until such survey was provided. It is now possible to demonstrate that there may be a great saving of money by having the survey done immediately and by constructing the railway immediately. It is agreed by Government, I believe, that a new administrative centre should be established at Nanyuki or in the neighbourhood. The Civil Administration of the Northern Frontier District, which is now in being, requires the movement of personnel and stores on a fairly large scale. The presence of the K.A.R. has the same requirement. A great saving could be effected if, instead of the R.A.R. Supply and Transport Depot being in Nairobi, it

could be moved to Nanyuki and I think that the saving in the K.A.R. vote would in a year pay the cost of the Railway extension. The position at the moment is this, that if Naro Morn, the present terminus of the Railway is maintained, it would mean that Nanyuki, a township which Government started, would suffer and that ultimately an opposition township would be established 15 miles away, which, from every point of view other than the point of view of myself, would be extremely disadvantageous. It would mean that development in that area would be seriously affected and seriously prejudiced and injured by the opening up of a new township at Naro Moru, which is the natural corollary to having a terminus at Naro Moru. A small saving has already been effected and if the material necessary for building an extension is not moved back to Nairobi a very material saving in the total cost, amounting—I submit with a certain amount of diffidence—I think to possibly a fifth and probably a third of the total cost may be effected. I hope, therefore, that Government will agree to make this economic survey.

THE HON. T. J. O' SHEA : Your Excellency, I beg to second.

THE HON. THE COLONIAL SECRETARY (SIR EDWARD DENHAM) : This question was discussed at the meeting of the Railway Branch Lines Committee of this Council at their meeting the day before yesterday and it was agreed to recommend to Council that this economic survey should be made. Government is therefore prepared to accept the motion without necessarily making a promise that the work will be carried out.

THE HON. THE GENERAL MANAGER, KENYA AND UGANDA RAILWAY (MR. FELLING) : I would like to draw attention to the wording of this motion. It is certainly a very cleverly worded motion. It says : " That Government give instructions for an immediate economic survey." To that survey no exception could be taken but it goes on " with a view to the immediate extension of the Nyeri Railway to Nanyuki—a distance of 15 miles." I would suggest that the word " immediate " be taken out and the word future " inserted.

His EXCELLENCY : IS the hon. Member prepared to accept that?

CAPT. THE HON. E. M. V. KENEALY : I trust that the amendment will not be pressed because if a case can be established it is the immediate necessity of extending the Railway that we are trying to demonstrate.

His EXCELLENCY : I cannot allow the hon. Member to speak on the amendment until it is put. He can speak on it when it is put.

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

His EXCELLENCY : The question is that the motion before Council be amended by the deletion of the word " immediate " in the third line and the substitution therefor of the word " future."

THE HON. T. J. O'SHEA : Speaking against the amendment, the whole point of the original motion is that the economic survey should be carried out now with a view to reporting as to whether the results of the survey justify the immediate extension. I do not see that the result of that enquiry is prejudiced in the least either way by leaving in the original wording of the resolution. I believe that the conditions up there justify an enquiry as to whether the extension is immediately desirable.

CAPT. THE HON. E. M. V. KENEALY : Your Excellency, the point has already been met that this does not commit us to anything. I myself should vote against the immediate extension if that economic survey did not demonstrate that an immediate extension is imperative. If we can effect a very great saving by immediately extending this Railway I suggest that we should do so. If we cannot do so the existence of the word " immediate " in this motion would have no effect upon it at all.

I suggest that the original motion should not be further mutilated.

CAPT. THE HON. H. E. SCHWARTZE : It seems to me that people are rather tilting too much at the windmill. I think the motion should be amended as follows : that the words after " with a view to " be deleted and the following words substituted therefor : " ascertaining whether an immediate extension of the Nyeri Railway to Nanyuki—a distance of fifteen miles—is desirable."

THE HON. CONWAY HARVEY : I beg to second.

His EXCELLENCY • I would like to look at this amendment. It is a new motion. I cannot put it to the Council before the previous hon. Member has withdrawn his amendment.

CAPT. THE HON. E. M. V. KENEALY Will it be an " immediate " or " future " amendment?

THE HON. THE GENERAL MANAGER, KENYA AND UGANDA RAILWAY : Your Excellency, I am quite prepared to withdraw my amendment in favour of this new amendment of the Hon. Member for Nairobi South.

His EXCELLENCY : The amendment of the Hon. the General Manager is therefore withdrawn.



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(d) Disposal of CYC  
Priority of the Soldier Settlement Scheme and who still

(e) reside in the Colony  
Raise a Loan to finance approved applicants "—

that it is my intention to withdraw that motion and move  
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your Excellency I was reading in the papers the other  
day that the Overseas Immigration Committee had agreed  
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this Colony with a certain amount of capital after having been

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His Votemih/VCIP : The motion is will not be

withdrawn.

## GRANTS TO NON-GOVERNMENT PUBLIC HOSPITALS.

LIEUT.-COL. THE HON. J. G. KIRKWOOD: I beg to move :—

**" That this Council approves the appointment of a Committee to investigate and report on Grants to Non-Government Public Hospitals in the Colony, with a view to finding a formula applicable to all."**

It may be, or it may not be, that the last few words of this Motion will be accepted by Government. There is a very serious situation at the moment with regard to hospitals in the Colony. We have in Nairobi a Government Hospital supported by Government funds. We have a hospital at Nakuru—a Memorial Hospital built out of subscriptions and partly assisted by Government. The new Hospital at Eldoret was originally run as a Government Hospital out of Government funds, but the buildings have been handed over to Trustees in the district, who have made themselves responsible for the upkeep. The position is now arising that there is a great need in many parts of the Colony for a hospital or nursing home, and I suggest that the whole question ought to be gone into to find ways and means for building new hospitals or nursing homes where they are so urgently required, and that people ought to know to what extent they can expect assistance from the Government. It has been suggested and very strongly supported in my own constituency, but I do not think it has been supported by the Hon. the Director of Medical and Sanitary Services, that instead of granting farms that it would have been very much better in the past, and will be worth considering in the future, to endow hospitals by grants of Crown lands. Another suggestion is that money should be advanced out of loans to build a hospital in cases where the district concerned makes itself responsible for interest and sinking fund, with the proviso that Government contribute a sum approximately, say, in the region of £100 per year for each patient.

With reference to the Tiitale Hospital, I understand the Government has offered £10 towards the payment of the rent of the nursing home. I would much prefer to leave this in abeyance and see if there is no better and more substantial way of getting the hospital on a more permanent basis, and it is with that view that I move this motion and I hope it will receive favourable consideration in this Council.

THE HON. T. J. O'SHEA : I beg to second. The situation at the moment is certainly very unsatisfactory and I think it is most desirable that it should be enquired into. I think the enquiry should be carried out thoroughly so that the requirements of the different districts in the Colony may be collected.

THE HON. THE DIRECTOR OF MEDICAL AND SANITARY SERVICES (DR. GILKS): Your Excellency, one of the subjects which was considered very closely by the recent Commission on Local Government was this very question of the provision of hospitals. I think it would be a pity in any way to prejudice what may happen to the recommendations of that Commission which have already been sent in, by trying to get on with one small section of the subjects that they have dealt with. I think all local hospitals—whether hospitals or nursing homes or something else—will have to be dealt with in the same way—they will have to be dealt with in their order.

On a point of personal explanation, I do not think that I turned down in any way the suggestion that a hospital should be endowed by a grant of Government land. I merely reported that a suggestion had been put forward. Personally I am in favour of their having Government help and support in these projects, but I do think that the whole position with regard to Local Government has to be considered as one thing and not piecemeal.

HIS EXCELLENCY: In view of the fact that the question of Government Hospitals must be considered in connection with other institutions of the same kind under the proposals of the Local Government Commission submitted to Council, does the hon. Member wish to press his motion?

LIEUT.-COL. THE HON. J. G. KIRKWOOD: Govern-  
ment give an assurance, Your Excellency, that the report of the Feetham Commission is going to be put into effect because otherwise if it is going to lie on the table for the next two or three years ..

HIS EXCELLENCY: I can give the hon. and gallant Member an assurance that the report of the Local Government Commission will not lie on the table for the next two or three years.

I understand that the motion is withdrawn.

LIEUT.-COL. THE HON. J. G. KIRKWOOD: Yes, Your Excellency.

HIS EXCELLENCY: The motion is withdrawn.

## BILLS.

### THIRD READINGS.

#### THE SUPPLEMENTARY APPROPRIATION BILL.

On Motion of the Hon. the Colonial Secretary the Supplementary Appropriation Bill was read a third time and passed.

## THE ANCIENT MONUMENTS PRESERVATION BILL

On motion of the Hon. the Colonial Secretary a Bill to provide for the Preservation of Ancient Monuments and Objects of Archaeological, Historical or Artistic Interest, was read a third time and passed.

## THE CROWN GRANTS (EXECUTION) BILL.

On Motion of the Hon. the Attorney General a Bill relating to the Execution of Crown Grants and Other Disposition of Lands was read a third time and passed.

## THE NATIVE LIQUOR (AMENDMENT) BILL.

THE HON. THE CHIEF NATIVE COMMISSIONER (MR. MAXWELL) : I *beg* to move that the Native Liquor (Amendment) Bill be read a third time and passed.

THE HON. THE ATTORNEY GENERAL (MR. HUGGARD) : I *beg* to second.

CAPT. THE HON. H. E. SCHWARTZE : I *beg* to move that this Bill be re-committed for the purpose of moving an amendment to clause 9.

THE HON. THE COLONIAL SECRETARY (SIR EDWARD DENHAM) : I *beg* to second.

The question was put and carried.

*In Committee.*

Clause 9. *Power to search licensed premises.*

CAPT. THE HON. H. E. SCHWARTZE : I *beg* to move :

" That the first four lines be deleted and the following substituted therefor " :-

23. Any magistrate, justice of the peace or police officer of or above the rank of European police constable or assistant sub-inspector and any other police officer having special written authority from a magistrate, a justice of the peace or an officer in charge of a police station.

The wording is not exactly the same as appears on the Order Paper, but this has been altered at the suggestion and with the concurrence of the Hon. the Attorney General. The only reason for this is to bring clause 9 into line with clause 8.

THE HON. THE ATTORNEY GENERAL : I entirely agree with the amendment moved by the hon. Member.

The question was put and carried.

THE HON. THE COLONIAL SECRETARY : I *beg* to move that this Bill be now recommitted to Council.

The question was put and carried.

*Council resumed its sitting.*

His EXCELLENCY : I have to report that the Native Liquor (Amendment) Bill has been recommitted to a Committee of the whole Council with a view to moving an amendment to clause 9 and it is now reported to Council with that amendment.

On Motion of the Hon. the Chief Native Commissioner a Bill to Amend the Native Liquor Ordinance was read a third time and passed.

THE ASIATIC WIDOWS' AND ORPHANS' PENSIONS BILL.

(Committee stage.)

THE HON. THE TREASURER (MR. GRANNUM) : I beg to move that the House go into Committee of the whole House to consider the Report of the Select Committee appointed to consider the Asiatic Widows' and Orphans' Pensions Bill.

HIS EXCELLENCY : The question is that Council resolve itself into a Committee of the whole Council to consider the Report of the Select Committee appointed to consider the Asiatic Widows' and Orphans' Pensions Bill.

The question was put and carried.

*In Committee.*

THE HON. THE TREASURER : As there has not been time to circulate the report, perhaps Your Excellency will permit me to read it :-

" The Select Committee appointed to consider the Asiatic Widows and Orphans Pensions Bill have the honour to recommend that the Bill be passed without amendment."

Clause 2. *Inter pretation.*

THE HON. J. B. PANDVA : I beg to move that the words " eighteen years " be deleted and the words " twenty-one years " be substituted therefor. I am that this Bill has been brought at the instance of the Secretary of State and that therefore the Government is not in a position to agree to the amendment which I am moving, but I am moving this amendment with the view to bringing this before this hon. House and to be reported to the Secretary of State. In moving this amendment I wish to point out that the pensionable age of a boy of eighteen years should be altered to twenty-one years and justice should be shown to that effect, is it is for the girls the age for whom is twenty-one years. It is mentioned that perils of the boys at the age of eighteen are competent to earn a living, but I do not do this I think that with education and things of that nature I think it would be only fair that it should be altered to twenty-one years.

THE HON. J. B. PANDVA : Your Excellency, on this point I might mention that this question was discussed with the Asian Civil Servants' Association and it was pointed out to this Association that while it might be a very desirable thing from the point of view of a parent to educate his son to the age of twenty-one, it was scarcely fair to a fund of this sort to expect it to support a boy after he had reached the age when he was perfectly capable of earning his livelihood. The Association did not press their point and I trust this Council will not agree to it. Any such amendment will be to the detriment of the fund.

THE HON. B. PANDIA : Your Excellency, I beg to withdraw the amendment.

Clause 8. *Suit only to determine rates of contribution.*

THE HON. J. B. PANDVA : Your Excellency, in regard to this clause I beg to move that in clause 8. line 50, the words " upon the salary of the post last held by such officer before his retirement " be deleted and the words upon the pension received by such officer after his retirement be substituted therefor.

Your Excellency, the point which I wish to make in this matter is this. That after an officer has retired from the service on pension, the pension which he draws is so small that he could not afford to pay the same amount which he was able to pay on his full pay. On this ground I hope this amendment will be considered on its merits.

THE HON. THE TREASURER : Your Excellency, I cannot recommend the adoption of this proposal. It seems to me to be one of those suggestions, such as putting the age at twenty-one instead of eighteen, which are bound to have considerable effect on the fund which is proposed under the scheme.

Exactly the same conditions exist in the case of the European Widows' and Orphans' Pensions Fund, and it seems perfectly clear that the contributions should be continued on the salary drawn, and I see no reason why this amendment should be agreed to.

HIS EXCELLENCY : The question is that the words " upon the salary of the post last held by such officer before his retirement " be deleted and the words " upon the pension received by such officer after his retirement substituted therefor.

The question was put and lost.

Clause 20. *IV ho not entitled to pension.*

THE HON. J. B. PANDYA : Your Excellency, I beg to move the deletion of sub-section 2. 'The point which I wish to make in this matter is this, that I do not think it makes any difference if a widow is married twelve months ago or six months ago or four months ago to entitle her to get the pension. I know there is a proviso which authorises the Committee to consider such questions but from the point of view of principle I suggest that this clause be deleted so that such a widow can be considered as a beneficiary according to law.

CAPT. THE HON. II. E. SCHWARTZE : Your Excellency, the same applies in the European Widows' and Orphans' Pensions Fund. It is put in purely to stop a man on his deathbed endowing a widow to be a beneficiary. This point was discussed in Committee.

THE HON. THE TREASURER : I entirely support the remarks made by the Hon. Member for Nairobi South.

HIS EXCELLENCY: he question is that sub-section 2 be deleted.  
The question was put and lost.

THE HON. THE TREASURER : I beg to move that the Bill without amendments be reported to Council.

HIS EXCELLENCY : The question is that the Bill be reported to Council.  
The question was put and carried.

### *Council resumed its sitting.*

HIS EXCELLENCY : I have to report that a Bill to Make Provision for Granting Pensions to Widows and Children of Deceased Asiatic Public Officers has been considered in Committee of the whole Council and is reported back to Council without amendment.

### THIRD READING.

THE HON. THE ATTORNEY GENERAL : I have the honour to move the suspension of Standing Orders to enable a Bill to Make Provision for Granting Pensions to Widows and Children of Deceased Asiatic Public Officials to be read a third time and passed without due notice.

TTIS EXCELLENCY : in view of the fact that under Standing Order 7 no Certificate of Emergency is required in cases where no amendments are proposed, I suggest for the convenience of Council that the Standing Orders should be suspended in this case. I understand that is done by general agreement.

The question is that Standing Orders be suspended in order to enable a Bill to Make Provision for Granting Pensions to 'Widows and Children of Deceased Asiatic Public Officials to be read a third time.

The question was put and carried.

On Motion of the Hon. the Treasurer the Asiatic 'Widows and Orphans Pensions Bill was read a third time and passed

THE HON. CONWAY HARVEY : Before Council adjourns, Your Excellency, may I ask if Government will be good enough to give the Secretary of the Elected Members' Organisation at least three days' notice of business coming forward, especially motions, in order that Government may be made aware of the probable attitude of elected Members. I think it would tend to improve the harmony of our relations

His EXCELLENCY : Government will be very glad to give that undertaking.

*Council adjourned sine die.*

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TUESDAY, 25th OCTOBER, 1927.

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The Council assembled at 10 a.m. on the 25th October, 1927, His Excellency the Governor (SIB E. W. M. GRIGG, K.C.V.O., C.M.G., D.S.O., M.C.), presiding.

HIS EXCELLENCY opened the Council with prayer.

The Proclamation summoning the Council was read.

The Oath of Allegiance was administered to :

ACTING EUROPEAN MEMBERS.

DENNIS BURKE CRAMPTON, Plateau North.

JAMES CUMMING, Mombasa.

PRESENTATION OF INSIGNIA.

HIS EXCELLENCY : Are Officers present for the Investiture?

HIS EXCELLENCY : Edward Brandis Denham, I have it in command from His Majesty the King to invest you with the dignity of Knighthood of the Most Excellent Order of the British Empire.

In carrying out His Majesty's commands I have great pleasure in congratulating you on your distinguished services to this Colony and to the Empire.

HIS EXCELLENCY : Thomas Fitzgerald, I have it in command from His Majesty the King to invest you with the dignity of an Officer of the Most Excellent Order of the British Empire.

In carrying out His Majesty's commands I have great pleasure in congratulating you on your distinguished services to both the territories which your Department serves.

PRESIDENT'S ADDRESS.

HONOURABLE MEMBERS OF COUNCIL,

The Session of Council which now begins will be devoted to two main items of business, the Estimates for 19.28 and a new Loan Ordinance which Government is about to introduce.

This Ordinance is of very great importance to us. The Colony will be going into the London market for the first time since 1921. I think, therefore, that a full statement of

the position is desirable and I will therefore deal with the Loan question first. I may add that it will make, I think, a good setting for the few broad observations which I should like to make later on upon the Estimates.

Honourable members are aware that there are three Loan Ordinances at present on the Statute Book of the Colony. In the first place there is the Five Million Loan Ordinance raised at a moment of great depression towards the end of 1921. The allocation of that Loan was roughly as follows :-

Railway and Port	£ 3,500,000
Colony ..	680,000
Interest and Flotation Ex- penses	820,000
Total ...	£5,000,000

The advance made to the Colony under this Loan was not for Public Works or services of any kind, but was to enable the Colony to recover advances made from revenue during the War. The Loan was raised at 6 per cent. and went immediately to a premium at 112. It remains in that neighbourhood at the present time.

Secondly, there is the £3,500,000 Loan advanced by the Imperial Treasury in 1924. This Loan was known at the time, I think, as the "Cotton Loan." It was certainly so called in the House of Commons, of which I was a member when it was passed. It was devoted entirely to railway purposes such as the extension of the Railway into Uganda, the construction of branches in Uganda and 1 Cvirondo, and additional rolling stock and capital improvements. The Loan is repayable in thirty-seven annual instalments at 6 per cent. There was a five years' period free of interest and these repayments are not due to begin till 1922

In the third place, passed by this Council at an earlier date but never raised, is the £3,000,000 Loan sanctioned in 1922. This Loan, as I say, was never raised. The whole of this Loan also was devoted to Railway and Port purposes, such as the completion of the Uasin Grishu Line, the construction of the Nyeri, IKitale and Solni Branches, the acquisition of the Voi-Nahe Line, the completion of two deepwater berths at Eilindini and additional equipment for the Railway. Since this Loan has not been raised, the expenditure incurred against it has been met by advances from the Crown Accounts.

Honourable Members are aware that we have also had under consideration for some time the issue of a further Loan known as the Colonial Loan, to cover colonial purposes of an urgent character. This Council has sanctioned colonial expenditure up to a total of £1,857,410, under that projected Loan, and honourable Members last year asked me when I went home to investigate the further question whether future Railway and Port requirements should be undertaken by the Colony as part of that Loan or whether they should be financed out of the Guaranteed £10,000,000 Transport Loan. Speaking in Council here in August I informed honourable Members that our advisers at home unanimously concurred in recommending us to borrow on our own credit for all these purposes and not to have recourse to the Ten Million Guaranteed Transport Loan. Acting on that advice, we have made careful enquiries as to the appropriate moment of raising a Loan on our own credit and as to the items which should be included in that Loan. We are informed that the present moment is a very appropriate one, inf<sup>ormed</sup> that we ou<sup>ght</sup> to go into the market at the earliest possible moment, not later than the middle of November. Government therefore proposes to introduce a Loan Ordinance and I shall ask The leave, of Council to introduce it under a Certificate of Emergency, in order that Council may be able to deal with it without delay. If this course is not pursued, I have ~~the~~ Ordinance, the ordinary notice being given, would be deferred until January; and we are advised that the market would not be equidly favourable at that time. I hope, therefore, that honourable members will concur in giving Government the necessary leave to introduce the Ordinance without delay.

If we are to go into the market immediately, the question arises as to what shall be included in the prospective Loan. I made careful enquiries in England as to whether the time had come when the Colony might with advantage arrange for the conversion of the £5,000,000 loan raised in 1921. The terms on which that loan was raised are onerous, and conversion is desirable at the earliest possible moment. The period of redemption is still comparatively distant and I was informed that conversion could not be carried out on sufficiently favourable terms at the moment. I therefore exclude the 1921 £5,000,000 Loan.

The next question to which our advisers gave their attention was the question whether we should include in this Loan the £3,500,000 Cotton Loan so as to provide for the immediate repayment of that loan to the Imperial Treasury. There are certain arguments against this course, chief of

which is the fact that interest payments under the present arrangement will not fall due until 1929, whereas, if we include the £3,500,000 Loan in the new loan to be raised immediately, interest payments will become due next year. In spite of this our advisers have strongly recommended the inclusion of the £3,500,000 Loan in our new Loan in order to provide for immediate repayment to the Treasury. The Treasury Loan has priority over any other loan raised by the Colony, and we are informed that a prior charge of that nature would certainly prejudice to some extent the terms on which we are able to raise our new loan. That is, I think, a sufficient argument in itself for inclusion of the £3,500,000 Loan in the new Colonial Loan.

But there are other arguments to which I should invite your attention. Not least of these is the fact that if we pay off the Treasury Loan now, we receive a discount of £1,125,000, making our total commitment if we pay now £2,375,000 as against £3,500,000 if we begin to pay in 1929.

In the second place, there is undoubtedly a strong advantage in clearing away all our actual indebtedness to the British taxpayer. To do this will put the Colony entirely on its own feet, although of course there will remain those contingent liabilities connected with the original Uganda Railway Loan aid certain War expenditure which must be up for reconsideration hereafter. I think I need not describe those contingent liabilities again, as I went into them very fully in my speech to Council at Mombasa on August 10th last year. The fact that those contingent liabilities will remain will not impair the advantage which the Colony will derive from paying off its present indebtedness to the Treasury so that the 1921 £5,000,000 Loan may be the only other loan raised in the future of this Colony.

I would add that since by far the greater part of the new Colonial Loan will be devoted to Ititiki and Port purposes and since further big extensions of both Railways that part are already under way, it is desirable that the investing public should realise that the Railway is able and ready to meet all its obligations now, and that there is no question in Railway policy of using a period when interest charges are temporarily low for concessions not justified by the permanent position of Railway finances. I think there can be no doubt that the £8,500,000 Loan in the new Colonial Loan will strengthen the position of the Colony in every way.

It is intended that the new Loan shall also cover the 1922 £1,000,000 Railway and Port Loan, of which I spoke a few minutes ago. That will mean the repeal of the Loan Ordinance of that year.

It is also desirable that the new Loan should cover all other expenditure for Railway, Port and Colony up to the end of the present year. Our advisers in London have accordingly suggested that the amount of the Loan now to be issued should be £8,500,000 made up as follows :—

1924 Loan Ordinance	3,500,000
1922 Loan Ordinance	3,000,000
Advances from Crown Agents up to 31st December, 1927, against expenditure on Railway, Port and Colony	2,000,000
Total ...	<u>£8,500,000</u>

This sum will be actually about £400,000 in excess of the expenditure of the Colony, the Railway and the Port at the end of this year ; but it may be desirable to go into the market for a round sum of £8,500,000. We are leaving that to our advisers at home.

It may be well to recapitulate the position. if this new Colonial Loan is raised, the Colony will have the whole of its existing debt covered by two loans, namely : in the first place, the 1921 £5,000,000 Loan raised at 6 per cent. and now standing at 112 ; and secondly, this new Colonial Loan. It is suggested that our future requirements should be covered by a second instalment of the Colonial Loan, but there is no need to discuss that future instalment to-day, since the items to be included in it for the Railway, Port and Colony will require ninth further consideration and are not in any way urgent. The Secretary of State has agreed that urgent loan requirements from the end of this year shall be met as before by advances from the Crown Agents. These advances will, of course, be taken by Government to cover only loan items already approved by Council, together with certain other loan items which Government proposes to submit to Council by resolution during this Session. The most important of these are sums of :

£200,000 for the Thomson's Falls Branch Railway.

£100,000 for Colonial Roads.

£100,000 for the Roads of Nairobi.

A sufficient sum will also be needed for the operations of the proposed Land and Agricultural Bank during the coming year.

Inasmuch as the Colony will now be going into the market for the first time since 1921, when its credit was low, I think it desirable that I should state the considerations by which our advisers have been guided in assuring us that we shall be able to raise a loan of £8,500,000 on favourable terms at the present time. Broadly speaking, the considerations are two—the greatly improved position of the Railway and the greatly improved position of the Colony. I will deal with both, and inasmuch as far the greater proportion of the proposed Loan is on Railway and Port account, I will deal with the Railway position first.

Too much importance cannot be attached to the favourable financial position in which the Railway now finds itself. The Railway was run at an actual loss in 1921 and at only a nominal profit in 1922. Interest charges in 1922 amounted only to £77,964. In 1928 the interest charges will be nearly ten times that amount; they will be in the neighbourhood of £740,000. The fact that the Railway will be able to carry this very greatly increased burden of Loan is due to its record in the last five years. Its earnings have risen from £1,092,458 to £2,190,000, or over 100 per cent. in five years. Its expenditure has risen from £952,784 to £1,152,000, or only 21 per cent, in five years. During all that period it has met its obligations to the full and has in addition placed a sum of £2,500,000 to Renewals and Betterments. It has also a Marine Insurance Fund of approximately £136,000 invested in England and a Reserve Fund against stores of approximately £242,000. I know that these figures cause grave concern to certain of my honourable friends in Council, who consider that the Railway shows too great a regard for posterity; but inasmuch as I am dealing with the credit of the Railway at a moment when its credit is to be tested in the London market, I hope that they will forgive me for dwelling on painful facts of this kind. I will deal a little later with the question, to which they quite properly attach great importance, of Railway rates.

It must be understood that of the total sum of £7,436,000 which we shall be borrowing on Railway and Port account in the new Loan, all that portion covered by the £8,500,000 Cotton Loan is based on the joint credit of this Colony and of Uganda. So far as Kenya is concerned, the General Manager is convinced that increased production will be steadily maintained. The production of Uganda has, of course, received a setback in the recent past, but we have every reason to believe that the Government of Uganda is alive to its responsibilities at a moment when so much

nexpenditure on new construction is taking place within its territory and that every effort will be made to see that the productive power of Uganda is steadily improved.

The small portion of the Colonial Loan to be raised for Colonial purposes will be mainly reproductive in character, and the total debt of the Colony, under the old and the new Loans, will amount to £1,415,427. The capacity of the Colony to bear this additional burden is unquestionable. In the first place, we have in the last five years built up considerable surplus balances. The Colony's Balance Sheet at the beginning of 1921 showed an actual deficit of £350,165. That deficit was increased in 1923 to a total of £673,345. In five years therefore we have not only paid off the whole of that deficit, but we have raised our surplus balances to the neighbourhood of half a million. At the moment they exceed that figure, and though the expenses at the end of the year may pull them down again, they will not be far from that figure when the accounts for the year are finally closed. That record shows that the revenue of the Colony during the five-year period 1st January, 1923, to 31st December, 1927, will have exceeded the ordinary expenditure by well over one million sterling.

In the second place, there has been during that period a very great increase of production which has so far kept pace with the inflow of capital. The area under cultivation by European farmers increased during those five years by 99 per cent., and there has also been a very considerable increase of native production. I would further point out that the total of the Colony's borrowings up to date are small compared to its annual revenue, amounting only to 53 per cent. We are, moreover, making every effort to avoid recourse to loan for minor capital works by increasing the provision for such works from revenue under Public Works Extraordinary. I will deal with that subject when I come to the Estimates themselves.

I think I should also point out that the Colony has shown an amazing power of recuperation during the last five years. The fall in prices at the end of 1921, which was world-wide, coincided here with a bad year and with a change in the currency which affected farmers very adversely for some time. In spite of those handicaps, additional to the universal blow to production caused by the fall in prices in 1921. Fenva, in point of fact, maintained a much more rapid rate of recovery than other African Colonies and had overtaken her previous high-water mark within three years. I do not wish to trouble Council with more figures, but if any

honourable Member will consult the returns given in the Colonial Office Year Book, he will see that the recovery of Kenya was a great deal more rapid than that of any other African Colony, East or West. That, I think, was due to the energy, resource and recuperative power given to the Colony by white settlement.

Let me recapitulate in a few words the allocation of the new Loan between Railway, Port and Colony, The share of the Railway will be rather over £6,000,000, and I entirely share the General Manager's confidence that the Railway will be able to carry it. The share of the Port will be just over a21,000,000. For the moment this rests entirely upon the Railway, which is able to carry this burden as well as its own. But the whole question of Port finance is now being drastically revised by the Port Advisory Board, and I hope new rates will soon be generally approved which will enable the Harbour to meet its own liabilities.

The Colony's share of the new Loan will be just over £060,000 and the total debt of the Colony proper under both Loans will be 11,415,427. That, I repeat, amounts to only 53.3 per cent. of its present annual revenue, and I have no doubt it can carry that burden with ease. No one need fear that there will be any recourse to extra taxation in order to meet the Loan burdens which have at present been incurred or are likely to be incurred by the Colony. They will be fully covered by the normal expansion of the Colonial revenue on the present basis, and they will not prevent, in my opinion, a revision of taxation when the moment for such revision comes. The Governor of Uganda, in his speech upon the

Esiboates a few weeks ago, advised Legislative Council there that Uganda might without risk increase her borrowings on Colonial account to an amount equivalent to her total annual revenue. I believe that the same principle may be profitably adopted by this Colony and that its requirements for some years to come may be met within that amount, provided adequate provision for minor works is made from revenue under Public Works Extraordinary. To this expression of opinion, I would, however, enter one caveat. If the Land Bank develops and proves its utility, as I confidently expect it will, it should, I think, be treated as an undertaking apart from the ordinary Loan commitments of the Colony, inasmuch as every pound which it issues will be reproductive and based on good security. I make the same caveat in regard to any expenditure which may be necessary to secure the transfer of the Coast Protectorate to the Colony, as honourable Members on my left desire.



Before coming to the Estimates there is one other subject to which I should like to refer, and that is to redeem the promise which I made a little earlier in my speech and say a word upon the vexed topic of Railway rates.

I am sure that no one in the Colony really believes that my friend the General Manager is an advocate of high Railway rates. He and I, and all members of the Inter-Colonial Railway Council, are only too anxious to reduce rates as soon as possible, and as much as possible ; but I feel bound to say that the present moment does not seem to me altogether a happy one for the strong criticisms which have been launched against the present principles of Railway finance.

Look at the facts. The favourable financial position disclosed in the General Manager's statement on the Railway and Port Estimates for 1928 is due to two factors. The Port loss in 1927 was less than anticipated—that was one factor—and there was a very remarkable reduction in working expenditure throughout the Railway. The latter was by far the more important element in producing the favourable position which the General Manager set out. It was due to the energy and resource of the General Manager and to the loyalty of his whole staff ; and I think it a little hard that the main result of their devoted efforts to reduce expenditure should be an attack on the too favourable position of Railway finances. There could have been no criticism at all if they had just spent up to their Estimates.

However that may be, it is most important that critics of the Railway should realise that the savings anticipated in 1927 are not yet wholly realised and that the earnings for the year are still uncertain. For this reason alone caution is desirable. I am sure, moreover, that the principles upon which the Railway Department are working are sound, for great reductions really cannot be made on the strength of a temporary period of low interest. In all rate reductions regard must be had to the permanent position and to the permanent ratio of interest charges to probable earnings. The Railway Department in all its calculations for the next three or four years is assuming a very substantial increase in earnings on the strength of increased development both in Kenya and Uganda ; but even if we assume, as I believe we can, that these increased earnings will be realised, we must not forget that our interest charges will amount to from 27 to 80 per cent. of the estimated earnings in another three years.

This calculation alone shows how wise it has been for the Railway during the low interest period to devote as much of its profits as possible to Renewals and Betterments. The

Schuster Committee, when considering the Guaranteed Loan proposals, examined the Railway figures for Renewals and Betterments and strongly endorsed the policy of the General Manager. That is testimony which I hope the Colony at this moment will not overlook.

I am not making these observations as a prelude to explaining that there will be no reductions in rates. I am merely urging caution in the demand for such reductions. I am pleading for careful finance in preference to risky finance.

With that consideration in view, the whole of the classification of Railway rates is now being carefully reviewed. The General Manager regards the present classification as unscientific, but changing it is a problem of great complexity. The Railway officials are working out various systems by which the classification may be changed and simplified, and they are calculating the possible consequences as best they can. AS soon as the opportunity arises the whole matter will be dealt with comprehensively by the Inter-Colonial Railway Council, for whose work, as I said a few days ago, I have nothing but admiration. I hope, however, that it will be generally realised that it is wiser to make rate reductions as far as possible once a year, and that the proper time for consideration of such reductions is after the close of the heavy seasonal traffic both in Kenya and Uganda. That period occurs in July or August every year, and it is a favourable period for considering rates because the Railway is then in a better position to judge possibilities than at any other time in the year.

"There is one other consideration to which I should refer. I have already mentioned the fact that the Port charges now under review by the Port Advisory Board. Honourable Members may rest assured that the General Manager will take advantage of any improvement in the Port position to reduce Railway rates.

I come now to the Estimates. They are fully explained in the Memorandum laid upon the table by my honourable friend, the Colonial Secretary. I hope that that Memorandum will be appreciated by honourable Members on my left. It is on the same lines as the Memorandum laid last year, and great pains have been taken to make it as clear a summary and explanation of the Estimates as it is possible to devise.

I will not traverse the ground covered by that very comprehensive statement. I desire—with you' permission *to* speak only on one or two aspects of the Estimates which are matters of special public interest or which are particularly close to my own heart. Honourable Members will remember that I called attention last year to the great importance of reducing the rate-

at which recurrent expenditure has been rising for some years-past. It was the fact that for some time recurrent expenditure had increased in almost the same proportion as the increase of revenue. There were two dangers in this process. In the first place it was evident that the permanent charges upon the Colony were being increased at a very rapid rate, and in the second place, too little provision was being made for minor capital works from revenue.

If honourable members will look at the figures given in the Memorandum to which I have just referred--the figures are in the middle of page 4—they will see that that process has now been arrested. The margin between anticipated revenue and recurrent expenditure, in 1926, was only £59,207. In 1927 it was £138,388, and in the 1928 Estimates it is £247,410. I hope that honourable Members will realise from these figures that a careful watch is being kept upon the rise in permanent charges upon taxpayers in the Colony. We have made progress in this respect, and I hope that we shall make even more signal progress in the next two or three years.

As I have already said, the low margin hitherto maintained between anticipated revenue and recurrent expenditure has, led in the past to inadequate provision from revenue for Public Works. The Memorandum contains a comparison in this respect between the Kenya Estimates and the Estimates of other Territories—the comparison is on page 5—and I hope honourable Members will give it their attention. It shows, I think, the great need of increasing the percentage of our expenditure from revenue upon permanent Public Works. To this principle we are also giving effect. In 1924 the percentage of our expenditure upon Public Works Extraordinary was only 1.8 per cent. and it was even lower in previous years. It was 3.2 per cent. in 1925; 3.4 per cent. in 1926; 5.1 per cent. in 1927. I am glad to say that we have managed to raise it to 9.5 per cent. in 1928. That figure represents a total sum of £190,851 appearing under the Head of Public Works Extraordinary. There is provision for other non-recurrent expenditure in the Estimates which raises the total sum devoted to non-recurrent works to £225,771. That is very nearly 10 per cent. of the total revenue.

It is from this standpoint that I would ask leave to say a word upon Supplementary Estimates. I will do it as briefly as I can, but since honourable Members have accused Government of breaking, in my absence and even since my return, the pledges which I gave to Council last year in this respect, I think they will be ready to hear a statement of Government's position upon the whole subject.

Before, however, dealing with the main question of Supplementary Estimates, I should be glad to clear away certain misapprehensions which have arisen regarding the Resolution passed at Mombasa for a vote to the Coryndon Memorial. There was some misunderstanding about that resolution, to which I need not now refer ; but I desire to repeat the assurance which I have already publicly given that Government will take no action upon that resolution without providing an opportunity for further discussion on the whole proposal, should honourable members on my left so desire. I have not given that undertaking, let me explain, in a spirit of penitence ; I have given it because I am most anxious that the Memorial to Sir Robert Coryndon should, if possible, be lifted entirely above controversy. I hope that honourable Members in all parts of Council will assist in securing that result.

To come to the main subject. 'I'lle total Supplementary Estimates for 1927 up to date amount to £115,400, less savings of £47,507. They are divided as follows :-

Recurrent Expenditure	.f45,811
Less Savings	42,592
Net Total : Supplementary Estimates on Recurrent Expenditure	<u>£3,219</u>
Non-Recurrent Expenditure	£69,589
Less Savings	4,915
Net Total : Supplementary Estimates on Non-Recurrent Expenditure	£64,674

It will be seen from this that Supplementary Estimates on recurrent heads are only £3,219 in excess of expected savings on the recurrent heads. If consideration is given to the fact that supplementary expenditure on the amalgamation of the Government and Railway Presses, on the Port and Harbour Police, and on the Grading and Conditioning Plant is also covered by equivalent revenue, the total effect of Supplementary Estimates, so far as recurrent expenditure is concerned, is to show a net saving of £15,188.

I would further point out that just about half the total Supplementary vote of £45,811 on Recurrent heads is due to two items—£16,000 for increased Rents and House Allowances, and over £6,294 for new Agricultural Services. The first of these was due to a check in the building programme, for which no responsibility lay with Government. The second were greatly needed, and were pressed, I think, by honourable •

Members on my left. Neither represents any increase upon the normal recurrent expenditure of Government, and may therefore be properly deducted from the Supplementary expenditure which I am considering. Deducting these, the total saving on normal recurrent expenditure shown in the Supplementary Estimates is £37,472.

This result shows, to my mind, a really remarkable response to the appeal which I made to Heads of Departments and to the Administration generally last year. The substance of the appeal which I then made was summarised in a sentence, "Heads of Departments are to conduct the services entrusted to them, and Administrative Officers are to discharge the duties of their posts, within the sums allotted to them for the year." I went on to say that Government would make every possible endeavour to limit Supplementary Estimates in 1927 to exceptional expenditure such as could not be foreseen. I have satisfied myself—and the figures which I have quoted fully show—that the demands made by Heads of Departments and by the Provinces for supplementary allocations over and above their votes this year have, in effect, been negligible, whereas those demands were constant and considerable last year. I desire therefore to express my gratitude to my honourable friend, the Colonial Secretary, to Heads of Departments, and to the whole Administration, for the loyalty and care with which they have responded to my appeal.

I now come to the Supplementary Estimates for non-recurrent expenditure. I said nothing last year which could properly be held to debar Government from undertaking such expenditure, provided it was clear that the money was available and that the Colony would suffer if the expenditure were delayed. I have studied the items of non-recurrent expenditure in the Supplementary Estimates with, I think, an unbiassed mind, since I was not in any way responsible for them, and I have not found any which do not seem to me to come fairly within that category. Most of them indeed were, I understand, approved in detail by honourable Members on my left, although they protested against the total result. I am not clear why they protested. Are they suggesting that supplementary expenditure of a non-recurrent kind is contrary to Colonial Regulations and to the interests of the Colony? If so, they are raising a very important point of principle which has not been raised before, and on which I should like to make briefly some observations, because it is a point of principle of great importance to the future of Colonial finance.

Ever since I came to the Colony I have hoped in the matter of finance to see two things achieved by the Government. I referred to the first of these two hopes in my first

speech to Council upon the Estimates in 1925. It was the building up of an adequate total of surplus balances. As I said before, that total is now in the neighbourhood of half a million and may be regarded as an adequate reserve against any setback which is likely to overtake the Colony. That first hope then has now been realised. My other hope had necessarily to wait upon the realisation of the first. It was that larger provision should be made for Public Works Extraordinary from revenue. The Estimates now before you have, in fact, realised to some extent that second hope, but they do not realise it to the extent which the interest of the Colony really demands, and I would therefore be honourable Members to consider the problem which is involved.

In the special conditions of this Colony, it may be regarded as a certainty that estimates of revenue will be considerably exceeded in every normal year. That is not peculiar to ourselves ; it is a feature equally apparent in the revenue estimates of neighbouring territories. We have hitherto been rightly content to allow the large annual surpluses which have thus accrued to swell the total of our surplus balances ; but now that our surplus balances total nearly half a million the time has come to call a halt to that simple process. For, if no halt is called, we shall be allocating many works to Loan which can quite properly be carried out from revenue. I am convinced that the annual balances of revenue over expenditure should now be used as far as possible to keep down our recourse to Loan for the buildings and services which the Colony requires.

One way of doing this, approved in Colonial Regulations, is to budget for a deficit, explaining in what manner the deficit is to be met and providing in the Appropriation Law that the expenditure for the year shall be made a charge not only against the revenue of the year, but against the other funds of the Colony. There are great objections to that course, at any rate for a Colony in our stage of development. To budget for a deficit is necessarily to create a bad impression, for far more people will read of the deficit than will ever read the explanation accompanying it. There must always, moreover, be some danger that no increase of revenue over estimate may be realised and that the deficit may therefore involve the country in an inroad upon the surplus balances of previous years. Both these objections seem to me to rule that course of action out.

Much preferable is the second alternative, and with great respect to honourable Members on my left, I regard the second alternative as equally consonant with Colonial Regulations, which specially lay down that Supplementary expenditure may

be authorised upon works which cannot be postponed without detriment to the public interest. This alternative method is to introduce Supplementary Estimates for minor works at a later period of the year when a surplus of revenue over estimate is assured and it is clear that the Colony can afford to do the work from revenue without further delay. If this principle is not adopted only two alternatives exist. One is that surplus balances should be built up in excess of the Colony's requirements while a large proportion of minor public works is concurrently charged to Loan ; or else the Colony must be persuaded to dispense with many public works, such as roads and bridges, which from the state of its revenue it can perfectly well afford.

I hope, therefore, that in the future honourable Members of Council will agree to distinguish clearly between Supplementary Estimates under recurrent and non-recurrent heads respectively, and that they will approve the course which I recommend for their consideration, namely, that when revenue is available over estimate in the course of a year, it shall be devoted, at least in part, to necessary minor public works in order to reduce the expenditure which the Colony must otherwise incur under Loan.

I hope I have not stated these principles in a controversial manner. So far as I was controversial I was only intending to defend the Administration which has, I think, made a remarkable effort in the present year to reduce supplementary expenditure. This will, I hope, be recognised. For the rest there is involved in this question of Supplementary Estimates a very grave question of policy to which I hope close attention will be given.

I am keeping honourable Members on unconscionable time but there are one or two other matters of salient importance in the history of the present year to which I should ask leave to refer before I sit down. In the first place there is the Defence Force Ordinance. I congratulate the Colony on the satisfactory conclusion of that controversy. I have signed an Order that the Defence Force is to come into effect at some date to be named but not before January the 1st, 1928 (hear, hear), and I hope to put it into force the moment I hear of the appointment of a Staff Officer and when the staff organisation is ready. I have brought up from Southern Rhodesia some valuable reports for our guidance upon the working of the Defence Act there, and I hope to be able to announce the appointment of a Staff Officer very shortly. I believe that from this Ordinance the youth of the Colony will derive inestimable benefit.

There are one or two points connected with the work of the Medical Department to which I should also like to refer.

Very important during the year has been the discovery of a high percentage of hookworm amongst the tribes at the Coast. In some parts that percentage is as high as 100 per cent. Adequate measures are now being taken in combination between the Medical Department and the Administration to carry out an intensive campaign against hookworm and I hope that the result gained will be of lasting benefit to the tribes and the coast generally. Experience shows that hookworm is a disease which can be completely stamped out.

Another point to which Government is giving attention at the moment is the question of Grants-in-Aid to Missions. I think that the present system is unsatisfactory because we have not worked out adequate principles of policy in this respect. We are now trying to arrive at certain principles and I hope that we shall be able to lay them down in due course by agreement between this Council, the Missions and the Government. The combined hospital for Nairobi is a problem always with us, but I think the time has really arrived to achieve a final decision, if possible, with general consent. This raises the question of the future of the European Hospital in Nairobi. There is need too to think out the development of medical services for Europeans while reducing overhead charges. I do not think that these questions of organisation should wait upon the gradual application of the Feetham Report and I am considering with the Director of Medical and Sanitary Services the best means of working some policy out.

Education is too large a subject for the latter end of a long speech, but I should like to say that very great progress has been made with educational buildings and that close attention is now needed to the strengthening of staff. There has been a great transformation to my knowledge in the European School at Nairobi in the past year or two, and that is an example of what can be done. I should like to express my great appreciation of the work done there by Captain Nicholson, who, I am glad to say, will be returning to the Colony very soon.

The Indian School in Nairobi will be begun very soon, and I hope that the Indian Girls' School in Mombasa will be undertaken without delay.

The Jeanes School and the Eabete Industrial Training Depot for Africans have made great strides in organisation during the year. The demands of Africans for education here and everywhere are growing fast and much careful study and experiment is necessary to enable us to respond to that demand with true advantage to African and all other interests.



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With regard to Public Works there are two subjects of special interest to honourable members. The Road Adviser has arrived during the year and we have before us an excellent report from the Director of Public Works upon the permanent roads required for construction now in the Colony. A large programme of work is before us and as I have told you provision has been made for it not only in Public Works Recurrent and Public Works Extraordinary but also in the Loan Programme for next year.

I am also very anxious that our equipment for water-boring should be expanded at the earliest possible date. If the bores which are at present being tried in the neighbourhood of Nairobi prove themselves, as I hope they will, provision will be made in Public Works next year for further plant and staff.

Housing is also a most urgent question. I think that the Government must build, for we cannot face again so great a demand for rents and house allowances as occurred in the last Supplementary Estimates. I hope to have an opportunity of discussing that subject with Elected Members, for much depends upon it.

I think I should draw attention to the valuable work which has been done in regard to statistics for the Colony during the year. It has been principally a work of preparation but the foundations are well advanced. The Banks have been of great assistance to Mr. Walter, the Statistician, and we render them our thanks. The remittances of moneys into and out of the Colony have been analysed. It is too early to try and form conclusions, but I have no doubt that these returns will help Government and the commercial community to follow the ebb and flow of trade conditions in a manner which has been impossible hitherto. Great progress has also been made in the establishment of a scientific system of collecting vital statistics. We have now got schemes for recording immigration and emigration, climatic conditions, prices of commodities and labour returns. As I said, the foundations are being laid and the full results will not be apparent for a little time yet, but I should like all the Colony to know that this excellent work is being done. I think our thanks are due to Mr. Walter who is unobtrusively rendering great services to the Colony and to East Africa.

Honourable members will be glad to know that I have done.

Council will be occupied with the Estimates and with other urgent business well into next month. There will therefore be no need, I hope, for a further session in December, but we shall have important measures ready by January. Foremost

amongst these will be the Native Lands Trust Ordinance, which I hope to discuss informally before it is introduced, and also our schemes of Land Settlement, and the Ordinance establishing a Land and Agricultural Bank. The Commissioner of Lands will make a statement on this subject. I have been very greatly assisted in the last few days by hard work on the part of the Kenya Advisory Committee. The plans for the new organisation are well advanced, and I hope to be able to make an announcement on the subject at a very early date.

In order to provide for the greatest possible measure of co-ordination and despatch to these matters, which are vital to the Colony, Government has carried out a reorganisation of the Secretariat which is shown in the Estimates. I am much indebted to the Colonial Secretary, the Chief Native Commissioner and the Commissioner of Lands for their ready co-operation in carrying this reorganisation out. The Secretariat will now be reorganised in three main branches. On the one side native affairs under the Chief Native Commissioner ; on the other side land, settlement, local government and development generally under the Commissioner of Lands; and there will be a central branch under Mr. Merrick. All business coming under the Chief Native Commissioner's, or the Commissioner of Lands' branches will go to those officers direct and from them through the Colonial Secretary to the Governor. Decisions will be issued to the departments and other bodies concerned by those branches on behalf of the Governor.

The main purpose of this reorganisation is to prevent any growth of water-tight compartments between the administration of the settled and the native areas; to save correspondence and paper work and the delay which they inevitably create ; and to bring those responsible for administration in the settled and native areas respectively into close contact with each other in the central office of Government. There are certain consequential alterations in the Registration and Lands departments which honourable members will observe in the Estimates. The reorganisation shows an immediate economy and I hope it will commend itself to COMICV

I understand that the consideration of Estimates will be postponed until Monday. The Colonial Secretary will now deal in detail with many features which I have necessarily overlooked. In the meanwhile the Estimates are laid upon the table for honourable members' scrutiny.

#### MINUTES.

The Minutes of the meeting of the 16th September, 1927, were confirmed.

## PAPERS LAID ON THE TABLE.

BY THE COLONIAL SECRETARY:

Draft Estimates of Revenue and Expenditure for 1928.

Memorandum on Draft Estimates of Expenditure for 1928.

Draft of Revised Standing Orders.

Annual Report, Prisons Department, 1926.

Annual Report, Game Department, 1926.

Annual Report, Judicial Department, 1926.

BY THE ACTING DIRECTOR OF AGRICULTURE:

Report of Proceedings of Coffee Conference, June, 1927.

Meteorological Records, 1926.

Annual Report, Agricultural Department, 1926.

Annual Report, Forest Department, 1926.

BY THE COMMISSIONER OF LANDS :

Annual Report, Lands Department, 1926.

BY THE DIRECTOR OF PUBLIC WORKS :

Annual Report, Public Works Department. 1926.

## ORAL ANSWERS TO QUESTIONS.

## RAPE CASES.

CAPT. THE HON. E. M. V. RENEALY : Your Excellency, since the question which has been put in by me has been mutilated by Government and I have not as yet had an opportunity of seeing it in its mutilated form ..

His EXCELLENCY : Order, order. The hon. Member is not entitled to make a speech now. If the hon. Member has a complaint he must come and see me about it. I understand the question as put by him is not to be asked.

## FOREST AREA, MAIL

THE HON. CONWAY HARVEY asked :

Who is responsible for (a) the forest area stretching along the slopes of the Mau between the Tugenon and the Amala Rivers, and (b) the area known as the Chebalungu Forest ?

2. What steps are being taken to prevent forest destruction and game extermination in these areas?

THE HON. THE COLONIAL SECRETARY (SIR EDWARD DENHAM). : The Forest Department has not as yet assumed responsibility for the areas in question but it is hoped that that Department will have sufficient staff available in the latter part of next year if the draft Estimates for 1928 are approved to commence an investigation of the areas and demarcation of the portions to be retained as Forest Reserves. Meanwhile the Administration endeavours to prevent damage and game extermination and to remove unauthorised squatters.

STOLE THEFTS—K f SU MU -LON DIAN I.

THE HON. CONWAY HARVEY asked :

How many cases of stock theft have been reported in the Eisumu-Londiani District during 1927?

2. How many such cases have formed the subject of Police prosecutions?
3. How many convictions have been obtained?
4. What penalties have been inflicted in each case?
5. How many cases of stock theft were reported in this area during 1926?

THE HON. THE COLONIAL SECRETARY :

1. In Kisumu-Londiani District during 1927, 21 cases of stock theft were reported to the police up to 30th September. That figure includes five cases of theft of sheep and goats.

2. Police prosecutions took place in eleven of those cases, including three cases of theft of sheep and goats..

The balance of ten cases are accounted for in the statement laid on the Table, which includes also answers to questions 3 and 4.

5. In 1926, 33 cases of stock theft were reported (6 being theft of sheep and goats).

Convictions were obtained in 15 cases (5 being theft of sheep and goats).

In two other cases collective punishment was unposed.

PORTS IN SOUTH KAVIRONDO.

THE HON. P. E. GHANDY asked :

Are the Government aware that considerable delay is caused in transporting produce from the ports of South Kavirondo District into Kisumu owing to there being no regular steamer service to these ports and will the

Government be pleased to state whether they intend to run a regular service to these ports and if so when and to which of the ports?

4 THE HON. THE GENERAL MANAGER, KENYA AND UGANDA RAILWAY (MR. FELLING). There has been no difficulty in clearing traffic from the South Kavirondo ports. The Indian traders complain, however, that they are not aware when a tug is likely to arrive except when the vessel is sighted approaching a port, whereupon they have to send lorries inland to collect the cargo. This is a difficulty but the traffic offering does not warrant a regular service at present and with the present demand on the tugs and lighters it would be difficult to maintain a regular scheduled service. It is suggested that Indian traders could assist both the Railway and themselves if they could see their way to erecting godowns at the ports.

#### KAVIRONDO BRANCH RAILWAY.

THE HON. P. K. GHANDY asked :

Will the Government be pleased to say when a start of the projected railway from Kisumu will be made and whether it is definitely decided the point from which it is to start?

THE HON. THE COLONIAL SECRETARY : The present proposal is that the Kavirondo Branch Line should be started from Kisumu about June or July, 1928, with the object of carrying it as far towards Butere as the money available will allow. The Kenya Government has, however, been asked to guarantee loss on working to the extent of loan charges for this line and the sanction of the Legislature to this guarantee is necessary before construction can begin.

#### ROADS AND BRIDGES-NYANZA PROVINCE.

THE HON. P. K. GRANDY asked :

Is the Government in a position to say what has been decided with regard to roads in the Nyanza Province, including bridges?

THE HON. THE DIRECTOR OF PUBLIC WORKS (MR. SIRE) : Draft Estimates for 1928 include provision for the construction of two important bridges in the Nyanza Province and for some development of roads generally. Further proposals are under consideration for constructing feeder roads from loan funds. Of the £100,000 suggested for this purpose as a first instalment £17,000 has been tentatively allocated to feeder roads in the Nyanza Province.

## SCHOOLS IN NYANZA PROVINCE.

THE HON. P. K. GHANDY asked :

When does the Government intend to make a start with the erection of the Nyanza Indian Boys' School in Kisumu and are the Government in a position to say what other schools in Nyanza will be assisted with a grant-in-aid in the next financial year?

THE HON. THE DIRECTOR OF EDUCATION (MR. ORR) : It has not yet been found possible to allocate funds for the erection of a new Nyanza Indian Boys' School in Kisumu.

Provision has been inserted in the draft Estimates for 1928 for grants-in-aid to be made to the schools at Mumias and Sio River in addition to Asembo Bay, Arya Samaj, Kisumu, and the Ismailia Girls' School, Kisumu.

## ROADS AND DRAINS, NEW BAZAAR, KISUMU.

PHs HON. P. K. GHANDY asked :

Will the Government be pleased to give the reason of delay in constructing roads and drains in the new Bazaar in Kisumu although large number of buildings are already erected and when does the Government intend to begin building such roads and drains?

THE HON. THE COLONIAL SECRETARY : The necessity for making provision in the draft Estimates for 1928 for the construction of roads and drains in the new Bazaar in Kisumu came to the notice of Government too late for insertion in the draft Estimates as presented to Council. The possibility of including provision on this account in the Estimates for 1928 will be considered in connection with the Public Works Extraordinary Estimates in Select Committee.

## INDIAN REPRESENTATION ON KISUMU TOWNSHIP COMMITTEE.

THE HON. P. K. GHANDY asked :

Will the Government be pleased to state when they intend to increase the Indian representation in the Township Committee, Kisumu?

THE HON. THE COLONIAL SECRETARY : Government has under consideration the report of the Local Government Commission on the Settled Areas in which the appointment of some additional Indian representation on the Kisumu Township Committee is recommended.

O TRAVELLING EXPENSES, ATTORNEY GENERAL'S DEPARTMENT.

THE HON. CONWAY HARVEY asked

With reference to the answer to Question No. 125/27, will Government be pleased to state the number of cases in which members of the Attorney General's Department were concerned in the course of the 16,458 miles travelled on Supreme Court work and 2,182 miles on Court of Appeal work, respectively, which involved an aggregate Transport and Travelling Expenditure of £617?

THE HON. THE ATTORNEY GENERAL (MR. HUGGARD)

The number of cases is as follows :-

In the Supreme Court, 160 cases.

In the Court of Appeal, 13 cases.

HON. CONWAY HARVEY : Your Excellency, arising out of that answer, may I ask whether Government will seriously consider the possibility of effecting economy by limiting the number of places at which the Supreme Court sits, whether in effect it would not be better for them to sit at suitable centres than to incur the enormous cost for joy rides into the " blue " ?

INDIAN WARD, KISUMU HOSPITAL.

THE HON. P. K. GHANDY asked :

When does the Government intend to build a separate ward for the Indians at Kisumu Hospital?

THE HON. THE DIRECTOR OF MEDICAL AND SANITARY SERVICES (DR. GILES) : Proposals for the construction out of loan funds at Kisumu of a separate ward in the neighbourhood of the existing hospital for the accommodation of Indians have been under consideration. No decision has yet been reached.

## BILL.

### FIRST READING.

THE WIDOWS AND ORPHANS PENSIONS (AMENDMENT) BILL.

On motion of the Hon. the Treasurer (Mr. Grannum) the Widows and Orphans Pensions (Amendment) Bill was read a first time.

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

*Council adjourned to 10 a.m. on Monday, the 31st October, 1927.*

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MONDAY, 31st OCTOBER, 1927.

The Council assembled at 10 a.m. on the 31st October, 1927, His Excellency the Governor (SIR E. W. M. GRIGG, K. C. V.O., C. M. G., D. S. O., M. C.), presiding.

His EXCELLENCY opened the Council with prayer.

MINUTES.

The Minutes of the meeting of the 25th October, 1927, were confirmed.

PAPERS LAID ON THE TABLE.

BY THE HON. THE ATTORNEY GENERAL (MR. HUGGARD) :

Certificate of Emergency relating to the Employment of Natives Bill.

BY THE HON. THE TREASURER (MR. GRANNUM) :

Report of the Select Committee on European Education Tax.

By THE HON. T. FITZGERALD (Postmaster-General) :

Copy of Broadcasting Licence and Agreement.

Copy of Agreement between the Postmaster-General and the British East Africa Broadcasting Co., Ltd.

NOTICE OF MOTIONS.

THE HON. CONWAY HARVEY : Notice of motions, on a point of order.

His EXCELLENCY I do not think it is necessary to read notice of motions.

THE RT. HON. LORD DELAMERE : I did not know the time had arrived, but with Your Excellency's leave for reopening a subject which has already been brought up in this House, I propose to move the following at the proper time :-

" That in view of the undesirability of controversy about the proposed site this hon. Council considers that another plot should be offered to the Coryndon Memorial Fund Committee ; that the question of the Lady Northey Home should be left to be decided on its merits in the future between the Committee of that Home and the Town Planning Committee in the interests of the layout of the capital ; and hereby rescinds the vote of £6,500 granted in Supplementary Estimates at Mombasa on the 16th of September last, for the purpose of purchasing the Lady Northey Home."

I beg simply to give notice of that Your Excellency, that this subject should be reopened.

### MOTIONS.

#### EXPENDITURE FROM LOAN FUNDS ON LOCOMOTIVES AND ROLLING-STOCK.

THE HON. THE GENERAL MANAGER, KENYA AND UGANDA RAILWAY (MR. FELLING) : Your Excellency, I beg to move the motion standing in my name :

" Whereas by resolution dated 5th November, 1926. this Council authorised the Government to undertake negotiations for obtaining as required loan funds in pursuance of railway and port developments :

And whereas it has become necessary to incur loan expenditure on railway locomotives and rolling stock to the extent of £231,520 and the Secretary of State has intimated that the Crown Agents will advance the necessary funds :

Be it resolved that this Council authorise the following expenditure as a charge against loan account :—

Railways—

Locomotives and rolling stock	£221,520."
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The substance of the motion is that this hon. Council authorise from capital the expenditure on locomotives and rolling-stock to the extent of £231,520.

In moving this resolution, I would draw the attention of Council to the fact that on the 5th November last a resolution was passed authorising the Government to undertake negotiations for obtaining certain loan funds, and in these proposed loan funds was included an amount of £850,000 for locomotives and rolling-stock.

In this resolution there was a clause authorising immediate expenditure to a specified extent, to the extent of £300,000 for rolling-stock. This resolution was passed on the 5th November last.

On the 26th November last, we placed an order for rolling-stock to the value of £120,000 ; on the 11th March last we placed a further order to the extent of £180,000; that absorbed the £300,000 authorised as immediate expenditure.

In spite of these orders, on the 16th May, while I was in London, a cable was received urging the immediate placing of orders for £231,520 and this is the order for which authority is asked to-day.

Your Excellency, I think it would be wise if I told hon. Members the general position in regard to rolling-stock, especially in connection with certain criticisms directed against

the Railway Administration by this hon. Council quite recently. In passing I would like to say that we welcome criticism, but criticism would be very much more effective if hon. Members would first of all get the facts. I gave a lot of facts in my Budget statement and in my Annual Report, and if they are not enough hon. Members can always ask questions.

One criticism directed against the Railway Administration was that it spent too much from renewals and betterment funds and too little as against loan account.

Now, Sir, in order to explain the position I would just like to say that from the 1st of January, 1923, up to and including the completion of orders still outstanding, we shall have spent on locomotives and rolling-stock over the five years as against capital account the sum of £1,873,210, and against renewals and betterment funds £142,722. I would like to repeat these figures ; against loan account £1,873,210 and against renewals and betterment £142,722, all on locomotives and rolling-stock over five years.

Of course, Sir, my fear is that giving these figures may result in criticism the other way round. That has very often happened, where I have myself initiated criticism I have found it directed against me.

THE RT. HON. LORD DELAMERE : It is better, I think, to say nothing.

THE HON. THE GENERAL MANAGER : To be quite frank, Sir, I would like to charge more against renewals and betterment funds, but we have a very large main line relaying programme on hand and we cannot therefore absorb these funds for rolling-stock.

The second point is that after the next two or three years it may be possible to devote much larger sums from renewals and betterment to rolling-stock—unless we are steadily stripped of income to such an extent that we have not got the money.

Including the stock now on order we shall have increased the locomotives and rolling-stock on the line since the 1st January, 1923, to the following extent :—

	No.	Or an increase of
Locomotives and shunting engines	99	90%
Carriage stock ..	76	40%
Brake vans	47	54%
Goods wagons ...	1,309	89%
Miscellaneous wagons ...	108	108%

I give these figures because they are very important in connection with the coming season.

Our total engines in the five years will have increased by 129 per cent., and our goods vehicles by 108 per cent., and yet, Sir, notwithstanding these figures we were told recently that there had been times when there had been a shortage of wagons. I must refer to that again, Sir, because of the season coming. I trust the hon. Member opposite who did it before will not describe me again as a "mad expert," but speaking from long railway experience I can only say that I have never heard of a railway administration which, in the opinion of the users of the railway, consistently had a sufficiency of rolling-stock. The reason lies in this, that if any individual happens to be short of trucks for a few days he immediately raises an outcry against the shortage of rolling-stock. In other words, unless the railway has available on any day, or during any week, a full supply of trucks to carry the maximum traffic there is likely to be a complaint of shortage of trucks. This is quite a common complaint against railways. As far as we are concerned I think we have gone as far as we can reasonably be expected to go and that for a while I do not think we can place any more orders except perhaps for passenger stock and perhaps for oil trucks or special vehicles of that sort.

At the same time I must again point out that the bulk traffic, maize and cotton, has to be carried in the same season. This means that to have sufficient rolling-stock for this bulk traffic we have to incur, as I have shown this morning, very big capital expenditure to meet these loads and I must warn the country that there is a limit to where we can go in that respect. We cannot continue, we cannot afford to continue, to contract the maize exporting period (Hear, hear) and continue to increase capital charges with the stock standing comparatively idle for part of the year. (Hear, hear).

I hope hon. Members will not misunderstand me, but it is the case that we carry maize to the coast at a very low rate, and we do the same with cotton seed. I should like to see maize carried at that rate for some years to come and there is no intention on my part to suggest an increase in the maize rate, but we must face financial facts and it is the fact that maize is carried to the coast at a low rate and it is carried at a period of the year which involves a large capital expenditure on rolling-stock and we cannot go beyond a definite point with that system. In some countries, Sir, and that is why I mention it, when traffic of that sort is carried all other traffic is stopped. We may have to come to that and I trust that the country will be fully aware that that position might arise. From a railway point of view we want to cope with the traffic as far as it is possible on a small railway like this.

While I am on the subject I would like to remark in connection with the maize traffic, that the co-operative societies in Kenya are doing most excellent work in organising traffic and they work in very close touch with the railway officials and I do appeal to farmers and others to work in close touch with their societies. Individuals coming to us separately for trucks for maize and other commodities at different times merely upset the general organisation. Meanwhile we must have this additional rolling-stock and I hope hon. Members will raise no objection to the passing of this resolution.

THE HON. THE COLONIAL SECRETARY (SIR EDWARD DENHAM) : I beg to second.

HIS EXCELLENCY: The motion is :-

" Whereas by resolution dated 5th November, 1926, this Council authorised the Government to undertake negotiations for obtaining as required loan funds in pursuance of railway and port developments :

And whereas it has become necessary to incur loan expenditure on railway locomotives and rolling-stock to the extent of £231,520 and the Secretary of State has intimated that the Crown Agents will advance the necessary funds :

Be it resolved that this Council authorise the following expenditure as a charge against loan account :—

Railways

Locomotives and rolling-stock      ... -e231,520."

THE RT. HON. LORD DELAMERE : Your Excellency, I am sure that all Members on this side of the House will support this proposal of the Hon. General Manager. It is naturally up to him to know exactly what rolling-stock is required and for us to support these proposals as far as we can.

With regard to the statement he made that it was impossible to contract *ad infinitum* the time in which crops like maize and cotton are being shipped, I will say, as far as I am concerned, I must entirely agree with him though I must ask him to give all the time he can to these industries, but there must be a limit as to the time that you can take out crops which constitute a very large proportion of the stuff carried by the Railway.

THE HON. CONWAY HARVEY : Your Excellency, we all deeply appreciate my hon. Friend's most excellent advice that criticism should be based on proper data, but he would be far

more convincing, Your Excellency, if he gave us an example and refrained from statements such as that at Mombasa when he said that farmers would probably get far better results out of their fuel if they took more care with their tractors. I suggest quite seriously, Your Excellency, that that criticism was not based on facts in any shape or form.

There is one other point I wish to mention, Your Excellency, and that is I would ask Council to very seriously consider whether the money we vote to-day, and all similar votes, would not be far more profitably expended by the Railway Administration than by unnecessarily employing the medium of the Crown Agents to do our shopping. (Hear, hear). We do feel most strongly that we should get far better value for our money if the money was spent by those concerned in extracting the fullest possible value from every pound that is spent.

THE HON. T. J. O'SHEA : Your Excellency, there are one or two points arising out of the Hon. General Manager's statement with which I would like to deal very briefly. Just recently Members on this side of the house have been treated to a good deal of paternal advice on the subject of giving criticism with regard to railway finances. I have always admitted that my own knowledge of railway finance was hardly sufficient to justify my opinion being taken very seriously. On the other hand I think we can prove to-day that the criticism given on this side of the House in the last year or two has had very definite results, one of which has been very much more comprehensive statements of the financial position of the Railway than we were ever treated to before, and in the course of one of these statements, Your Excellency, we have Your Excellency's authority for saying that during the last five years revenue has contributed over £2,500,000 for capital expenditure. That is a statement of fact that was not tendered to us until this criticism was offered. Now the Hon. General Manager comes along and states that on the purchase of locomotives and rolling-stock only £140,000 has been spent out of these funds and that nearly two million pounds were spent out of new capital. Well, Your Excellency, I do not think it is competent for us to dictate to the hon. General Manager how he should distribute the expenditure of these funds. He has only spent £142,000 on locomotives and rolling-stock out of that 21 millions, but I presume, having the utmost confidence in his management, that the balance of the money has been spent in other directions.

Well, I think it was hardly fair of him to make the argument he did at the opening of his address that the expenditure of that small amount out of betterment and renewals funds

against the very large amount out of capital may give rise to the criticism that we are not spending enough out of capital on capital works. I do not think it is fair and it is likely to be misleading to deal with the question in an impartial manner like that. Revenue has contributed 21 millions to capital works during the last five years and it is merely a detail that only a small contribution of that amount has been spent on this particular item.

Another aspect of the Hon. General Manager's policy in this direction, Sir. Are there many railways in the world that have been built out of revenue? His argument appears to me to be this. We started off with a railway which was capable of certain earnings and out of those earnings it should be possible to considerably extend the system without raising further capital. That is what it amounts to, that it should not be necessary to raise capital if we can squeeze it out of revenue. Well; I submit that policy has been followed in this country and it has placed a very serious burden on the producing community. Has the hon. gentleman taken into consideration that a very large proportion of these balances have been squeezed out of bank drafts at 8 per cent. He can borrow new capital at approximately 5 to 6 per cent., but the surplus money that he squeezes out of revenue is bearing interest in local banks at 8 and 9 per cent. That is a point which I think should be borne in mind by Government in future.

The result, Sir, of that, in my opinion, also has a bearing on the subject of rolling-stock requirements during the busy season. Up to a year or two ago there was very serious criticism of the Railway Administration in this connection, but during the past season or two there has been practically none because the country recognises that during the last year or two the Railway has made efforts to meet the situation and I feel certain that the country recognises that it is possible from any point of view to provide sufficient rolling-stock during the busy season of only three months without delay and then have the bulk of that rolling-stock lying idle for about nine months of the year. On that point I think we can all assure the Hon. General Manager that the country fully understands the position and deeply appreciates what he has done.

THE HON. THE GENERAL MANAGER, KENYA AND UGANDA RAILWAY (Mr. C. L. N. Felling) : Your Excellency, it is always a very great surprise to me that although hon. Members opposite criticise freely, when I dare to make a criticism myself the whole country immediately becomes most extraordinarily sensitive. A short time ago I made a gentle

statement with regard to farmers looking after their tractors and every individual farmer in the country seems to consider himself insulted in consequence. But they don't mind in the slightest what they say about me. That little criticism of mine, which I believe has done a lot of good, was based on information given to me by a man from another country who has had tremendous experience in connection with the use of tractors and who, having travelled through this country, expressed the opinion that it was necessary for people to be more careful about maintenance. I thought it could not do harm—and I do not claim to be an authority—and that it might possibly do good to pass on that advice.

It has been suggested that the criticism with regard to shortage of trucks has not been made recently. In reply to that I would say that that criticism was made during the course of the recent debate on the Railway Budget.

With regard to the suggestion that it is only recently that extended budget statements have been given : the country has had more information about the Railway since I came here than ever it had before. It was I who initiated the system of making a comprehensive budget statement and I did that in the first budget I introduced. I have given the fullest information also in the annual report and if people will not read that most interesting document I cannot help it. The facts and figures are all there.

The balance sheet is there ; the capital account is there; our renewals account is there; they can see exactly what has been contributed to the various funds and exactly how the money has been spent ; and if they will not read that delightful light literature, they must not blame me. I have spent a lot of time in getting out figures. if hon. Members will only read the annual report they will not go wrong as one hon. Member did this morning when he suggested that two and a half millions had gone from revenue to capital expenditure. That is quite incorrect. The two and a half millions is the amount of the total contributions to renewals as well as to betterment fund. Renewals cannot be regarded as new capital expenditure, as replacements are a legitimate charge against revenue. The actual amounts contributed to the renewal fund are far short of the arrears estimated by Colonel Hammond when he reported on this railway in 1921. I consider that Colonel Hammond was a little too liberal in his provision, but he was undoubtedly right in pointing out the very, very big deficit owing to the lack of provision for renewals over so many years and the amount was certainly far short of what I consider it should have been. A point I wanted to make about that is this : that hon. Members do not seem to realise that concurrently with this expenditure



against renewals and betterment funds we have been going full tilt against loan expenditure. So much so that a loan bill for a large sum will come forward in this Council very shortly. I do not know what hon. Members expected us to do in the way of loan expenditure. We have certainly gone as far as we could be expected to go in regard to the loan expenditure, but I would like to know where this country would have been when it went to the London market to raise a loan if it had not been for the policy of the Railway in connection with the renewals and betterment funds. That policy made it possible for us to go to the London market and rely on getting a loan on reasonable terms. We cannot have it both ways. We must see that the position is sound and I contend that the Railway has created a sound position. An hon. Member has suggested that we have been squeezing money out of an unfortunate public ; but it is an indisputable fact that our receipts per ton mile to-day are in the neighbourhood of something like 27 per cent. less than they were five years ago. There has been no increase in rates ; on the contrary there have been hundreds of rate reductions; and we intend to do more in this direction as soon as the time comes. As Your Excellency stated the other day the rates question is a matter of extreme perplexity. Our classification originated in the past and it will take a lot of revising. It is a long and difficult job, but I hope that within a reasonable time we shall be able to do more in the matter of railway rates.

The question was put and carried.

#### ESTIMATES, 1928.

THE HON. THE COLONIAL SECRETARY (SIR EDWARD DENHAM) : Your Excellency, the motion standing in my name on the order of the day is :—

" That this Council refer the Draft Estimates for 1928 as printed and laid on the table to a select committee of Council."

In Your Excellency's speech before this Council last week you referred to the salient points in the Estimates for 1928 and pointed out to Council that perhaps the main feature of these Estimates is the proportion of expenditure to be devoted to Public Works Extraordinary and the balance between anticipated revenue and recurrent expenditure. In the Memorandum which has been furnished to Members changes in Estimates have been set out in detail. I do not propose therefore to-day to take up the time of this Council at any very considerable length, with regard to the Estimates as laid on the table, but there are some important features in the Estimates which I desire to elaborate before they are referred to the Select Committee.

It may in the first instance be noted that the surplus for 1928 is put at £21,639, and I trust this will not be regarded as a paltry sum, though it is less than the estimated surplus for 1927, but I submit that the balance as it stands is sufficient and that we have attempted this year to avoid setting aside to surplus balances amounts which may be considerably in excess of our actual needs in the way of a reserve.

In saying this I trust that I shall not be regarded as suggesting that the Revenue Estimates have been prepared in any other than a conservative spirit, and Government has every reason to suppose that unless any untoward event occurs the revenue which we anticipate will be obtained for 1928 will be over the estimate. The increase in the non-recurrent expenditure only commits the Colony in respect of the Budget for 1928, except possibly in regard to re-votes and it may of course be found when the Estimates for 1929 have to be prepared considerably to curtail non-recurrent expenditure. Further, it is obviously easier to meet expenditure on such work when one's surplus funds stand at a reasonably sound figure. The latest reports received from the Treasurer are optimistic and we have now every reason to believe that our surplus balance at the end of the year will amount to over half-a-million.

It must not be assumed that Government is content with this sum. It is hoped to add to it but it certainly makes the position a touch easier one when a Colony has reached a margin of safety. The Colony at any rate has passed a "promotion bar."

I am, of course, aware that Council was anxious to be assured that recurrent expenditure is not increasing disproportionately, and I think that I can give Council this assurance. The actual increase in new pensionable posts in next year's Estimates is £13,000. A list of such appointments is attached to the Memorandum, from which it will be seen that the increase is chiefly due to new appointments in the Public Works Department in respect of foremen and clerks caused by increases in works. There have been a considerable number of readjustments between the Departments. There are also increases in the Education, Medical, Agricultural and Forest Departments, which are all associated with increases in the work of these Departments on lines already approved. The statement on page 4 of the Memorandum shows the principal increases in recurrent expenditure.

There have been some changes in the scales of pay and with but very few exceptions these were approved by the Committee which was known as the Anomalies Committee.

It must further be realised that the progress of this Colony must necessarily bring in its wake increased provision for giving effect to and taking advantage of these developments.

For example, Local Government cannot be introduced without a considerable amount of Studied preparation and the formation of a branch to deal with this subject. Now the necessity for the creation of such a Department has largely been obviated by the scheme which is put before you in the Estimates for a redistribution of work and for bringing in the Local Government and Land Settlement branch into the Secretariat as a separate executive organization, though joined for the purposes of administration to the Secretariat. The abolition of the Lands Department, which is shown in this year's Estimates, has freed the head of that Department and a member of his staff for work in connection with the Local Government and Land Settlement, while the reduction of the Secretariat staff has provided him with a principal assistant, so that this branch of work can be undertaken by experienced officers without any actual increase in expenditure on their account. But it follows that certain technical posts in connection with Local Government of this nature must entail the engagement of specially qualified officers. Consequently the initiation of a Local Government organization has made it necessary to secure the services of a Local Government Inspector, a post which it is proposed to fill by the appointment of Mr. Shilton, who came up to this country with Mr. Justice Feetham, and a Municipal and Town Planning Engineer, with a draughtsman to assist him.

Again, developments in the Public Works Department and the execution of a considerable road programme which it is proposed to meet principally from Loan funds, must have its effect on the personnel and the provision of staff in the Public Works Department. Council has already approved an increase in Supplementary Estimates, Audit, Accounting and Stores staff, to relieve Executive Engineers of much routine work, but it is also necessary and important in this connection to prevent wastage of labour and at the same time afford training to the increasing number of Africans employed, by engaging additional European assistance. Again, one of the principal features in this year's Budget is the additional provision which is to be made for Native services, especially in respect of medical, educational, veterinary and forest work.

To provide for these medical services provision is made in the Estimates for two new Medical Officers, five Nursing Sisters, and three Sanitation Officers. I need not, perhaps, stress on Members of this Council the importance of

increasing and extending still further medical work in the Native Reserves. The position is set out at length on pages 27 to 30 of the Memorandum. The Director of Medical and Sanitary Services is drawing up a programme for the Works Committee showing the expenditure which he proposes should be incurred during the next five years. But in the meantime heavy mortality in such districts as the Teita area and increased demands in the more advanced districts for European medical treatment can only be met by the increased provision of staff. The first attempt has been made in the Estimates this year to spend money on the training of African women. The defects which are so apparent in the African servants introduced into towns can, it is believed, be largely removed by the introduction of the African woman to useful domestic service, all occupation in which there is no reason to believe she cannot be as well trained and as useful as the thousands of African women who are employed in this work in America, the West Indies, and other parts of Africa.

These women can be trained not only in the Reserves but also in the towns. Already a number of African women are employed in the hospitals. Government is also desirous of encouraging missionary or other enterprise to start a training centre under competent European supervision in branches of domestic science for African women, and a sum of £1,000 has been inserted in the Estimates for this purpose as a first instalment to be paid on a *pro rata* basis.

Provision has also been made in the Estimates for 1928 for clinics for the treatment of children, mainly Indian and African, whose parents may not be able to afford to give them the eye, ear and dental facilities which may be urgently needed.

In education the Native is beginning fully to realise the value of technical and vocational training, and the Native Councils in North and Central Kavirondo and also, I believe, in Iiyambu, since the preparation of these Estimates, have of their own accord offered to raise by a special levy extending over two years the sum of £10,000 in each Reserve for the erection of school buildings. It is proposed that the buildings to accommodate 100 boys to be selected from the bush and mission schools and who are reaching an age at which they are ripe for such instruction—to erect for them workshops, staff quarters and dormitories; that the salaries of the European staff should be paid by Government; and of the native staff by the Local Native Council.

The cost of maintenance to be divided equally between the Local Native Council and the Government.

The cost of boarding, including food, clothing and lighting, to be borne in the first instance by the Local Native Council, and to be recovered from the parents of the pupils attending the school. It is proposed that the course should be for five years, though pupils may be transferred after two years to the Native Industrial Training Depot at ICabete.

It is believed that these schools, if established, will be constant and valuable feeders to the N.I.T.D., where I believe at the present time there are over 350 Africans engaged in training. It is estimated that the cost to Government will amount to about £1,500 per annum in respect of each school. It is hoped that Council will concur in these recommendations, which have the advantages of both teaching and profiting by self-help in the Native Reserves.

Provision has been made for increased Veterinary Staff in Central Kavirondo and the Northern Frontier Province to be covered by revenue obtained from inoculation fees. The extent to which the natives in this country have willingly paid for the veterinary services which they have received may be realised by Council when I inform them that a sum of £32,054 has been received in revenue from -veterinary inoculation fees and purchase of sera and vaccine for the natives during the past two years, while the expenditure on veterinary services to obtain this return during the same period amounts to £21,690. In 1925 181,261 head of cattle were inoculated in quarantine stations in Native Reserves against rinderpest, and in 1926 144,873 head, while 47,102 and 37,151 head respectively were vaccinated against pleuropneumonia in these two years. It is obvious that unless facilities are given to native tribes to enable them to dispose of their cattle out of their Reserves, large accumulations of stock without profit to their owners or the Colony must take place in the pastoral areas.

A sum of £1,000 has been included for the improvement of native sheep, and it is hoped that the experiments made in this direction by the importation of animals to be crossed with native sheep will prove successful.

It has long been recognized that the Forest Department in this Colony has needed strengthening and the natives have shown in recent years, largely through the influence of the administration and the Native Councils, appreciation of the necessity of re-forestation in the Native Reserves. Considerable sums have been voted from the Native Ceases for tree planting. In one area the natives have themselves paid the salary of a European forester. Native Councils in Nyanza, Ukamba and Kikuyu Provinces have voted sums amounting to She. 62,578 for forest services, staff and main-

tenance of nurseries, while in the Kerio Province Sh. 6,000 have been voted in Native Council Estimates for next year for the provision of a special forester.

Provision has been made for forest services in the South Kavirondo and Kisii Reserves, where the Native Councils of both Reserves have offered to contribute towards the expense.

A Committee was recently appointed by Government to consider the question of agricultural education in the Reserves. The Report of this Committee has now been received, but no special action has been taken on it in connection with the Estimates.

It is hoped shortly to be able to draw up definite proposals with regard to the collection, allocation and control of Native Cesses which have been raised in most districts. There is some risk on the one hand that disappointment will have been caused to the natives by delays or obstacles being placed by Government in the execution of works for which they have subscribed ; while on the other hand there is a danger of an unsatisfactory competition by Departments to secure contributions from the Cess for departmental work in the Reserves.

Laudable though these attempts may be, they are as yet unsatisfactory, for there is a serious danger of policy being sacrificed to importunity or expediency. The Chief Native Commissioner, I am aware, fully appreciates this danger and it is to be hoped that in 1928, meetings of the Native Councils will be held at which the needs of the district will be fully examined and programmes to cover expenditure over a number of years will be drawn up, for the approval of the District Officer and the Native Affairs Department.

In the meantime, however, it would be both unwise and inexpedient not to meet at least to some extent the full measure of self-help which has been forthcoming to a remarkable degree amongst many of the tribes.

The increased provisions in the Estimates in no case entail increased taxation for European, Indian or African. The basis of taxation remains the same as it was last year. It was hoped that it would be possible to find an alternative for the present Education Taxes. But no working alternatives have been put before Government.

On the figures as calculated it appears that there will be a difference of f6,354 between the estimated revenue and the estimated expenditure in 1928 on European and Indian education. But it is by no means clear that such a deficit will

exist. Under all the circumstances therefore it seems advisable for Government to let the present taxes stand until the whole question, basis, and system of taxation receives further consideration.

Dealing generally with the question of establishments, I may inform Council that action has been taken in respect of several matters in which Council has interested itself in the past, though these have not matured sufficiently as to affect the present estimates. In conjunction with Uganda a re-arrangement of posts has been reached for the purposes of passages. A proposal has been submitted to the Secretary of State that appointees to posts the maximum salary of which does not exceed 2600 per annum should, with certain exceptions, be entitled to second class travelling privileges only. The immediate financial effect of this innovation will not at the moment be considerable, but it will lead to considerable Ultimate economy. This arrangement will not affect present holders who have hitherto been granted first class privileges, with this exception, that officers on agreement and occupying posts with a maximum not exceeding 2600 will be brought under the new conditions in regard to passages should they be re-engaged.

The grant of outfit allowances has been the subject of correspondence with the Secretary of State to whom a recommendation was made that these should cease. The Secretary of State desired that adjoining territories should be consulted and pending report from these the matter is held in abeyance.

The tours of service and facilities to be afforded officers for spending their leave in this country have been the subject Of discussion. A step towards providing further holiday facilities in the country has been made by providing in the estimates under Public Works Extraordinary for a Rest Douse to afford holiday accommodation for Government servant and their families at the Coast.

In respect of the Asiatic service it is proposed to remove two long-standing grievances by the provisions of items which appear under Items 36 and 45, Miscellaneous Services. A sum of 21,700 has been inserted to cover the cost of proposals introducing a long grade system into the terms of service of the non-European clerical staff. The regrading which took place some three years ago was admittedly unsatisfactory in respect of the block caused in promotion among the senior Asiatic clerks. The scheme now proposed, while it involves immediate increase in expenditure to the amount stated, will result in an ultimate saving. It is also proposed to grant Asian civil servants concessions in respect of part of the cost of passages to and from India of their wives and families on lines similar to those in force for the European civil servant.

An acute question which affects Government servants is that of accommodation. The Colony's increasing rent bill renders it absolutely necessary that housing accommodation should be provided either by a scheme of advances to Government servants to enable them to erect their own houses, or by the provision of further housing accommodation by Government, or by the adoption of both schemes. Provision has, as you are aware, been made in the Loan to deal with this problem and a Committee is now sitting to investigate the latest scheme put forward for advances for building, which it is hoped will lead to the amelioration of present conditions and to a reduction in this heavy expenditure under Public Works, Head XXX, Item 3, which now amounts to £59,000, in the near future. I may inform Council that the question of rigorously adhering to the 15 per cent. house allowance and declining to do more than provide the officer with such an allowance was fully investigated in the course of this year, with the result that it appeared that the sufferers would be the less well-paid officers and that 15 per cent. of salary does not represent at present, owing to high rentals, a grant for suitable free housing accommodation which it was intended to guarantee. The inclusion of all allowances in salaries has Dwell to colon:end it. It has at different times been advocated, but to take the example of house allowance, it does not appear that it can be effected with any resulting economy at the present time.

I will now deal with special *new* items of interest as they appear in the Estimates. I have already referred to the reorganization of the central offices of Government. The arrangement is one which will bring the Native Affairs Department and Local Government and Land Settlement into direct communication with the Governor through the Colonial Secretary, or with the Colonial Secretary direct. Had the central offices of Government been available a further saving of time and correspondence would undoubtedly be effected by bringing the three Departments under one roof, but it is hoped that it may be possible in respect of the Land and Local Government Office. In any case a considerable amount of circumlocution and delay in correspondence will be avoided as all subjects coming under the Head of Native Affairs, Local Government, Land Settlement and Land, will be dealt with by the Departments concerned with direct reference if necessary to the Colonial Secretary, but without sending correspondence through the Secretariat. In conveying the instructions of Government on matters of correspondence between these Departments and other Heads of Departments the communicate will be in the form of a copy of the Governor or Colonial Secretary's instructions.



Co-ordination between the settled and unsettled areas will be rendered easier and more expeditious. This arrangement enables officers from the Secretariat to be attached to the new Local Government Department with consequent reductions in the Secretariat staff. The statement on page 12 of the Memorandum further explains the position. It will, I think, be possible to effect further savings later, but I would ask that at the start when the working of the scheme is to be fully explored, it should not be prejudiced by any shortage of staff.

In making this change I should like to express my appreciation of the loyal and excellent work done by my assistants in the Secretariat—it is due largely to the excessive burdens which have been laid on them in the past and cheerfully borne by them that this measure of relief is necessitated to-day—their help has been invaluable to me.

The Land Department as such goes ; the land work—collection of rents, etc.—will be undertaken in the districts. Those centres at which there is likely to be any considerable increase of work will have their staff augmented by the transfer of officers of the Land Department, while the time of the officers so transferred will be devoted not only to land work but to assistance in the Bomas which should increase the efficiency of the administration and also the collection of taxation. It is believed too, that land work can best be done in the districts where full and complete local information can be obtained. There will also be the advantage that the district administration will have the first information and full knowledge of applications for land in that district.

The Survey Office will be left in Nariobi and it is proposed to strengthen it by the appointment of an Assistant Surveyor General.

In the Native Affairs Department the post of Deputy Chief Native Commissioner is deleted, and the officer holding this post is absorbed in the Administration, for the time being. This step has on several occasions been strongly urged on Council by unofficial Members, but there have been difficulties which are now removed by the reorganisation which it is now proposed to adopt.

The increases under Printing and Stationery appear to be considerable, but as is shown on page 14 of the Memorandum these will be largely counterbalanced by increased revenue.

Under Administration only one additional District Officer is asked for though there is an extra post to be filled on account of the holder of the post of Principal Assistant to the Chief Native Commissioner being now shown separately and not included in the Administration. It is hoped that this provision

will be sufficient for the services next year but it must be clearly understood that increases in all branches of Native Administration, closer contact with Local Government, Land Settlement and Land questions, are increased calls on administrative officers' time and that in many districts all these duties are performed by officers who are frequently single handed.

The reduction which was made last year in travelling on account of the reduced scales for motor cars has been justified by the fact that very few applications have been received for increased provision for travelling, though undoubtedly motor cars have been less used especially in districts where communications are difficult and where I believe it certainly helps to effective administration that safaris should be made by a less rapid form of transport. I find that applications so far received this year for supplementary provision for departmental local transport and travelling represent only one-tenth of the amount applied for in 1926, while for the Administration only two applications have been received for £290 as compared with 2:3 for £5,075 in 1926. There may of course be a number of applications in the next two months but it is evident that the wanting given to officers in regard to supplementary provision has had its due effect.

A request was made I believe last year in Committee of the Estimates that Government should consider the possibilities of reducing the expenditure on station hands. All District Officers were addressed and a reduction of £547 is shown in this year's Estimates. It is found that a very large number of duties which might otherwise require the engagement of special staff are performed in the out-stations by station hands. If these men's posts were abolished it would probably be found necessary to introduce larger votes for repairs to buildings, maintenance of stations, conservancy, etc.

Your Excellency referred in your speech to Council to the work that is being done by the Statistical Section. A useful report has been compiled by the Statistician and its publication has only been deferred pending consideration of the advisability of ensuring a regular publication. An important measure which will be introduced at this Session provides for the Registration of Births and Deaths of Natives in towns: This will furnish the statistical section with valuable information. The work of the Department must necessarily at the start be largely that of organisation and preparation of material.

The items with regard to Native Research are such that at present I cannot say how they should be spent because the whole of this question is still under consideration, and Government will be in a better position later to pronounce on the nature of the work to be undertaken in 1928 and its direction and control.

The Audit staff necessarily reflects the increasing volume of work and provision has been made for an increase of £918 on lines which have already been adopted in Tanganyika

In the Legal Department the increase under the Head of Senior Crown Counsel has already been discussed with unofficial Members and the necessity has, I believe, been generally recognised. There is a reduction to be made of one Crown Counsel and the revised figures will show an increase of only £185, instead of an increase of £815 as shown in the Memorandum. I wish to take this opportunity to refer to the public spirited action of the Law Society in agreeing to defend without charging a fee Africans charged with capital offences. This will result in a reduction of a further £150 in Estimates in fees to Counsel.

The increase under Police is entirely due to distribution in regard to the Kenya and Uganda Railway and Port Police, the cost of which is met by reimbursements by the Railway. Though there are several minor increases a considerable reduction in personnel has been made by changes in the Northern Frontier Province, where a reduction of 60 men has been made. The employment of Police in this area is necessarily very expensive on account of travelling, stores, rations, etc., and it is believed that the reductions can safely be made in view of the garrison of the K.A.R. now maintained in this Province. It is hoped that a further saving will be made in future by the employment of locally recruited police, the organisation of which is now under consideration.

I have already referred to increases under the Medical Department and these are set out very fully in the Memorandum before Members. They all form part of a programme for Medical Service which was approved by Council two years ago.

I would call the attention of Council to the provision for an extended system for the treatment of leprosy which has always been under consideration but has hitherto been held up on account of difficulties with regard to sites, etc. It should also be noted that the grants to missions performing medical work have been increased in order to secure suitable accommodation being put up in certain districts and to encourage further development. A sum of £1,650 has been included as grants-in-aid for Indian and African welfare and maternity centres. These institutions have been so successfully inaugurated by the energy and enthusiasm of Lady Grigg and her band of helpers that every effort should be made to secure their continuance with the support of Government, which it is proposed should be afforded on a £ for £ basis with the usual conditions attaching to such grants. I have already referred to the Education Estimates. Government has

bad under consideration this year the question as to whether the cost of hooks, stationery, medical treatment, laundry, and games, should continue to be borne by Government or should be charged against the parents.

It is felt, however, that in the present stage of the development of this country every possible encouragement should be given to parents to send their children to school and that no changes should be made.

Provision has been made for domestic and manual training equipment at the European School, Nairobi. The work done in the former branch in the Eldoret School show; the need for its extension throughout all the European schools.

Some increased provision in the Estimates has been made in respect of teachers at the bigger schools and for Farm School teachers. The Director of Education has quite recently put up further proposals in respect of the latter and in order to ensure compulsory European education throughout the Colony. The Select Committee will have the opportunity of seeing as Government fully concurs in the views expressed by the Convention of Associations as to the importance of providing universal education and increasing the scope of Farm Schools. Under Indian education there are considerable increases in staff to meet the further demands of the community. At their request provision is made for a European head master at the Allidina Visram High School.

I have already referred to the proposals for schools in North and Central Kavirondo and have only now to call attention to increases in the staff of native teachers and instructors, in grants of aids to missions and further provision for the Native Industrial Training Depot at Kabete, as also for the erection of buildings for which there is urgent demand. It must necessarily be the case as education advances through the Reserves that more bush schools must be opened and that further missionary effort will make greater demands upon Government, whom it behoves to see when it does make such grants, that all such schools are adequately supervised and effectively controlled.

Military expenditure is still a very heavy burden on the resources of this country and it is hoped that the recommendations of the Closer Union Commission, one of whose principal terms of reference is Defence, may be able to relieve Kenya of the excessive proportion of cost it has to bear at present in respect of the defence of the frontier. Provision with regard to Lewis guns, Item 59, may be reduced, but it will probably be necessary to await the arrival of the Inspector General. A considerable change has been made

in the organization of the transport services and by their transfer on the recommendation of the Committee appointed by Government to the Public Works Department. Members will find a full statement on page 52 of the Memorandum. By placing the main line road transport services under one control a considerable saving can be effected in overhead charges. By a reorganization on the lines now recommended and by incurring additional capital expenditure of £16,200 for replacing animal transport by mechanical transport, a total recurrent saving of £9,096 should be effected without any sacrifice of efficiency. Attempts were first made by the Committee to ascertain whether any private firms in the country would be prepared to enter into a contract to undertake all Government activities in transport, including clearing and forwarding, but the difficulties are so great that no firm came forward with any proposals. Under the scheme now proposed stores and personnel for the Northern Frontier Province and Turkana will be sent by rail to Narro Morot, possibly later with the assistance of my friend the Member for Nyeri, from Nanyuki and Kitale respectively. Kitale will be the advance base for Turkana and according to present proposals Meru for the Northern Frontier Province. The determining factor in the selection of Meru has been the accommodation available there. It will mean that a saving will be effected of over £3,000. Hitherto the initial stage of the service has been carried out by motor vehicles operating on Nairobi, and it will be realised that the cost for railage under the new scheme will be returned to the Colony as revenue of another kind. The recurrent cost of the Supply and Transport Services for which provision was made in the 1927 Estimates is £22,793. The recurrent cost of the reorganized transport services is estimated at £12,300, to which must be added £2,500 to cover salaries and other expenses while stock is being disposed of and leave pay is granted to the retiring staff. To this again for the purposes of comparison may be added a sum of £2,897, representing the specific cost of the supply organization and a small transport service used by the K.A.R. in Nairobi. This appears in the draft Estimates as having been transferred from the S. & T. to the K.A.R.

The total recurrent cost in 1928 of the combined Supply and Transport Services will therefore be £17,697—a saving of £5,096—to which may be added a further saving of £1,500 by a consequential reduction in the local travelling and transport of stores Vote of the K.A.R., and after 1928 the item of -2,500 to cover the transitional period can be eliminated and a total annual saving in recurrent expenditure of £9,096 will thus be effected.

The capital expenditure involved provides for buildings at Meru and Ritale—£4,200—the purchase of twelve lorries, equipment and workshop appliances £8,000; and road construction £4,000. The last item would in any case have been necessary as also part of the second and possibly the first. Against this expenditure the sum of 126,499 has been provided as revenue by the sale of animals, equipment, etc.

The Post Office is at present a revenue-producing Department and it is hoped that even if next year we are unable to reduce the cost of postage we may in 1929 be able to get penny postage in Kenya. In five years the volume of postal matter has increased by 75 per cent. and telegraph matter by 95 per cent. Encouragement is being given for the use of country telephone systems, and local interest has certainly been aroused by the terms now offered, and schemes totalling about £10,000 are now under consideration. Provision has been made for carrying the telegraph line from Mombasa to the Tanganyika border, where it will join up with the line to be constructed by the Tanganyika Territory from Tanga northwards. It is hoped, therefore, that direct communication between Mombasa and Dar-es-Salaam may be shortly effected.

In regard to the Agricultural Department I have already referred to the provision which has been made in respect of native services. The other additions in the Estimates are principally those which were approved in Supplementary Estimates. Provision has been made for a third Mobile Field Station, the equipment for two stations having been approved in Supplementary Estimates.

I have also referred to developments in the Forest Department and Council must be prepared to consider shortly further proposals which may be put before Government by Mr. Nicholson, the Forest Adviser, who has now arrived in the Colony.

It will be noted that considerable alterations have been made in the Miscellaneous Services items by the transfer of several of these items to the heads to which they more properly belong.

There are two items which are of very considerable public interest to which I would call the special attention of Council --the provision of £1,500 for Geological Survey, which it is hoped to organize in conjunction with Uganda on lines which are now under consideration. A sum of £3,500 has been provided for the expenses of a Land Settlement Scheme. in

regard to which my friend the Commissioner of Lands will be able to give you full details, for the elaboration of which Government is much indebted to the Kenya Advisory Committee.

The Head " Interest " may require further revision when our position in respect of the new Loan is definitely settled. Provision has been made for the payment of interest on money to be spent on the construction of the Thomson's Falls Branch Railway.

No change has been made in respect of the amount provided for the Trade Information and Publicity Bureau, but Government has under consideration the proposals made by the Kenya Advisory Committee in this regard.

I now come to the last Head of importance in the Estimates, the Public Works Department. Council has already recognized the importance of increasing the Accounting and Stores Branch and the number of Staff Foremen. Three-fifths of the increase in the departmental vote represents new appointments approved in Supplementary Estimates. The proposed Loan for £100,000 expenditure on roads may necessitate further provision in staff, though it is hoped that these appointments may be temporary ones which can be met out of the Loan expenditure from which the work is to be undertaken. The Select Committee will also be asked to consider further expenditure on the provision of four more water-borers, with staff to work them. When the Estimates were originally prepared it could not be definitely said that these water-boring operations were likely to prove so successful as to justify a further increase in their number, but Government is satisfied to-day from work which has already been undertaken that a further increase is necessary.

I do not propose to deal at any length with the items which appear under Public Works Extraordinary, for they will be considered in detail as will all other items in this Budget, by the Select Committee. I would only mention that a sum of 55,000 has been provided for much-needed buildings in out-stations both for Government housing and hospital accommodation at Kilifi, ATM, Machakos, and Kisumu. This provision was originally made in the Loan Estimates, but it is felt that where revenue can assist in work of this nature Loan expenditure should be avoided. It is hoped therefore that the greatly needed housing and medical requirement of out-stations will be met *part passe* from revenue and loan expenditure. While in the case of temporary buildings, which are essential for Administrative Officers in the Northern Frontier Province and Turkana, their cost should be met from revenue.

As showing the small expenditure which has in fact been incurred on Public Works during the last five years the total expenditure on Public Works Extraordinary has amounted to £290,563 on educational buildings, housing and government offices, hospitals, roads and bridges other buildings and works, water supplies and drainage; while on educational buildings alone Council approved an expenditure from Loan of £810,000 and on housing a sum of £586,430, to meet requirements which it was admitted are urgent.

In Uganda in 1927 an expenditure of £233,210 was incurred on Public Works Extraordinary and for the Tanganyika financial year 1927-1926, £179,344.

It will also be seen from Public Works Extraordinary that provision has been made for an Indian Girls' School at Mombasa and for the Nakuru Post Office, both of which are works which have been strongly pressed upon Government. It will be seen that special provision has been made for roads and bridges in the Coast Province, where considerable development is anticipated from the opening of the Lanin-Wajir road, and which has been urged by the Hon. Member for the Coast. Members will wish to have before them in considering and road programme the schedule which will be attached to the £100,000 Loan for roads, the adoption of which will be moved at a later Session. It should be observed that the sum of £20,850 has been provided for much-needed water supplies and drainage.

I have not dealt with the Estimates of Revenue which have been prepared by my honourable friend the Treasurer, they are, I believe, as I have already said, conservative and in all respects justified under present conditions. The Treasurer will deal with any point it may be desired to raise in connection with them.

I would suggest for the consideration of hon. Members that discussion of items he deferred far as possible to the Select Committee which I am now asking this Council to approve for the consideration of the Estimates for 1928. I trust that the Memorandum, in respect of which I desire to express my indebtedness to Mr. Sandford for the hard and accurate work he has given to its preparation, will supply further detailed information to Members.

I have to move, Your Excellency, that the Estimates he now referred to a Select Committee of Council to be composed of all unofficial Members, the Colonial Secretary as Chairman, the Treasurer, the Chief Native Commissioner, and all other official Members of Council in respect of their own Departments and other Departments with which they are concerned.



I will only ask these officials to attend in respect of particular Heads of the Estimates, while I trust that all the unofficial Members will be able to be present at sittings of the Select Committee for the full discussion of the Estimates which I now move to be referred to this Committee.

THE HON. THE TREASURER CM R. G BARNUM) : Your Excellency, I beg leave to second.

THE RT. HON. LORD DELAMERE : Your Excellency, I am under the disability of not having been here at the opening of Council nor at the meeting of Members who discussed the Budget, except very shortly yesterday and hon. Members on this side of the House have come to a good many conclusions, I expect, which will be put forward in the ordinary course of debate by hon. Members. I am simply taking my own part on this particular occasion as I am not very clear as to what the views of Members are on this subject and judging from the Railway estimates we have a few hedgehogs on both sides of the House and therefore we have to be rather careful.

May I say first of all, because I have just read this Memorandum, that I should like to congratulate the Government on the Memorandum which has been put forward on these particular estimates. I think it has made very much dearer to Members what the facts are. I do not mean to say that Members in the past have not been able to work these things out for themselves as I think some of them have, but it has saved us a very large amount of trouble. It has put a great number of these questions very clearly for Members and I hope that Government will continue the good work in future. I think that there is little more to say on the broad principles which have been fully explained in the statements made by Your Excellency and the Hon. Colonial Secretary, which were very lengthy and which went into the whole of the questions, but I think it would be advisable to say something from the other point of view—from the point of view of the other side of the House.

The chief point, of course, about these estimates is that having created a surplus, an accumulated surplus, which in the opinion of Government is sufficient to safeguard the country against any drop in the revenue or anything of that sort owing to a bad year—that having done that it is proposed now to use these surpluses in a sort of way by putting them into Public Works Extraordinary votes. Although the sums voted are spent actually each year, still the money put down in Public Works Extraordinary does not lay on the country any necessity for spending the same amount next year provided always of course that in consequence of money being voted for these buildings, my hon. friend the Director of Public Works

does not build up a large staff which it might be very difficult to get rid of if we wanted to get rid of these Public Works Extraordinary buildings at any time, and I think hon. Members on this side of the House will go very carefully into the subject on the Select Committee on the Estimates to see that that is not the case. The same principle applies in this case as in the case of buildings constructed under loan works. In the case of loan works it has been laid down by Government that loan works must be done by a staff which can be got rid of at any time if the country cannot pay for any loan works. At the same time I think that in considering the demands which have been put in under this head—which I entirely agree with up to a point—we have to be very careful to see that we are not in a position when we have a bad year of people being able to say " here you have a big staff and it is a bad principle not to provide the materials for them to work with." Generally, I think the policy of putting aside money to be used in this Public Works Extraordinary is an excellent one. It has been carried out by the Railway in the interim already while they are waiting for large sums to come along against them in interest and sinking fund. They use the same policy in putting large sums of money aside on permanent improvements on the Railway so that that money is not returned to the taxpayer, but is available at any time if a bad year comes. That is the main principle of the Budget as I see it to-day. ~~It~~ ~~is~~ ~~wise~~—and I think this is a matter which will have to be debated very carefully in the Committee of the Council—whether it is wise to spend that money at the beginning of the year definitely without being quite sure what your surplus is to be like, requires consideration. I think that surpluses thus available for Public Works Extraordinary unless savings cannot be found in other directions, will have to be gone into to some extent because Members on this side of the House are determined to do away with the deadlock which has occurred about the rates and duties on fuel oils and their method of dealing with them is to put a resolution forward to Government that Government should pay a subsidy for rebates and that an effort should be made to increase the production of the country by this and other means.

I think the Members and I myself feel that we have been spending large sums. We have been improving the administration in many directions. We have improved the Medical and Education Departments and it is some time since we made any effort to bring about increased production to carry these things and apart from the settlement scheme which Government is putting forward and about which I hope to get a statement from the Hon. the Commissioner of Lands during

this debate, because I think the sooner we get it the better, apart from that I think the time has come when it would be wise to give some encouragement to mechanical farming in the way proposed.

There is one other very big point I think on which I think I should say something and that is in reading casually through these things and having had a certain amount of experience in the past of these matters, it does appear to me that the revenue in certain instances has been put on the high sale in this particular year. I dare say, and I am quite willing to believe, that this revenue was placed on that scale or standard a few months ago when the Estimates were being prepared; but at that time it may not have been quite realised that it is not, what shall we say, a good year and it is quite possible in the minds of most of us that next year may show the results of that not very good year in the exports. We shall have the chance in special committee of talking this matter over very thoroughly especially with the Commissioner of Customs and with other Members who make up these items of revenue, and I am quite sure that we shall get this matter right. The whole of the basis of these methods of budgeting depends on the estimates of revenue being conservative. During the last few years we have created our surplus by always being particularly conservative in our estimate of revenue so that at the year we have found ourselves with a surplus which was used to pile up this accumulated surplus which Government considers a sufficient safeguard against temporary financial embarrassment.

I am sure we must all congratulate Government on the new scheme of decentralisation in the central offices of Government. I think that it can only be for good and with local government in the offing and certain to be brought in in sonic form or other, I think it is very wise that these changes should be made. The only disappointment I feel in the matter is that it has been found impossible under the estimates apparently to make sufficient reductions in the Secretariat to be able to cover these outside offices which apparently take the place of the central office, but that again is a matter which can be discussed very fully—we do not know the whole facts—when it comes into special committee.

I am taking these simply as I wrote them down, Your Excellency. I am afraid it is not a very connected statement because it has not been prepared in any way. The next point the Hon. Colonial Secretary alluded to was, I think, roads, and we all know that £100,000, capital money, is being proposed as the amount to be spent on the roads of the Colony. There was one little thing in the Colonial Secretary's state-

went which rather frightened me. I rather gave me the idea that there again we might be saddled with staff to carry out this £100,000 development, which is after all really capital development, we may be saddled with a permanent staff for that purpose which might embarrass us in the future. I give way to nobody in my wish to see the roads of the Colony Unproved in every possible way and so far as I am concerned—there is a difference of opinion on this side of the House—I have come to the conclusion that it is justified in spending capital on this particular item provided it is carefully done and it is spent on what are more or less permanent roads.

In regard to the medical vote, Sir, I think that the chief thing which meets the eye—I believe my hon. friends are going to say a great deal about it and I hope I am not taking the words out of their mouths because someone spoke about speakers before him taking away that which he was going to say ; I cannot remember who that was—it does appear to me that the principles of concentration and consolidation of the medical services have not been fully followed. It does appear to me that there are certain services which have not been consolidated yet. From the departments' own reports some, of these services do appear to want some consolidation and concentration and it seems to me, in certain particulars at any rate, a pity that we should start new services. For instance, take the particular service of sanitation in the native reserves. Everybody will agree that it is a most necessary thing that sanitation in the reserves should be introduced which will prevent epidemics and one thing and another. Is it not a fact, Sir, that at the present time there is a great deal that could be done in the ordinary way in the central sanitation office of Government or the central medical office of Government in dealing out to the Administration, which after all at the present moment controls the reserves and in which there are a large number of people continually travelling about in the reserves, certain conditions which could be laid down for native reserves. Take one thing alone—the question of the fencing of the rivers and the disposal of refuse in the native reserves. Surely that is a question any man on the inspecting staff in the native reserves is going to watch more than a man brought out on agreement by the central government. More can be done by a memorandum issued by the Medical Department to the effect that in the native reserves every effort should be made by the Administration to bring about that result. I believe you are far more likely to get a thing of that kind done by the Administration, who know the natives and who are in continuous touch with the natives, than by new people brought out from England at the present time, and I think we are going a little fast with some of these things.

The Hon. the Director of Medical and Sanitary Services was helped very largely by Members on this side of the House in getting money for the expansion of medical services and Members on this side of the House entirely agree that medical work in the reserves and elsewhere should be proceeded with as fast as possible. While relying on his judgment as to the best way of spending the money provided we feel that in one or two of these services we are careering ahead rather too quickly.

As far as the Veterinary Department is concerned I believe, Sir, that unless steps are taken by the Veterinary Department and Government to do away with East Coast Fever in this country, schemes of settlement are very likely to fail. I believe it is a matter that can be perfectly easily dealt with. I do not understand, although I have been for some years interested, what the policy of Government or the Veterinary Department is in this matter. The present practice when disease breaks out is to place the area in quarantine and that quarantine is allowed to stay on indefinitely. Ordinary individuals who get East Coast Fever on their farms take steps to get rid of it, and at the end of the eighteen months, or whatever the period fixed is, that place is clean and I see no reason why steps should not be taken and a policy laid down by Government in which this should be done for a very large area of the country where the infestation of ticks is not particularly high. I believe there are areas of the country where it is going to be much more difficult—take the whole of the area between the railway line and Kenya—but I believe there will be no difficulty in getting rid of it in other parts. I am very disappointed with the lack of policy and one thing and another which is affecting settlement in this country. I think I had better say this beforehand because I will be told that it is because they have no stock inspectors. It is only because we are going to sit in Select Committee that I am going into detail now. One will be undoubtedly told that they have not sufficient stock inspectors. Take the thing we call the "circus," I understand it is called something else, a mobile station, I believe it is called in Government circles, but what we call the "circus," a mobile rinderpest veterinary service which is supposed to go round the country, which does go round the country to deal with rinderpest outbreaks. Now simply because somebody in the Veterinary Department has thought it necessary, after each herd of cattle to be inoculated has been inoculated, somebody has to remain behind to see that they are cured. I cannot see why, it is one of the things that has puzzled me for years. Whenever there is an inoculation a stock inspector is left behind for some considerable time to look after the cattle. It is a thing which has completely puzzled me. I do not in the least understand what it is for and it appears to me that if these stock inspectors were all

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taken off, especially in a year like this when we have been doing a lot of inoculation for rinderpest. They did not do it in the old days and I believe it is unnecessary. If these people were taken off and put on the East Coast Fever service I believe you could get rid of it. I believe it is an easy disease to get rid of in certain parts of the country.

I think there is another thing with regard to the cattle industry of the country in which I am interested a great deal. It has been said by the Colonial Secretary and it has been said a good many times by everybody that it is not much use going on spending large sums of money or getting natives to spend money on inoculation if there is no outlet for the stock. I believe an outlet can be found and has got to be found and if Government tried hard it would find an outlet. As I am personally interested it makes it difficult for me to talk about it. I should like to talk about it very much. In South America sales from the herds of cattle are twenty per cent. of the total numbers and if you take it as anything like the same in this country the sales should be enormous. I understand the only thing done by Government lately is that a committee has sat and suggested that natives have ample sales for their cattle. If that is their opinion I simply say I do not agree with them.

I think Government should be congratulated on the amount that has been done in the native reserves to encourage natives to go in for afforestation. I have felt very strongly and I am sure that hon. Members of this House feel that a country so close to the arid north as this is should keep up the number of trees and the amount of land afforested.

The Hon. the Colonial Secretary stated that in some cases where natives have provided money for public works they had been dissatisfied because the works had taken a little longer than they had expected. I must suggest, Sir, that the native community have no mandate from the Public Works Department and that is one of the things you would expect. I am not suggesting anything against our Public Works Department but it is a fact in every country of the world that I have ever heard of under this form of government, that there are people grumbling about the delay which takes place in building and I expect it is very much the same in the native reserves.

I am very glad to hear from the Hon. the Colonial Secretary that there is no question of altering the basis of taxation in any way as I have always felt that it was ample for the needs of the country.

With regard to the education cess which was brought in for a special purpose, I hope that savings will be made which will bring the thing into line with the original policy. I am

not going into the subject that was raised by the Hon. the Colonial Secretary about house allowances and other things. I think it is most important that some decision should be come to as soon as possible by Government on this particular subject and on the subject of future pensions—not pensions for people at present in the service, but future pensions—and all those sort of things in the civil service so that we can get the thing on a more permanent basis. It seems to me that in every budget there is something to correct in the civil service. It is done in a desultory way. It generally creates an anomaly and we have to do something to put that right and that creates another anomaly and so on. I do hope that Government will take in hand these particular subjects. The hon. Member for Nairobi South is our expert on this side of the House in this particular connection and I do hope that Government will see their way to bring in some action in this matter or some Committee which will deal with these subjects and get them out of the way. We have been talking about them for the last five years. I think they are very detrimental to the country and that they ought to be considered.

I am rather surprised to see in the Estimates two items which bring in two quite new terms of service for people in the service, it so happens that they are both for Asiatics—I can assure you that that is not my particular reason for bringing it up—but I do find here provision for regrading and passages for wives and families. The first amount, put in the Estimates is only a small amount at the moment, but it will cost the country a great deal in the future. On the actual merits of the case it is very difficult to prove a case for Asiatics going backwards and forwards to India at all, or their families. You may bring forward arguments about the length of service for Europeans on climatic and health grounds, but I do not believe that they concern in the same way the people from India.

Your Excellency, I am sorry I have made such a verb disconnected statement on the budget and I congratulate Government on it.

I think in Special Committee we shall have to go into these questions of revenue. I have some recollection of some ruling by my hon. friend the Treasurer that it was not the business of Members to go into the question of revenue when it was voted.

THE HON. THE TREASURER : NO.

THE RT. HON. LORD DELAMERE : I am very glad to hear it was not the case.



I think it is necessary for Members to go into the revenue estimates and see how they work in. Taking it as a whole I think it is a good budget and I congratulate Government on it.

CAPT. THE HON. H. E. SOB WARTZE : Your Excellency, there were two points in Your Excellency's speech the other day in Council to which I should like briefly to refer. Your Excellency stated towards the commencement of your speech :

... since honourable Members have accused Government of breaking, in my absence and even since my return, the pledges which I gave to Council last year in this respect, I think they will be ready to hear a statement of Government's position upon the whole subject."

Speaking for myself and I believe speaking for all Members on this side of the House, with one exception, to which I do not wish to refer any more, I think the pledge given has been kept up to the hilt and I do not think there is any complaint that that pledge in regard to Supplementary Estimates has been broken. I think it is the first year that Supplementary Estimates have been kept down to this exceptionally low figure and I wish to congratulate Government and Heads of Departments for carrying out the expressed wishes of Government in this connection.

The second point is the point which I think can best be called " the new scheme," namely : the system of utilising annual surplus balances for minor public works of urgent importance instead of placing the whole of those surplus balances to the Colony's general reserve.

When first introducing this scheme Your Excellency's words were :-

"As I said before, the total is now in the neighbourhood of half a million and may be regarded as an adequate reserve against any setback which is likely to overtake the Colony."

That was interpreted in some quarters as showing that it was Your Excellency's opinion that half a million was a completely adequate reserve and need not be increased. I do not wish to put any misinterpretation on Your Excellency's views, but reading the latter part of your speech I think it is quite clear that it was not what Your Excellency intended, for later on Your Excellency remarked :

... that when revenue is available over estimate in the course of the year, it shall be devoted, at least in part, to necessary minor public works."

and I think that is the really important part of this new scheme. if my opinion were asked as to whether I considered

half a million a sufficient final balance I should certainly say no, but I do agree that when a fixed deposit of half a million is shown the time has come when it is no longer necessary to add the whole of your annual surplus da,ance to that resent, but that you can spend a large portion on minor public works of an urgent nature, provided that some portion of your annual surplus goes to swell your general reserve, so that it always mounts up. That is common sense. No person, howe'er lien, spends the whole of his income every year, but puts by a little, or he should do. I do not say they always do, though.

Now, Your Excellency, I think another very important provision which should be made a *sine qua non* of this new scheme is that the urgency of the minor public works should not be gauged by the amount to be spent, but by the real urgency of the public works.

Hon. Members on this side of the House believe the right course is to schedule the public works which are really urgent before it is known how much money will be available and to spend the money available on that schedule. if any surplus is then available after carrying out the programme, some of it should be put to general reserve. Then I come to the question of the disposal of the balance. In this connection we are not all agreed on this side of the House. Some of the Elected Members think that the whole remaining balance should be put to the general reserve, but I personally think it worth while considering whether some amount should not go in amelioration of taxation. I would ask Government and Members on this side of the House to consider whether the time has not come when having built your urgent minor public works, which you considered urgent at the beginning of the year, and having, in addition, put to your general reserve a further deposit, your taxpayer should not be given some consideration and something done to ameliorate things where he is concerned.

Now, Your Excellency, I would take this opportunity of asking my hon. friend the Treasurer during the course of this debate to give an assurance in unequivocal terms to the country generally that the balance of the reserve surplus, which is estimated will be in the neighbourhood of over :£500,000 at the end of this year, is in reality a surplus on a cash basis. I have had that assurance from him and I am completely satisfied that with the exception of -£70,000 which comes under the Head of Public Works Department and K.A.R. Stores, the whole of the rest is on a cash basis.

There is a feeling of ignorance in the country ; the people have got a lurking fear that this surplus is not really an

available surplus. That fear is a justifiable fear when one remembers what Major Grogan said when he referred to our fraudulent Mbanee sneets i.t the past. Well, there can be no doubt that the surplus in the old days or the deficit in the old days did not properly portray the financial position of the Colony; there were assets put down which were not assets. That, I believe, is no longer the case, and I do ask the Hon. the Treasurer to give a perfectly clear and unequivocal statement to that effect during this debate, as it will very materially ease the minds of a large number of people in the Colony.

Now, coming to the budget itself, I would like to urge for the consideration of Government the point which has been raised by the Noble Lord with regard to Revenue Estimates. Presumably these Estimates—I inn referring to the Customs Estimates—were framed at a time when everyone in the country thought this was going to be a really good year. No one could foresee the drought that was coming upon us or the mealie bug devastation, and there can be no doubt that a more conservative estimate should be made, that is to say, Government should consider whether the estimate made in March or April had not better be cut down. I think it will lethally be the case. on a conservative estimate, that the resulting decrease in coffee °Yin/as will probably be about £300,000. What proportion of the gross exports of this commodity from this Colony comes back in customs duties I do not know, but if it is placed at only 10 per cent. that means a loss of £30,000 in the Customs duties, as estimated in March or April, before we knew of this dreadful drought which was going to come upon the country. It does not make any difference—there is no harm in putting down your Revenue Estimates, in crossing out for the time being, some of your non-recurrent expenditure in Public Works Extraordinary, because if it is found that the revenue does reach the figure which it is estimated then we can under the new scheme of a supplementary estimate put back this into the schedule of Public Works Extraordinary to meet the wants we have crossed out. I have no hesitation in saying it would be fatal for the country if at the end of the year it showed that there was, instead of a surplus, a deficit. It would not be wise to run that risk, and I think hon. Members on this side of the House will agree with me that we must be ultra-cautions and I would urge the Select Committee and Government to put down the revenue estimated by £80,000 and the non-recurrent expenditure by the same figure, and leave it in suspense until we see where we are.

I think I am also right in saying that there is a further sum of £8,000 expenditure which is not shown in this Budget,

that is to say, the amount of the sinking tune which will be payable once this new Loan is raised. We shall have to pay a sinking fund of 11 per cent. or so on £600,000. I think I am right in saying that we have to meet a payment in respect of sinking fund of if8,000 next year.

With regard to the Education Cess, it comes under the Consumption Tax and the increased Poll Tax. During my absence hon. Members on this side of the House agreed to this system of special taxation for special education of the different communities. I was always extremely doubtful about this-1 never liked it, and I very reluctantly agreed to it a year ago. I am afraid, Your Excellency, I am forced back to my own opinion that the disadvantages of this system of special taxation for special communities far outweigh the advantages. Here we have the report of the Committee appointed to try and find some other form of taxation. It now transpires from that report that the total revenue derived from Customs Duties and Consumption Taxes combined does not exceed the amount received from Customs Duties on wines and spirits only the year before ; in other words, to put down £32,000 for revenue from consumption tax for education purposes is absolutely wrong. This increase in taxation has very seriously affected the large number of fairly poor people who cannot afford the new taxation and have had to go without some of the amenities of life because of it, and for no reason and with no result. I cannot believe it is a sound principle to put on a tax when that tax does not bring in a single farthing revenue extra, and I shall be glad to hear the Hon. the Colonial Secretary's views on this matter.

I regret that no means have been found to get rid of this poll tax for education. I spoke and voted against it a year ago. I asked for an assurance that it would be taken away, but I was told such assurance could not be given. I cannot too much deplore that this still remains in the Budget.

There is no possible form of taxation more inequitable than this Poll Tax, and I believe, although we on this side of the House are not all agreed on the point, that we should get rid of this increased poll tax and consumption tax and meet the education needs of the country out of general revenue, without any further differentiation. I do not believe that the menace it was designed to meet is nearly so great now as it was then. I believe the constitutional position of this country is very much stronger now.

There are two small points before I come to the last main point. I regret to see there is no extra provision in this budget for an increase in the number of Resident Magistrates

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for country districts. I consider it a great economy to appoint these extra magistrates, and the Select Committee should go into the matter and see what savings can be effected in the way of Assistant District Commissioners. I think a minimum of three Resident Magistrates is required, one for Eldoret and Eitale, one for the Eisutim-(lilgil area, and the third for the Nyeri area. I think the time has come when it is absolutely essential that we should have trained men in these rapidly growing centres, as practically the whole time of officers is taken up trying cases at the present time, and owing to their lack of legal training, as is only natural, an enormous lot of extra work is thrown on the Supreme Court, hearing appeals, and there is also a great loss to the individual and to the finances of the Colony. I would therefore ask the Government again and the Select Committee to see whether some provision cannot be made in the Estimates for these extra Resident Magistrates.

Another point is this. Everybody is no doubt aware of a very important pronouncement made by Mr. Amery in Bechuanaland with regard to the definite policy of the Government to expend £50,000 on a pound for pound basis in helping different parts of the Empire to introduce amongst other things pure bred stock, and although it appears peculiar that the Member for Nairobi Smith should talk about bulls, many people have spoken to me about this matter, and I believe if Government would put aside a sum, it need not necessarily be a big sum, and persuade the Home Government to advance a similar sum on a pound for pound basis, you would at very small cost import a large number of pure bred bulls with great advantage to the Colony. I had hoped that the Noble Lord would speak on this matter, but I trust that he will do so at a later date.

There is one other thing, and that is this. I am no pessimist—I believe this country is on a sound financial footing—I do not think we are all being ruined, but I do believe that we have got to look round—we have got to try as much as we can to economise where we can, and I believe the right way to economise is to tackle those things which are really big, where big economies can be made instead of tinkering about with things that do not matter. I am using these words because I must protest against a very small and mean economy I refer to the reduction of the house allowance of hostels people drawing under 1500 a year from £75 to £30. Those are the people who can least afford it; it saves practically nothing to the Colony and it merely gives a feeling of dissatisfaction, and with all due respect to those Members who are responsible for it, it leaves a nasty taste in the month.

But there are big economies which can be indulged in ; the first is the question of pensions. The Committee on Pensions is sitting now ; it has reported in draft and all Members on this side of the House hope that it will be laid on the table at next Session. Twenty years ago the pensions commitment of the Colony amounted to £375; to-day it is £96,000, and in twenty years' time it will be £250,000. I say this Colony is unable to face a bill of £250,000 in respect of pensions and what should be done is that, firstly, all future appointments should be on a contributory basis and I believe that has got to come. Secondly, the funding of pension commitments. The interest on the amount put aside will automatically pay the pensions. There can, however, be no question of funding pension commitments while the present system of twenty years' maximum service or compulsory retirement at the age of fifty is maintained. The whole scheme will, of course, have to be worked out by an actuary.

We have recommended, I believe, that the foregoing should be altered, but that is a matter, Your Excellency, which requires working out in detail; but it is a matter which does require urgent and immediate attention, and that is where one of the big economies should be made. It is perfectly clear that those persons already in the Service would not have their contracts affected in any way by altered pensions schemes, but new people would have to come in on a contributory basis, and I think, even although the adjacent territories will not come into the proposal, Kenya should take the bull by the horns and make a start right away.

The next thing, which has already been referred to by the Noble Lord, is the question of the Crown Agents. Now, have no doubt whatever in my own mind that if we followed the example of Ceylon, which Colony I believe broke away from the Crown Agents and started a buying agency of their own, we could save thousands of pounds annually. Figures and information have been given to me in confidence, which I am not able to mention in public, which have forced me to the conclusion definitely that the saving would be inestimable, if only we can get our own buying agents. It will mean that we will have somebody at home to do our buying and who would have our real interests at heart. Naturally the Crown Agents cannot. They get an order and buy things just anyhow. We want our own people buying for us and I think a big economy could be effected here.

The third big economy has already been mentioned by the Hon. the Colonial Secretary in the amount we expend on defence. We have been trying for many years now to get rid of a company of T.C.A.R. on the recommendation of

the Officer Commanding Troops and many other people, and I merely have to say that we must still go on pegging away and presumably eventually we shall get it.

Finally, I believe that there must necessarily be very big economies to be made in the running of Government Departments. I think it stands to reason—I am not accusing anyone of wilful waste—but there must be economies which can be effected. It was one of the things mentioned in the Elected Members' Manifesto that we should ask for a proper enquiry into the running of Government departments to see whether savings can be effected, for I believe there is at least one department—about which one lion. Member will say something later—in which economies *can* be effected. I am sure that if we had a proper enquiry from impartial people it would be found that great savings were possible. I believe that if you economise in the running of your departments, put the pensions on a contributory basis, have your own buying agents instead of the Crown Agents, and if you dispense with one company of the K.A.E., you will find that the savings will surprise everyone, and I would with great respect submit my suggestions for the careful consideration of Government.

CAPT. TRIM HON. H. F. WARD : I take it, Your Excellency, that Government will in course of time introduce the usual Appropriation Bill. That seems to me an important point to clear up. I take it for granted that an Appropriation Ordinance is to be introduced as in past years and that the Appropriation Ordinance will duly go into Committee of this Council. If it were not mentioned in this Council that an Appropriation Ordinance would be introduced the impression would get abroad that the budget for 1928 was going into Select Committee, would disappear and not again receive public attention. The reason why I labour this point is that progress which depends to such a large extent upon the support of the people concerned may be considerably hampered in the future if the rumours that are going about are not dispelled and an assurance given that an opportunity will be given to debate the Estimates in open Council.

THE HON. THE COLONIAL SECRETARY : On a point of explanation, Your Excellency, of course the Appropriation Ordinance will be introduced into Council. This is merely a motion that the Estimates should go into Committee so that we may know the exact amount to be included in the Appropriation Ordinance which will be introduced in this Council and go through all its usual readings.

CAPT. THE HON. H. E. WARD : Thank you, Sir. I think that the greatest disability that you are labouring under at



the present moment in obtaining support for progressive programmes is that the country feels that whilst the policy of Government is excellent in many directions, the application is weak. I will not go into details because these can be gone into and the general principles discussed in Committee, where explanations will be available and where remedies are agreed upon.

I think I must join with other Members in congratulating ourselves on the fact that this is the first year wherein recurrent expenditure has been brought more or less to a halt, and wherein a definite policy of expenditure has been agreed upon which will make provision for good and bad years. I should like to join with the hon. Member who has just spoken in that we congratulate ourselves on our position. We must remember, however, that the basis of our taxation, Customs Duty, was introduced in its present form on the recommendations of the Economic and Finance Committee in 1922 as a temporary remedy to meet a temporary crisis and the time is very shortly coming when attention should be given to relief to the taxpayer. Another factor in this budget which it is difficult to understand is this item of non-recurrent expenditure under Public Works Department. As I understand it these proposals apply almost wholly to works of a permanent nature, including something like £80,000 worth of permanent buildings and *pari passu* with that we are told that there is a proposal to spend £100,000 out of Loans on earth roads. Well, I do not want to enter into any argument as to whether these roads are required or not, but it seems to me that the position should be reversed as the expenditure on earth roads is far more applicable to revenue expenditure than it is to loan, and equally that the expenditure on permanent works such as the buildings described in the Schedule are far more applicable to Loan funds than they are to revenue expenditure.

Another point which has been touched upon is the tremendous amount this budget provides for the defence of the Colony. We are a small and on the whole rather peaceful community and the extreme dangers are not apparent ; yet the total Military and Police Vote approximates £270,000, and in addition to that there is provision for transportation expenses under the P.W.D. Again, in addition to that, the whole of the European community are to be mobilised as a defence force on the 1st of January next, while there are further proposals to establish an African Armed Constabulary in other parts of the country. It seems to me that the expenditure provision must be hopelessly on the high side, approximating as it does ten per cent. of the total revenue for 1928. I would therefore urge Government to consider the

position and see whether something cannot be done to save money by merging or amalgamating the services to reduce the figure to a smaller proportion.

With regard to Supplementary Estimates, Sir, I do not think that hon. Members on this side of the House would quarrel at all with the alternative method Your Excellency referred to in your speech to Legislative Council, which was to introduce Supplementary Estimates for minor works at a later period of the year.

If a surplus of revenue over estimate is assured, the Colony can do the work without further delay, but I would suggest that supplementary provision of that nature should be introduced at the same time as you introduce the estimates for the following year. That would mean, Sir, that we would obtain what we particularly want after considering all financial problems at one and the same time. I cannot see that there will be any great difficulty in arranging for such procedure. If we were working under that proposal now, it is perfectly possible to assess now the anticipated surplus for the current year, and it is also possible to agree now what proportion of this surplus you propose to devote to minor works and I take it that there would then be no objection to the procedure suggested by Government to include the amount required for minor works in some form of Supplementary Estimates.

CANON. THE HON. H. LEAKEY : Your Excellency, may. I take this opportunity, I believe my last occasion of speaking as a member of this hon. Council, to add my congratulations to those of the Hon. Member for the Rift Valley (Lord Delamere) for the programme set forth for 1928 for new Medical Services in the Reserves? Knowing the Reserves as I do, and the great need for the supply of medical help for the people who live in them, I desire to thank the Government and especially the Hon. the Director of Medical and Sanitary Services, for the energy and interest he has put into this matter. At the same time I would like to beg that money granted for this direct work by Government should not be allowed in any way to interfere with the aid given to mission hospitals, because I think these institutions come into close contact with native life in a way that no Government institution can do. I earnestly hope, therefore, that no money that shall be granted for direct medical work by the Government will be allowed to lessen the amount granted to assist mission hospitals and dispensaries to carry out their work.

I see that we have before us this morning for consideration the Native Industrial Training Depot and the Jeanes School. As both these institutions are only a mile or two from my

house I have had good opportunities of seeing the excellent work done there, and I desire to say that I am convinced that both these places are doing a great work for the uplift of the natives, whether they are going to work in their own reserves, or for people who live outside them. I therefore do not grudge one farthing of the money asked for for them, and I hope it will receive favourable consideration. But I would at the same time make the same plea in this direction as I did with regard to the Medical Services, and that is that no money be diverted from the grants to missions for the sake of this direct work by the Government. I am well aware that the man in the street does not understand why missions should be assisted by Government at all, and I would like to take this opportunity of explaining the matter. Of course the special work of missions is the spiritual uplift of the natives. But every missionary who is worthy of the name knows that you cannot raise people's souls spiritually unless you raise them at the same time both morally and in body. The missions have therefore for a long time found that they must educate the native in every direction ; but unfortunately the greater part of the money at their disposal from home is provided and ear-marked specially for spiritual work, and cannot be diverted to purely educational work of a secular nature, that is, for schools, buildings and equipment and so forth. That is why it is necessary that they co-operate with Government in order to get the very best results for the natives.

I should like to mention one special branch of work in which this is most important. That is work amongst women and girls. I think the time has hardly come when Government can do very much for them. It takes a long time to break down prejudice and the suspicion which must be overcome before you can really get into touch with the women and girls of a tribe. This missions have now done, and it is impossible to measure the importance of the work which they are doing. For the girls of to-day are the mothers of to-morrow, and by working through them we hope that the rising generation, and those yet unborn, will become a very different type to many of the natives found in the reserves to-day who do not understand what work, thriftiness and temperance mean. By granting money for the carrying on of their educational work the Government can in a really helpful way forward the work which missions are doing for the general uplift of the people committed to our charge.

One other point. There has been mentioned the most important matter of re-forestation of this Colony. Your Excellency, I desire humbly to submit that every penny that Government grants to mission schools for education in the Reserves is helping to re-forest them. It is a most striking fact that wherever a mission or out-school is established

clumps of trees, not only black-wattle, but also various kinds of eucalyptus, giant crotons and other trees are to be found growing up all around it. With regard to the Kikuyu Reserve, which I know best, I am sure it would be no exaggeration to say that seventy per cent. of the clumps of trees which one sees all over the Reserve, from Kabete to Tumuturnu, and Kijabe to Embu are either the direct, or at least indirect result of planting done by boys, and also of girls, who have come into touch with missions and have there learnt the great work of planting trees, and are somewhat making up for what their ancestors (lid in cutting down all the virgin forests to make gardens.

THE HON. T. J. O'SHEA : Your Excellency, as this is the fourth time that I have had occasion to make a close study of the Estimates of this country, which means that I have examined five budgets at least, as now tending to become a habit I have endeavoured to guard myself from falling into a groove by making a broad survey of these estimates for the forthcoming year and making a comparison with the years which I have previously examined. In doing so I have endeavoured to read them in the light of the knowledge of Government which I have acquired during the last three or four years, and at the same time I have endeavoured to get some definite idea of Government's policy in relation to the administration of its funds, and in addition to evaluate the way in which Government has endeavoured to carry out that policy.

I have arrived at some very strange conclusions. Some of them would appear rather surprising to those who had not endeavoured to read the Estimates in the same way that I have. One of them may appear startling.

I have come to the conclusion that whatever else the Government of this country may be, it is first of all predominantly a Government of officials, by officials, for officials. However much it may fail in any of its other activities it certainly does not fail to see that its civil service is well looked after, and in the course of the last five years the salaries of the Service have been steadily increased as part of a policy of paying the highest salaries to get the best class of men.

The number of plums of the Colonial Civil Service now offered by Kenya is very considerable. (Hear, hear.) In addition thereto the substantive pay of the civil service, after an analysis of these figures, by no means represents the total cost. The ways in which money is spent to increase the value of a post are so far-reaching that I have been unable to get any-where near the end of them. One hears every

other day of entirely new directions of making it profitable to be a servant of Government in this country. The GOVERNMENT looks after its civil servant from the time he leaves home until he goes back home, most paternally—with a most paternal care—and although Committees of this House have given up a lot of their time 'during the last three or four years to endeavouring to alter the terms of service in such a way that the individual would not lose but that the country might save, their efforts have been very largely wasted. Wasted to 1 he country but not wasted to the service.

I notice it is very conspicuous in this budget that such recommendations as have been made by these Committees to benefit the individual have been very carefully acceded to and embodied in this budget but the recommendations that have been made to save the country some of the heavy cost of administration have been very rigorously ignored.

Right through the budget appear revised scales of salaries and other alterations that have the effect of increasing the substantive pay of numerous individuals, but nowhere in the Estimates now before us do I find any reflection of the recommendations that have been made of saving the country some of the heavy cost of administration.

During the last two years a very considerable increase has been made in the number of posts to be filled. I should like to know to what extent the recommended revised terms of service have been applied in connection with these new posts.

In the matter of housing An expert was brought into this country a year or two ago to advise us in this connection. A report was issued and recommendations were made that were supposed to form the basis of a new scheme of housing. I should like to know from Government what has been done in that connection.

Another conclusion I have come to as the result of my study of Estimates is that we are dissipating our energies and our resources over such a large field that we are unable to do effectively and efficiently any of the things we undertook to do. In consequence the waste is very considerable.

In the forthcoming year's Estimates quite a number of new services are budgeted for. Each has been done on such a small scale that the result cannot possibly be very great and in doing that we have ignored the fact that we had already initiated a number of new services during the past few years on which we are spending too little to make, them effective.

In the course of the last few weeks we have heard on several occasions congratulations to ourselves that it should be possible for our estimates of revenue to be raised to what they are without placing any undue strain on the country and Government apparently takes credit in coming forward with these estimates that there is no suggestion of an increase in taxation. Your Excellency, I should like to know whether in recent years any real effort has been made by Government to examine the ultimate sources from which our revenue is derived? When one studies the trade returns in relation to our Government expenditure one cannot fail to be impressed by the fact that our trade does not seem capable of providing the amount of money which is required by Government for its administration. It seems to me that an examination will disclose the fact that a large part of our revenue is in effect a levy on capital. I mention it at this stage because we contemplate bringing into vogue next year a new scheme of land settlement. Government has done a lot of work in the past twelve months in endeavouring to secure outside support for such a scheme and has gone to a lot of trouble to get the imperial Government to provide a certain amount of funds for the purpose. But, Sir, from the moment a new settler lands in the country a portion of his capital is taken back by Government and it seems to me that in spite of our methods of taxation having served us up to now, there must be something radically wrong with the basis on which taxation is being levied.

Then again, Sir, recently efforts have been made to dissociate our liabilities in respect of the Railway and our liabilities in respect of the Colony. Now it may be convenient from an administrative point of view to dissociate the Railway from other departments of the State and it may be convenient from a book-keeping point of view to regard its liabilities as separate from the State's, but looking at them from the national point of view can one regard them as separate and can one assume our total commitments without taking the two into consideration?

It may be that under our Loans commitments the Government of the country has to meet only £75,000 for interest. But must we not also take into account that our Railway liabilities are in the neighbourhood of £700,000. suggest that in considering the financial position of the country as shown by these Estimates one cannot overlook our heavy liabilities in respect of our Railway commitments.

Apparently Government expects much from the new reorganisation of the Secretariat. I do hope, Sir, that some benefit will result but I would not like to express any strong hopes until I have seen the new scheme in operation, because-

it seems to me that in this reorganisation Government is carrying on in its usual way of merely making a temporary solution. Partial reorganisation cannot possibly be a success. The more I see of the working of Government departments the more I am convinced that the Government service in this country is rotten from the bottom. It is not on a solid foundation and it is useless endeavouring to carry out minor repairs.

In the first place a considerable loss of money to the country results from the employment of highly-paid heads of departments who are in fact not allowed to administer those departments according to their ability and according to their technical qualifications. We are paying a very large sum for these men and the services they return to the country are on a much lower plane and unless the new organisation is going to throw back on the shoulders of these men the responsibilities for which they are paid I do not see any great benefit will be effected.

In the Education Department, Sir, during the last five years the expenditure has increased from £52,000 to £156,000. I have been closely identified with the work of that Department during the last year or two on account of my membership of the European Advisory Committee and in that connection information has been placed before us which I think justifies my stating as my opinion that the administration of that Department is a public scandal. At a later date in the session, Sir, I hope to dwell at greater length on that, but when you find that the cost of administering the head office has increased from £3,000 to over £15,000 in five years and at the same time that the results of the work of that Department has been steadily deteriorating, then I think that we must be forced to the conclusion that there is something radically wrong. (Hear, hear.)

On European education in the course of the last five years the expenditure has increased from £18,000 to £38,000 this year. It is suggested that next year the expenditure on European education should be £46,000 and yet in the report of that Department we read that in the Nairobi School, there are 9 teachers teaching 55 children and that the average amount of time given by each of these teachers to his work is 19.3 hours per week, that the cost for the tuition of these children for teachers only is £90 per pupil, and then we are asked to vote extra money for the education of European children next year.

In the Medical Department, Sir, on pages 28 and 29 of the admirable Memorandum on the Estimates, there are various new medical items suggested.

Far from resenting that a previous speaker has expressed my view on this question, I am very pleased indeed that we should have the benefit of the ripe judgment of the Right Honourable Member for Rift Valley (Lord Delamere) against the inclusion of these new services. We are dissipating our energies and resources on attempting all sorts and every sort of socialistic activity ; in my opinion without any other purpose than window-dressing. Whenever one attempts to criticise Government there is always a good answer forthcoming : " We are doing this, we are doing that, we are doing the other thing "—as proof that Government is fully alive to its responsibilities in every direction. The effect of that is that we are attempting to do everything and are doing nothing well. Possibly in no department of Government activities have you got a better illustration of that policy than in the administration of the Veterinary Department.

Large sums of money are now being spent in various directions for the benefit of the native in veterinary services and yet quite recently the Hon. Director of Veterinary Services assured us that the money at present being spent in the Veterinary Department was almost entirely wasted—I must be careful of his words, I believe his words were—that it had largely been wasted because under our present methods we cannot hope to eradicate the major stock disease of the country and until that was done everything was practically useless. It would pay the country to concentrate on that work and until that had been done it was better to ignore other things that we were attempting at the present time.

The difference; between these two policies is the difference between my idea of what an efficient Government would be in this country and Government's present idea of efficiency in government.

In connection with pensions, Sir. The Hon. Member for Nairobi South has drawn attention to the desirability of making provision for our heavy liabilities in the future. There is one thing I should like to point out, that although we have failed in the past to make provision for our pensions I do not think it is fair that Government should have added to our liabilities in this connection by adding on to the pensions list people who should have been dismissed from the service. I find on the latest list that a police officer who I have reason to believe was dismissed from the service for drunkenness . . .



HIS EXCELLENCY: Order, order, I hope the hon. Member is illustrating a general principal. He is going into detail on a **general principle**.

THE HON. T. J. O'SHEA: I raised that point because I find in the schedule for this year there are two cases of individuals who I believe should not be on the pensions list, and it seems to me it is carrying out to the extreme the policy of Government in looking after its servants by placing them on the pensions list when they should in fact have been dismissed from the Service. We now find that we have been committed to fresh expenditure in connection with the Asian staff because that policy has been carried so far in connection with the European staff.

HIS EXCELLENCY: As the hon. Member referred to my effort to differentiate between the Railway debt and the Colony's debt, perhaps it might be as well if I give an explanation of what I meant in that connection as it is of some importance. I agree with him that the Railway debt is part of the burden resting on the country but I was very careful to differentiate as to the ultimate liability which I gave Members and the immediate liability for paying interest and sinking fund, the ultimate liability is one this Colony and Uganda should weigh carefully and the liability for paying interest and sinking fund so far as the Railway can meet its liabilities rests not on this Colony alone but on the users of the Railway, whether they be in Uganda, Tanganyika or the Belgian Congo, and therefore when he says that the share of this Colony in the Railway debt is £700,000 in addition to our Colonial debt he is falling into confusion. It is nothing like that amount.

THE HON. T. J. O'SHEA: May I say one word in reply? I intended to say our share of that £700,000.

THE HON. W. F. G. CAMPBELL (ACTING SENIOR COMMISSIONER, UXAMBA): On a point of order, may I ask whether anything is being done to improve the acoustics of this hall? Certain hon. Members have at times referred to us as being a well-balanced team of steam-rollers, but it would help us to understand the question on which we are asked to vote if there was less competition from the steam-rollers outside.

THE RT. HON. LORD DELAMERE: Your Excellency, why has the curtain not been drawn? I see that the people who look after the hall have been introducing some cobwebs to try and improve the acoustics. Surely something more can be done.

His EXCELLENCY : I am afraid most of the interruptions come from outside the hall.

THE RT. HON. LORD DELAMERE : I think the curtain makes all the difference.

HIS EXCELLENCY : The curtain will be drawn to-morrow..

*Council adjourned until 10 o'clock on Tuesday, the  
1st November, 1927.*

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*let November, 1927*

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TUESDAY, NOVEMBER 1st, 1927.

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The Council assembled at 10 a.m. on the 1st November, 1927, His EXCELLENCY THE GOVERNOR (SIR E. W. M. GRIGG, K.C.V.O., C.M.G., P.S.O., M.C.), presiding.

HIS EXCELLENCY opened the Council with prayer.

MINUTES.

**The Minutes of the Meeting of the 81st October, 1927, were confirmed.**

**MOTION (ADJOURNED DEBATE).**

ESTIMATES, 1928.

HIS EXCELLENCY : **The question is :-**

**" That this Council refer the draft Estimates for 1928 as printed and laid on the Table to a Select Committee of Council."**

MAJOR THE HON. **H. H.** BRASSEY-EDWARDS (ACTING CHIEF VETERINARY OFFICER) : **Your Excellency, I am grateful for the opportunity to answer veterinary questions in Council, a duty which has hitherto devolved upon the Hon. the Director of Agriculture.**

In answer to the Right Hon. Member for the Rift Valley, it is understood the Right Hon. Member's views on East Coast Fever are that the quarantines established are indefinite, and if the question was asked why more stringent measures were not taken, the usual squeal of no staff would be forthcoming. If staff was required for East Coast Fever work they could be transferred from the Rinderpest Service or " the Circus," as he considered that Stock Inspectors were wasting time controlling the reactions, etc., after the inoculation.

At the present time there is a Cattle Cleansing Ordinance on the Statute Book (Cap. 158, Vol III), which has not been applied because of a provision in the Ordinance. This provision reads that this Ordinance shall not be put into operation in any area until the Governor in Council shall, under such conditions as he may prescribe by Rules, have made provision for a sum of money out of which advances may be made to owners for the purpose of the construction of dipping tanks.

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HIS EXCELLENCY opened the Council with prayer.

MINUTES.

The Minutes of the Meeting of the 31st October, 1927, were confirmed.

MOTION (ADJOURNED DEBATE).

ESTIMATES, 1928:

**His EXCELLENCY: The question is :-**

**" That this Council refer the draft Estimates for 1928 as printed and laid on the Table to a Select Committee of Council."**

**MAJOR THE HON. H. H. BRASSEY-EDWARDS (ACTING CHIEF VETERINARY OFFICER):** YOU Excellency, I am grateful for the opportunity to answer veterinary questions in Council, a duty which has hitherto devolved upon the Hon. the Director of Agriculture.

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This nullifying clause was inserted at the instigation of the unofficial Members of this Council. I consider the application of eradication measures is necessary but there is the difficulty of how to introduce them. In the Convention of Associations last week, when the subject of East Coast Fever was debated, a considered opinion was given and suggestions made that the Animal Cleansing Ordinance should be amended to introduce the more recent views. As it is apparent that only certain districts in the Colony would be involved by a Cattle Cleansing Act, and in these districts various opinions are given as to the method of eradication by dipping, fencing and inoculation, the Right Hon. Member will no doubt realise that the solution of these difficulties cannot be found until the eradication measures desired are ready for introduction.

The Rinderpest Services, christened by the Right hon. Member "the Circus" because it travels around the country and performs in most settled areas . . .

THE RT. HON. LORD DELAMERE : On a point of explanation, Your Excellency, I should not think of calling a Government Department a "circus"—it was a general term, used all over the country for many years.

MAJOR THE HON. H. H. 13RA SEY-EDWARDS (ACTING CHIEF VETERINARY OFFICER) : On a point of order, it is commonly known that the Right Hon. Member christened this service "the Circus." These services are the result of the findings of a Committee of Legislative Council, on which the Right Hon. Member served, which laid down the policy now followed by the Veterinary Department.

The system of the Rinderpest Service has been in practice for over two years and has inoculated over 150,000 cattle in the settled areas, and as far as I am aware has given general satisfaction. The Right Hon. Member for the Rift Valley gives as his opinion that the Stock Inspector who remains at each centre of inoculation to control the inoculations is a waste of time (Tan RT. Hox. LORD DELAMERE : Hear, hear.) as the Stock Inspector could be employed elsewhere, preferably on East Coast Fever work (which cannot exist until the Cattle Cleansing Ordinance is applied). I submit the Right Hon. Member's observation is wrong and not held by other settlers who have had the assistance of this Service; of course the circumstances surrounding the inoculations of the Right Hon. Member's stock in that he obtained the help of the Research Laboratory at Kabete in a certain important factor of the inoculation probably influences him in his decision.

In answer to the Hon. Member for Plateau South, he makes a statement to the effect that because contagious diseases are prevalent and remain so, therefore the Veterinary Service is of little use and a waste of public money. I do not quite know what is behind the hon. Member's statement, but if it is an imputation against the services carried out by the staff of the Veterinary Department, I must most emphatically deny it, as the staff have carried out their arduous duties most loyally and efficiently. Contagious animal disease is very prevalent, and must remain so, so long as the principle of the Colony's labour is governed by native residents with uncontrolled native-owned cattle on farms. More assistance might be given by the prompt report of disease, when eradication measures could be given at the onset of an outbreak. As the hon. Member will have studied the annual workings of the Veterinary Department he must admit that immunisation measures have been carried out effectively and successfully, particularly in his district.

MAJOR THE HON. B. W. B. ROBERTSON EUSTACE. Your Excellency, I do not propose to labour any further the principles of the Budget but there are one or two matters which particularly affect the Coast to which I wish to draw attention. I would first of all like to ask the Hon. the Director of Agriculture why his Department does not take any steps to try to improve tropical agriculture. We have nothing in the way of an experimental farm at the Coast, yet there are numbers of things that personally I have myself tried and others have tried and we are satisfied that they are well worth going in for. At one time the Superintendent at Waa School did go in for a few experiments and *I see* no reason why Waa School should not be used now as an experimental station and a supervisor stationed there in order to carry out experiments in a small way.

Another matter about the Agricultural Department is—Some years ago there was a Committee appointed to go into the question of improving the breeding of poultry out here. That Committee met for several days and sent in their recommendations, since when nothing further has been done about it.

With regard to the Medical Department, I congratulate the Hon. the Director of Medical and Sanitary Services on his action in placing two more medical officers at the Coast. They have done exceedingly good work and I regret very much to hear that they are themselves both now affected with that terrible disease with which the district they are posted in is affected, but, Sir, there is one place that I would ask the Hon. the Director to give attention to—and that is Tanaland. For years I have tried to get him to send someone up there, but without effect. The natives there are just as much

entitled to medical services as other parts of the Colony, more so in fact as they have no missions. They are very badly in need of medical attention and I do hope they will be able to get it. I would further congratulate the Hon. the Director on having put in the sum of £500 for having Government officials x-rayed—I am sure it will be of very great benefit to everybody that they should be x-rayed. (Laughter.)

With regard to the Education Department, I would like to ask the Hon. the Director of Education to tell us how many boys who have been educated at the Government School have joined Government Service. After all, these boys are the people we have to look to as future administrators to carry on the administration of the country.

With regard to Native Schools, I would like the Hon. the Director of Education to consider whether it would not be worth while starting a Native School at Lamu. There is a wrong impression abroad that the natives of Lamu are all Arabs, but this is not so. There are a large number of Swahilis and other Coast tribes there who are very well worth training. As regards the Arabs, these should be trained to take up positions as clerks in the Administration, sub-inspectors in the Police, Customs, and other jobs of a like nature. The tribes should be educated for these purposes. I am satisfied that these people can be made a very useful community to the country. We see the effect of the good education the Arabs are getting at Mombasa under the excellent headmaster they have got there now.

Getting back to Tanaland, I do hope the Hon. the Director of Public Works, when the Lamu-Wajeir Road is opened, will consider making a base at Lamu for his transport. The opening of that road is of enormous importance and is going to help that part of the country enormously. Take for instance foodstuffs grown along the Tana—it has to be brought up by train from Mombasa to Nairobi and thence to Wajeir by rail and car. If those foodstuffs can be taken direct from Mombasa to Wajeir it will save an enormous amount of time and expense. It ought to reduce the expense tremendously.

Next I come to the Police Department. I do think that the time has now arrived when the Committee which sat some years ago ought to go into the matter of the Police again and the armed forces of the country. We have here a force of over 2,000 men in the Police who are semi-trained as military and semi-trained as police. I think the time has now arrived when those people who go into the Police should do purely police work and those who go in for the Military should do military work only. I cannot see where

the idea comes in of having this large Military Force as well as the Police and the ragamuffin police they propose to form in the Northern Frontier Province and the armed Defence Force.

The Police lately have gone very far in the way of uniforms, which are almost like those used by the Military. Why, I cannot understand. They wear military badges, and they have even gone to the extent of wearing brass caps with the insignia, I think, of a field-marshal's rank. A most extraordinary thing. I think it is quite wrong. Police officers are proud of being Police officers and I am quite sure do not wish to be taken for anyone else. It is quite unnecessary that they should.

One thing more—with regard to missions. I have always been a firm supporter of these and hope to long continue to do so, but I would like to issue a friendly word of warning, that is that the missions would be well-advised to continue in their proper sphere and not indulge in propaganda which might be liable to be misunderstood and by which they would lose a number of their present sympathisers.

LIEUT.-COL. THE HON. C. G. DURHAM : Your Excellency, I am only a politician in the bud and therefore I will not try and emulate the hoary hedgehogs on my side of the House and will confine myself to the military vote only.

In the Estimates before the House, Your Excellency, I think that without affecting the efficiency of the Battalion of which I am talking, we could make a saving of £4,000 as set down to-day. My friend the Member for Nairobi South yesterday thought that we might do away with one Battalion of the K.A.R. I take it, Sir, that he means one company. Of course there is only one Battalion of the K.A.R. in Kenya.

Your Excellency, I would like to support the reduction of the K.A.R. by at least one Company. I refer to the Meru Company which to-day, in my opinion, does nothing at all for being there and the cost of the Company is something in the neighbourhood of £20,000 a year.

With reference to the auxiliary force the Colonial Secretary referred to yesterday, Sir, that they hope to raise in the Northern Frontier, I am afraid that many of us look upon that force, or rather the force they had before of the same kind, as licensed looters and I submit, Sir, it will cost the country an enormous amount of money. It is stated that we will save money but I believe and I hope that this side of the House will agree with me when it comes to the vote. In the past they proved to be absolute failures and I think you can find that on record.



At a later stage in this session I hope to be given permission to move that Government consider the amalgamation of the K.A.R. and the Police. This was put up in 1922 and turned down by the War Office. One of the reasons for turning it down was that we had no Defence Force. I submit, Sir, that to-day we can show a very much stronger case and we can also show the country a saving of £40,000 a year if we had that amalgamation on the lines suggested in 1922.

If the whole amalgamation cannot be carried out, Sir, I do hope that Government will consider the amalgamation of the Quartermaster's Stores, the Paymaster's Branch and the Training Depot, which would also prove a very great saving to the country.

THE 110x. F. O'B. WthsoN : Your Excellency, like my friend on the right (Col. Durham) I feel that the big guns OH this side of the House have already done their job and that it remains for the smaller arms merely to concentrate on points on which they possibly think they know something about.

I will, before getting to that point, merely remark that I was unable to hear all that the Director for Veterinary Services said and I may have something to say about it later in the session when I have been able to read his speech.

The point I wish to get to is the point touched on by the hon. Member for :Nairobi North (Capt. Ward) and that is the desirability of this Government taking advantage of the offer of the Empire Marketing Board to assist in the importation of pure bred stock into this country. The Empire Marketing Board put forward an offer of £50,000 for the Empire on condition that the Governments concerned will put up pound for pound. The other conditions are that the Government must show reasonable prospects of being able to establish a dairy export or an export of hides to the United Kingdom I believe. I believe this Government could show a reasonable prospect of both these things if they can be persuaded that there is a real need for assisting the importation of pure bred cattle.

Well, Sir, there are in this country about 100,000 cows, female stock, used for dairying or breeding. There are only about 400 pure bred bulls for that amount. There should be something like 3,000. One of the reasons why we have not been able to import into this country has been the excessive cost of importing, it works out just about 50 a head or in other words the cost of a bullock bought in England has been doubled by the time it arrived in this country.

As far as closer settlement is concerned, so far as the dairying side of closer settlement is concerned, there are three essentials, one is good land, the second is good men and the third is good cows. We have, I hope, the good land, I think we have the good land, we hope the Commissioner of Lands

who is giving us a statement later on will show that they have taken steps to get the good men and the next thing is good cows and here is the chance of Government to get these good cows. It takes time before a bull may make his effect felt, it is a matter of three to four years, and that is one of the reasons *why I* am urging Government to make provision in this budget. We must get down to it at once. The small man we hope to see coming out to this country dairying and so on will be, I am afraid, quite unable to make good unless we do take immediate steps to assist him in getting a good class of cow, a high producing cow. I believe that in every country in the world that has made a success of dairying, New Zealand, Australia, and everywhere else it has been found that you must have your high yielding cow and it is for that reason and other reasons I have given I do hope that Government will try and make some provision in these Estimates for assisting in what I consider this very important help to the dairying industry.

CAPT. THE HON. E. M. V. KENEALY : Your Excellency, the point on which this budget fails chiefly is the point in which other budgets for the last three or four years have equally failed. They have failed to provide domestic legislation and they have failed to provide essential domestic services.

One of the major elements of criticism in this budget is in the administration and one sees the effects of the muddle, the exceptionally Muddled administration, reflected in this budget in this particular aspect that the Feetham Commission's Report has not yet been debated or approved by this House, and yet we see provision made for carrying out the recommendations of that Report incorporated in the budget. I consider, Sir, that that is entirely wrong, and it is not only wrong but muddled which is still more unfortunate.

It is essential to provide a formula for national prosperity. It is difficult but I propose to do so now, Sir. It is not difficult in this country ; it is difficult to reduce expenditure and to increase revenue without increasing taxation. In this country, however, it is not difficult and the reason why this budget fails is because this budget fails to provide that very obvious and very necessary measure and that is by settlement. Here we can. increase our revenue by settlement. It is the simplest way of doing it ; it is the obvious way and moreover it is the right way and it is the essential way, for settlement it is that this country is in most need of. Government will plead that it is attempting to give an earnest of its expressed desire in the last three or four years to increase settlement. Well, Sir, in Tanganyika in the last three or four years they have increased their settlement, I should think for every one settler that Kenya has produced Tanganyika has produced thirty.

Now, Sir, we are not concerned with the pleasant verbiage or the idealistic policy, we are concerned with results and if the Governor, and the Executive, and the Land Officer of Tanganyika are able to get thirty times the number of settlers that Kenya gets, then that is the type of administration that we require in Kenya, because we judge by results, and not our own.

Intimately bound up with the question of settlement is the land policy of this country. We were told some years ago that an area of land called Ndaragua was required for closer settlement. What has been done with that land? Has it been used? Years ago we were told that it was required for closer settlement, yet nothing has been done with it. It is a scandalous thing. There is any amount of land. I do not know what has been done by the Land Advisory Committee, but it is suggested that we have difficulty in getting settlers of the right kind. That is an absolutely false idea. We have no difficulty in getting settlers of the right kind.

**HIS EXCELLENCY :** Order, order, I hope the hon. Member will try to keep a little closer to the Estimates he is discussing.

**CAPT. THE HON. E. M. V. KENEALY :** The suggestion that we have difficulty in getting settlers is a false one. The reason that we are experiencing difficulty is not that there is a lack of settlers, but there is a lack of available land. There is land at Ndaragua. There is any amount of land in North Laikipia. There is land at . . .

**HIS EXCELLENCY :** Order, order, I call upon the hon. and gallant Member to speak a little more closely to the Estimates. There is provision in the Estimates for settlement, but speaking about the land available in the Colony is not germane to the Estimates.

**CAPT. THE HON. E. M. V. KENEALY :** Your Excellency, I see provision in the Estimates for land revenue of £30,000 and since that represents so very small a proportion of what I consider to be the available land I consider it to be essential to mention by name the other areas of land that should be thrown upon the land market to encourage settlers.

The forest policy is intimately bound up with the land policy. I am very pleased to see that the Conservator of Forests is in this room. It is less land and more forests that we want, Sir, and to take away from the Forest Department the land they do not use at the moment and cannot use in the immediate future and devote that land to settlement and enable them to receive a certain amount of money from the acquisition of land by the Land Department and forest areas which are appropriately forest land.

In regard to land policy which we hope to have a statement about later on from the Land Officer, I wish to comment upon the Land Office report. The Land Office report was a report which I had asked for because we are trying to ascertain what attempt Government was making to manifest its sincerity in regard to settlement and the adumbration of a land settlement policy. Well that land report, Sir, gives us no information on the points where we require it and I consider that that Land Office report is merely a waste of public money because it fails to give the information which we on this side required.

In regard to the vote for Administration, one has seen the failure of the Administration in regard to the Somali control. The Somali in North Laikipia and in the settled area has caused a lot of trouble and a great deal of expenditure. We spend a lot of money on police in this country and yet the police were unable to handle the situation and I think . . .

THE HON. THE COLONIAL SECRETARY : On a point of order, I do not think there is any vote in the Estimates in regard to the provision in respect to the removal of the Somalis. This operation is now taking place and will be continued we hope until the end of the year.

CAPT. THE HON. E. M. V. KENEALY : I am very happy to receive that assurance, Sir, and I trust that it will develop. But, of course, the Somali is not moved without a certain amount of expenditure, whether the expense is seen in the budget of next year or not, it is going to cost something to move him, and we are going to pay for that.

THE RT. HON. LORD DELAMERE : Your Excellency, on a point of order, I always understood that on the Appropriation Bill anything almost that deals with the policy of the country was appropriate to be raised. I am not suggesting for a moment that I agree with any speaker.

His EXCELLENCY : The Noble Lord has more experience of the traditions of this House than I have, but in regard to the relevancy of any subject on this particular motion, which is not the Appropriation Bill, but a motion to put the Estimates to a select committee of Council, I think hon. Members should confine themselves to what is dealt with in the Estimates and should quote details in the Estimates to illustrate the general principles. That I think was the object of this debate. There is a motion on the Appropriation Act which comes later in the session which furnishes a " further opportunity for discussion.

THE RT. HON. LORD DELAMERE : Does that mean that when the second reading of the Appropriation Act is taken we are going to have this all over again?

HIE EXCELLENCY : That is what the Noble Lord contemplates.

THE ET. HON. LORD DELAMERE : No, Sir, I think it is a new move.

His EXCELLENCY : Order, order, that appears to be what the Noble Lord and his colleagues prefer.

CAPT. THE HON. E. M. V. KENEALY : I consider, Sir, that current road expenditure is totally inadequate. I have said that I consider this was so in previous budgets. In this budget undoubtedly it is totally inadequate and it is recognised by Government that it is totally inadequate and yet it is left inadequate with the object which I will now explain.

Obviously the Feetham Commission's Report is going to be carried out either wholly or in part in this country, and there is going to be local government in certain centres and Government realises it will have to contribute towards the funds of that local government certain funds which in the past have been voted for local control in that district although the executive control did not lie in that district. These funds were devoted to particular areas and Government realises that these funds will in the future be required and Government realises also that the taxable capacity of this country has reached its limit, the individual taxable capacity, and therefore means ultimately to ask the local inhabitants to contribute on the pound for pound principle or some other principle ; in fact, to increase taxation there. Government will therefore have increased the expenditure in any one of these districts and will make it necessary for the districts themselves to do it and therefore Government has purposely left the current expenditure on roads with the object of introducing local taxation in the form you have in these districts. That is a very clever move but it is a little obvious.

I agree with my hon. friend, one of the Nairobi Members, about the necessity for having itinerant magistrates—if it is proper to call them that. The magistrate *is* an itinerant one although the term is generally used in connection with less admirable persons.

One does see water legislation provided for to a certain extent but, Sir, it has provided far too little, there is not nearly enough money for the necessary water legislation. It is essential to have water legislation and other domestic legislation before we have local authorities established. The principles under which local authorities work must first be laid down. It is essential to do that otherwise we will have more muddle and therefore it is essential that local services and domestic legislation should be provided for in this budget and they are not adequately provided for.

One sees in the matter of detail a certain amount of muddle in checking the railway construction at Naro Morn, instead of taking it on to Nanyuki, where Government has established a township, and has sold land to various persons under various conditions, and if Government fails to carry on the line then it will mean that a rival township will spring up to the great disadvantage of the country as a whole.

The education vote, I think, Sir, is inadequate, or if it is not inadequate it is badly distributed. That I think is a matter which will probably be gone into in more detail. If it is bad distribution I hope the distribution will be reconsidered. At Nanyuki there is a school built to contain twenty-five children, there are thirty-eight there and another eighteen or twenty are waiting. I think provision should be made for that.

In the Northern Frontier we have difficulty with various problems. The unfortunate Samburu tribe is being pushed further south by pressure of those rather difficult people to control, the Abyssinians. The way to protect the unfortunate Samburu is to give them a white backing on their southern boundary, settle people in that neighbourhood who will protect them against the encroachment of the uncontrolled Abyssinians.

The Game Department has asked for very little, but I do wish to maintain what I have always maintained, that the Game Department is a luxury. It is not a necessity. It is a luxury, and if there are people in the world who are desirous of maintaining animals in this country, which cannot be found elsewhere, against extermination, I think those people should be asked to contribute towards their maintenance.

There is not very much more. In regard to the Public Works Extraordinary vote for which we have taken to ourselves a certain amount of credit in increasing it to a large extent, it is essential that we on this side of the House should insist that that money is spent in conformity with policy or follows the outlines laid down in regard to this expenditure.

I believe, Sir, that the Estimates have not been considered in Executive Council, and although the Executive Council is not a favourite of mine, I think the administration should be carried out in some other way than by excluding Executive Council. I would suggest that it is . . .

His EXCELLENCY : Order, order, that is a matter entirely within the discretion of the Governor.

CAPT. THE HON. E. M. V. KENEALt : Finally, Sir, I consider that we should increase the revenue by furthering the settlement policy of this country and Members on this side of

the House should insist on the reduction of expenditure by at least £100,000. if we sincerely try to effect that reduction I am convinced we shall do so. After having effected that reduction I think that we might properly stop congratulating Government in the very affectionate way we have done recently and we should then be in a position to congratulate ourselves, which I think is really the more important matter.

THE HON. THE COMMISSIONER OF LANDS (MR. MARTIN) : Your Excellency, I do not propose at this stage to discuss the various points raised by the last speaker. For the last year or two he has been pressing for further settlement and I have every sympathy with his object. But, of course, everybody knows that certain things have had to be done before we can take the next step forward in settlement. So I do not propose to explain now why 1927 has been the year in which we have had to make our plans for concrete action which could not be taken before 1928. Well, Sir, I am in some difficulty at the moment in not quite knowing how to make my statement appropriate to the general debate on the budget. But I have the report of the Kenya Advisory Committee which contains the concrete schemes we have put together as the result of discussions at Home and discussion and work here in the Colony. I should explain first of all in what stage these proposals are. They have been put forward to Government and they are under consideration by Government. They must eventually be put into the form of a bill, or some of them must, and then come up for special and detailed consideration by this Council. It is proposed for the moment that some opportunity should be given of discussing them, particularly to the authorities in those districts in which it is proposed to operate the schemes.

I propose to furnish each member of the select committee on the budget with a copy of this report. It will I think help their examination of the one or two items in the budget which are closely connected with settlement.

Here I should like to point out that it would be absurd to measure the magnitude of these schemes by any reference to them there may be in the Annual Estimates, for these schemes are definitely bound up with the organisation and operation of a Land Bank. The funds of the Land Bank will, of course, not come from revenue. At the same time there are certain concessions of a minor nature which Government is going to be asked to make in the form of grants and not loans to new settlers. The share of Government in making these grants for 1928 is put at £3,500. In this connection, however, I wish to emphasize that it is most desirable that these schemes should be considered as business schemes—that they should be self-supporting and that the terms whilst sufficiently

generous to enable the beneficiary of the scheme to make a good start and gradually prosper, should also provide for the other side of the matter—his own independence ; he should stand eventually on his own legs and pay off such advances as he has been provided with by Government. If, Sir, it is considered necessary I can go into all the details at a later stage when the budget is put into committee, but I think perhaps even at this stage it would serve some useful purpose if I try and paint some picture of these schemes as conceived and submitted to Government at the present moment. Later, of course, they will have to be reduced to the form of legislation—legislation which I hope it will be possible to submit to Council next session; and that will, of course, provide a definite opportunity for an *ad hoc* debate on all the details.

The general principle underlying these schemes is close settlement—wherever settlement -exists now or is possible in the future. We have tried to treat the problem as a whole and although in these schemes will be found particular reference to the Crown lands which it is proposed to make available in 1928, it is hoped that the principles we have adopted may equally well operate in closer settlement throughout the country. Our two initial problems were, water, and cattle disease. In our proposals for 1928 we have therefore had to take areas and possibilities where the absence of one, and the presence of the other factor do not constitute an impediment. We know that water-boring apparatus- is now being made available throughout the country and we have heard from Your Excellency that these plants are to be still further increased. We believe that the future of our schemes will depend very largely on such water-boring plant being widely distributed.

The problem of cattle disease I do not propose to touch upon as everyone is aware of what the difficulties are there.

Well, we started six weeks ago to put together these schemes with certain known factors. The first of these known factors was the land which we considered immediately available and suitable. Such land we believe to be sub-divisible in the region of Kitale, one or two other parts of the Trans Nzoia, in certain parts of the Uasin Gishu border and along the northern slopes of the Aberdare range.

We believe that one of those areas we can cut up into small holdings of 100 acres each, and that mixed farms in all these areas can be laid out between 500 and 1,200 acres. If I may I should like to interpolate here a remark on the subject of the type of settler and the capital required. We consider that we should not be too hard and fast in our requirements in respect of capital, where settlers of the right sort of



character and experience are available. We have adopted a scale that springs almost from zero and goes up to about £1,500; given the right type of man, appropriately sized holdings can be found for settlers with capital at any point in this scale. The next known factor is that of the assistance which we can offer new settlers. This assistance will take two forms; firstly, that of a Land Bank, for which we have been promised sufficient funds to commence operations on a considerable scale. The actual figure has been put at three-quarters of a million pounds which will be available for new commitments, but not necessarily, of course, for new settlers.

The other form of assistance is that taken by contributions from Imperial funds, which are promised us provided that the final draft of our proposals, as expressed in legislation and so on, convinces the Overseas Settlement Department that they are sound, and provides sufficient safeguards. The details are roughly as follows the provision of the half of a twenty years five per cent. loan of tr100 per settler, and of half a further loan in certain circumstances : the grant of such a contribution towards passage money from England to Mombasa as would, with an equivalent grant from the Kenya Government, and with a fifteen per cent. reduction, if granted, by the shipping companies, reduce the cost of passages to £10 per head : thirdly, the Overseas Settlement Department will bear a half share in any losses under the scheme, except the loss of interest : lastly, it is expected that the usual assistance given in the direction of maintenance and training grants will be available also. The Overseas Settlement Department further undertake to help us in every possible manner in obtaining the right sort of applicant, while leaving to us the final responsibility of selection.

Now these facilities granted by the Imperial Government are available only for new settlers from the United Kingdom. I think the reason for that is so obvious that I need not discuss it. At the same time we have our own duties here not only to new settlers, but to local potential settlers already in the Colony who want to go on to the land and are of suitable type, and where funds are not forthcoming from the Imperial Government for advances and so on, they should be made by the Kenya Government in order to put the local allottee on an equal footing with the newcomer.

We have divided our scheme into four parts.

- (1) Small-holding scheme for home applicants, Class A.
- (2) Small-holding scheme for local applicants, Class A.
- (3) Mixed farming scheme for home applicants with about £1,500 capital, Class B.
- (4) Mixed farming scheme for local applicants with some capital, Class B.

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• You will notice a slight difference in the wording of the last two schemes. We have stated a definite figure of capital required for home applicants, but not for local applicants, as I have already said. For local applicants we have to set off colonial experience and farming knowledge against a certain amount of capital which would be required by incoming settlers from the United Kingdom but which might not be so necessary in the case of a local applicant

I will now read a few passages from the prefatory remarks made in the report :

- (a) While the schemes put forward are intended to be as complete as possible in respect of the details of machinery and organisation, they do not pretend to do more than make a start either in satisfying the needs of local applicants, or in procuring an influx of new settlers from England. The Committee feels strongly that the initial experiment should not be on too large a scale, but should be handled with such care as to justify its repetition from time to time. Thus, though the 170 allotments proposed for equal division between home and local applicants may seem a somewhat pusillanimous beginning, considering either the extent of the local demand, or the possibilities of recruitment in England, our opinion remains in favour of a small-scale start, but as successful a start as care and judgment can make it.
- (b) We are particularly anxious that before any final subdivision of the areas contemplated for this settlement is made, that local knowledge and experience should be given, in each district, a full chance of criticism and advice. We, as a central Committee, recognise our responsibility in the submission of a scheme of settlement which will be limited to no particular district and must have advantages of a general character. But we desire strongly to recommend the earliest possible discussion of it in the districts concerned, particularly before specific areas and details of lay-out are fixed on the ground. In this connection it will be noticed that we recommend the creation of a central Land and Selection Board to handle 'these problems ; but that we also contemplate the creation of District Boards, particularly in connection with local land affairs. As we further understand that in future the administration of Crown land will be largely in the hands
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of local district governments we suggest the wisdom of applying this principle at once to the details of these settlement proposals.

- (c) It is understood that the Government by no means intends to limit its general policy of land alienation to these " assisted " schemes, and that land will be made available for general development whether by auction, or tender or such other methods as may commend themselves. It would therefore appear desirable to offer some broad definition of the special objects of the schemes now submitted. We think they can be briefly summarised as the provision of land on specially easy terms, and with special facilities of obtaining working capital, to would-be settlers, who have no land in Kenya and who have comparatively little ready money of their own, but who intend and will be bound, themselves to occupy and farm their land ; with the further qualification that they shall be personally and carefully selected. These objects are not specifically aimed at in alienations made usually of land under the Crown Lands Ordinance, and we suggest that the course adopted in the Soldier Settlement Scheme, of providing a special act to regulate special new settlement be followed here.
- (d) Mention of the Soldier Settlement Scheme suggests a problem on which we think it desirable to comment at once : viz, the question of a special allotment for ex-soldiers who either did not apply for or who failed to be granted land in the 1919 allotments. We believe that all reasonable means should be adopted to provide such candidates with land, but we are not in favour of limiting any one of our schemes to them only. Since 1919 almost a new generation of land applicants has grown up ; the applicants who failed, through no fault of their own, to obtain land in the former scheme are by no means all now resident in the Colony ; and we do not believe that any special scheme at the moment could do anything but again leave a residuum of further claimants which would require a still further scheme. The original scheme offered no suggestion of its being merely an interim or a partial measure and held out no hopes of its subsequent repetition. We prefer therefore to limit provision for landless ex-soldiers to local residents, to include them under our Schemes II and IV (*vide* page ) and to suggest direction of the Land and Selection Board's attention to the qualifications of candidates with war experience. We

do not, however, suggest that these qualifications should confer an exclusive claim to land : though, all other things being even, they should carry a weight not attaching to other candidates : in that sense, therefore, a preponderating weight.

- (e) Finally, we desire to invite attention to a principle which we have embodied in all our proposals : that is the principle of a judicious interposition of local with imported allottees. We have great faith both in the potential value of the comparatively experienced local farmer in providing assistance, if only by example, to the newcomer, and also in that goodwill and readiness to help which might operate in diminution of the newcomer's inevitable period of noviciate. As will be seen later, we do not propose to rely entirely on this form of assistance, but we believe that it can be of great value and will in fact be forthcoming. For this purpose the Soldier Settlement Scheme method of individual selection of farms by the successful candidates followed by balloting should be so modified as to provide for the "A" holdings being allotted to local and overseas applicants alternately. The "B" class farms reserved for either kind of applicant are not so compactly grouped, and are in any case all situated in already settled areas ; and do not appear to require such careful distribution.

Now, the first point in the above extract is that we do not look upon the 1928 scheme as a complete scheme in itself. It is the beginning of a process which will, we hope, carry on from year to year. That is to a certain extent recognised by the Overseas Settlement Department itself, which has agreed to these schemes covering a period of three years. The Department has limited its assistance at the moment to 200 settlers only, but I think we are perhaps only being put on our mettle by the home authorities in this matter and that when we come to the limits of the help they give us now and if we are successful during the next few years I have a very strong feeling and hope that we may get that assistance continued.

I have mentioned already incidentally the qualifications or obligations which we suggest should be required of the new allottee, whether local or from home. Above all things he must be a genuine farmer, he must reside on his farm and work on the land, and must not already hold agricultural land in the Colony.

The report gives a statement of qualifications to be demanded, and they are all somewhat obvious. In the case of the local applicant who takes up a holding, I would point out

that in many cases he will leave a place for some newcomer to fill. Generally speaking local applicants will be accorded the same measure of assistance as the newcomer, the same Land Bank facilities, and so on.

It is proposed to make these allocations in the following proportions : Out of 170 farms which we suggest should be given out next year under these schemes, we suggest that eighty-five should be given to each class of applicant, that is to say, local and home. We suggest that each eighty-five should be sub-divided in the proportion of fifty larger-scale mixed farms to thirty-five small-holdings. We believe that we should start cautiously on the small-holdings side of the problem as that is the side of which this country has had the least experience. At the same time we feel we must cater for the demand at each end of the scale and this is the beginning which it is proposed to make in 1928. I will not go at the present juncture into all the difficulties and merits of the small holding as that I think is a subject on which I would ask hon. Members on the other side of the House to think over carefully after reading this rather long memorandum, with a view to further chances of discussion at a later stage.

I will not *go again* into all the development and other conditions which we have laid down for the settler under the assistance schemes. It is perfectly obvious that such things as personal occupation, restriction of transfer, and various safeguards like that must be imposed, and they are all detailed here in the report. I propose to deal for the moment rather with the subject of the help we can give to the small-holder. I think it is obvious that many small-holders may need some sort of tuition; and that some sort of assistance on the ground would be of great value. What we propose is, and this item takes up a large proportion of the £3,500 grant asked for for next year, is to have in these small-holdings a sort of model small-holding financed by Government with a competent officer in charge, who can assist the surrounding small-holdings by example and advice and also probably by making available certain plant and machinery of use for putting up buildings and on such for example as a concrete block making machine. I think a number of small aids of this nature can be afforded, in addition to more considerable measures, such as you will notice in respect of the water supply at Kitale.

There is another point of importance. We propose that where money is borrowed at the start—as it must be in some cases—interest should not be payable until the expiration of a certain period. This free period which we put at three years, it is suggested should be given to the mixed farmer as well

as to the small-holder. Some sort of clear period is obviously required so that the necessary but unproductive expenditure can be reduced to a minimum

Hon. Members will notice that the Appendices include a series of draft budgets giving some idea of what the expenses and revenues might be under given circumstances. To make up imaginary budgets like these is, of course, to invite every sort of criticism. Farming on paper, as every one knows, is a most unprofitable game, and its prognostications of fortune seldom come true. At the same time we want to invite criticisms and it is particularly on these tables of accounts that it will be possible for practical farmers to base their criticisms. We have therefore deliberately laid ourselves open to attack and have put them forward.

There is another point which I think I ought to deal with at this moment. We have, after a great deal of consideration, proposed to Government that the Southern Rhodesian plan of securing what capital a settler has, should be adopted. That is to say, a man with £1,500 should be asked in the first place to deposit seventy-five per cent. of that sum until he is put on to his farm. He will have the deposit returned less twenty-five per cent. of it, which twenty-five per cent will be put against his land account in the bank. We have, however, to differ from the Southern Rhodesian Land Bank system in so far as in Southern Rhodesia the Land Bank is not a Government activity. It borrows money from the Government, but works as a separate organisation. We saw considerable difficulties in that. Where there are dues to the State and also dues to the bank there is always danger of competition in getting those dues in, and in any case there is not quite the same opportunity of generous treatment or indeed perhaps of economical working.

Now our proposal is to treat the bank as simply a function of Government, and to make it administer the land which it holds as security, as well as the advances made on that security and on that of improvements. To collect both the dues to the State and the dues to the bank. For instance, it is proposed that the Land Bank should collect the land purchase-price instalments.

There are other reasons why a Land Bank and the ordinary organisation of land administration should go hand in hand, and one is the question of economy in administration. We think that the local Resident Magistrate with his District Council should be in the same position as regards Land Bank references as is the Magistrate in Southern Rhodesia. Valuers in each district must necessarily report through the Local Administration, which will comment on the valuator's report and send it on to the Central Land Board.

On this point of Land Board, we suggest that the Controlling Board of the Bank should include the two main officers of the Bank, but should be the Central Land Board of the country, such a board as has been partially functioning in the shape of the Kenya Advisory Committee.

I will not go into the composition of this particular board nor will I go into details, except to say that we think the Land Board, including the two chief officers of the Land Bank, should book after the general administration of settlement affairs in the Colony.

As regards the cost of the Land Bank and its organisation, I will only say this. Hon. Members will find at the end of this statement a comparison between our general proposals, our general needs here and the legislation in force in the Union of South Africa and Southern Rhodesia. It is quite obvious that we cannot follow blindly one or the other. The objects of each are in some form different from ours. We have, however, used these ordinances as a helpful basis for constructing our own plans—but they are not to be blindly followed.

Well, Sir, one of the most obvious things to go for is to keep the overhead charges of the Land Bank as low as possible. Our proposals are not, of course, in the Annual Estimates, but roughly I think they should amount to something less than one per cent. charged of the funds at the disposal of the Bank. We suggest that January 1st should see some sort of start of the preliminary work for the Bank, but we do think that during the interval, particularly if Mr. Herold can pay us a visit, we should be able to draft a Bill on the lines laid down here, which would make a Land Bank a going concern for practical purposes in the early part of next year.

That is our programme both as regards the settlement, that is, allocation of land, and financing the settler, we hope to have legislation ready for introduction if the Government approves at the next Session of Council, or at the beginning of January.

Well, Sir, I might go on wandering like this almost indefinitely. . . .

THE RT. HON. LORD DELAMERE : Hear, hear.

THE HON. THE COMMISSIONER OF LANDS : It is extremely difficult with a thirty-five page memorandum such as this to do more than to pick things out here and there w al the object of calling attention to important points. I do not pretend to have done more than to have said enough, I hope, to persuade hon. Members to read this document carefully and

perhaps to have given the public some rough idea of the ground it covers. It is impossible to explain detailed schemes at a general debate on the budget as a whole, and I, of course, have not tried to do so.

I hope in any case these schemes will be examined tolerantly and that whatever differences of opinion there may be about details, and I have no doubt there will be many differences of opinion, I hope there will be sufficient justification for asking the Budget Committee to recommend the allotment of this small sum of £3,500 in connection with the land settlement schemes for next year.

THE HON. THE DIRECTOR OF EDUCATION (MR. ORR) : Your Excellency, the Hon. Member for Plateau South made certain references to my Department and I would be glad, with your permission, of an opportunity to deal with them.

The hon. Member is a member of the Central Advisory Committee on European education which advises Government, and therefore has fuller knowledge perhaps of the problems of European education than others. It does seem to me, however, that during the recent discussion on the Advisory Committee he entirely missed the nature of the point and I do not think that the discussion on that Committee warranted the criticisms which he had made in this Council.

Whether it is the lack of accommodation in schools, Sir, or whether it is owing to the failure of parents to send their children to school, there is not the slightest doubt that the higher education of European children is not doing as well as the education of other races. I want to make it clear that that is the case and I do not hesitate in saying so.

In an Indian school of 700 boys in Nairobi we find that they are passing the London Matriculation of the first division, that they are going home to study for the Indian Civil Service and to study for medicine. We find that in games they have exactly the right spirit and yesterday I had the privilege of presenting a cup to the Indian school in Nairobi which had defeated all the adult Indian teams in Nairobi at football.

In Indian education progress is being made rapidly. With European education we find ourselves confronted with difficult problems, and that is why a large number of boys in the Colony for whatever reason—whether it is lack of accommodation or the failure of parents to send their children to school—are not going to school until late. Now in training the mind of the young they must be brought under education earlier. Intelligence grows very rapidly from the fourth, fifth and sixth years and develops steadily up to the age of 16. Results in America and elsewhere show that the actual



growth of intelligence to the growth of knowledge and experience ceases at the age of 16 and therefore it is imperative that children should be under education from the age of 4 or 5 up to the age of 16.

Now where children are late in coming to school the ground for development is never covered. We have cases in the schools of Kenya of children coming to school as late as ES years and whereas they are now 16 years old they have been absent from school three, four or five years.

It is impossible under the system for them to make up, the progress which they would otherwise have gained by being continually at school. It is for that reason, Sir, that the Hon. the Colonial Secretary mentioned in his speech that Government and the Education Department have been very seriously considering the question of compulsory education and we do hope, Sir, that that compulsory education will have the full support of the hon. Members on the other side of the House. (Hear, hear.)

We also want to point out that there is the very great difficulty of co-education in this country. Provision has been made for a school at Kabete and we are most earnestly anxious that boys over 12 shall be removed and shall be brought up altogether in a different school away from the girls and a separate school shall be provided for girls. That is a factor which has a very great bearing on the education of the adolescent.

Parents are not keeping their children at school in Kenya, they are taking them away just before the examinations, with the result that the examination results are not as satisfactory in European education as they might be. We do not want to make an idol of examinations but we do wish to point out that to get into any profession in the world it is necessary to show some evidence of education.

With regard to the clerical service and the openings for European boys to which the Hon. Member for the Coast has alluded, I am afraid I have not got the Railway figures here, but I believe there are about forty-two apprentices in the Railway.

Government has organised a clerical service and an apprentice service for the boys of Kenya, but it is not being taken up to our satisfaction although circulars with regard to terms have been sent round to the schools. We believe that not more than twenty-one boys are in Government departments other than the Railway. Heads of departments are continually approaching me with appointments for boys with good training, with prospects of promotion and in some cases these have not been taken up.

With regard to the cost which the Hon. Member for Plateau South mentioned of £90 per head, I do not think really that is very excessive. In building up what Government wants to build up, *i.e.*, a great institution for European education which is to be the centre not only for Kenya but for Tanganyika and Uganda, the expense must be very great at the outset. You must get hold of the right staff, you must get hold of sufficient staff, and at the present moment we are suffering from a lack of suitable teachers.

If you take the expense of the school at Achimota, the school for Africans on the West Coast, you will find it was very high until the school developed.

I know that great attention is being given to the Jeanes School, and the actual figures for the Jeanes School, which is doing excellent work, are heavy at the moment until we have sufficient accommodation.

But the main point I wish to impress upon hon. Members is the extreme importance of European education in this Colony. I do not believe that there is any service which is going to affect the Colony so much as the right education of boys and girls who are going to stay and live in Kenya.

I do not want to go over any hackneyed expressions like "Battle of Waterloo" and "Playing fields of Eton," but I do want hon. Members to realise that great nations like Germany and Japan have used their schoolmasters as their chief agents for the development of natural well-being, and *i.e.* is the aim of Government and the Education Department to pay the greatest attention to European education and far more to get the right spirit into the schools. These boys who will grow up are going to be the leaders in this Colony; they are going to succeed those who are living in the Colony now and are developing, and we want to get the right spirit into these boys which will help them to solve the difficulty of the racial question.

I want to pay a great tribute to Captain Nicholson and the staffs of the European schools at Nairobi, Nakuru and Eldoret, who are getting that spirit into the schools.

I do hope that in regard to European education the institution of compulsory education and the question of encouragement of higher education will have the fullest support of this Council.

THE RT. HON. LORD DELAMERE : May I ask the hon. gentleman to say one word more in regard to the boys on the Railway; and the statement that education in this country was not proceeding properly and that in comparison

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THE RT. HON. LORD DELAMERE : May I ask the hon. gentleman to say one word more in regard to the boys on the Railway ; and the statement that education in this country was not proceeding properly and that in comparison

it was found that Nairobi was very much behind the rest of the country in the standard of education?

THE HON. THE DIRECTOR OF EDUCATION : Most Of the boys on the Railway have had very little opportunity of education. I obtained a list from the General Manager and from that list I find that very few have had any further advantages than the education offered by a farm school on the Plateau.

So far as Nairobi is concerned, there has been a process of centralisation going on and we have been trying to encourage the boys from Nakuru and Eldoret to proceed to Nairobi. Apart from that there has been, in the Nairobi school, changes of staff and there has not been a continuous headmaster like at Nakuru and Eldoret. When you have a capable headmaster at a school for a number of years you get satisfactory results. With changes of headmasters it is impossible for a school to settle down to any policy.

THE HON. THE DIRECTOR OF MEDICAL AND SANITARY SERVICES (DR. GILK5) : Your Excellency, with your permission I would like to say a few words on the principles which underlie the Medical Department Estimates for next year. We believe, that is to say the Medical Department and, I think, the Government as well, that a large amount of the expenditure is economic expenditure. It is not only the duty of Government on moral grounds to look after the health of its population but it would be uneconomical in the extreme if it did not. In conductimi a large co-partnership business like Kenya, Unlimited, shall I say, I think that we shall have to follow the principles that are followed with regard to the other large businesses of the world. I think the general principle followed with these very big is that very considerable attention is paid, and very large amounts of money are spent, in looking after the physical well-being of the workers and everybody engaged in those businesses. I suggest that we have to follow that example, Sir. I do not for one moment agree that expenditure on public health is in any way window-dressing. I think, as I have stated, it is economical expenditure and knowing the acute intelligence of the hon. Member opposite (Mr. O'Shea) who described it as window-dressing, I really cannot believe that he believes it himself.

The Noble Lord opposite made one allusion to the way in which public health in the reserves should be carried out. Of course I absolutely and entirely, agree with him. Without the help and the active assistance of the Administration, of course, the Medical Department could not carry on with any programme of public health. It is impossible that we should attempt to Zo all the various

things ourselves which are required if we are going to improve the general health of the native population. It must be done through and with the help of the Administration with the advice and help of people who are specially trained and qualified to give that advice. We cannot do that on our own and if we attempted to we should only get into the most awful mess.

The Hon. Member for the Coast expressed himself as being grateful for two medical officers. Your Excellency, I think he does not appreciate his own blessings, or realise them. There are three medical officers at the Coast and have been for some time.

As the Department expands and we can get further afield, following always the programme which was drawn up some three years ago, we shall be able to give more assistance to Tanaland than we are able to do now. At the moment we have not the staff to undertake it and I feel that we MUSE not go ahead with undue rapidity or we shall overstretch ourselves. We must have the consolidated position that we now have and I hope that we shall greatly expand as we can undertake the work and undertake the work on proper lines.

THE HON. THE COMMISSIONER OF CUSTOMS (Ma. WALSH) : Your Excellency, there are two points which arose during the earlier course of this debate on which I may possibly be able to throw some light.

The first is in connection with the Estimates of Customs revenue for the year 1928. Hon. Members will realise the difficulties of framing estimates of this sort, because the revenue is derived from imports which in turn follow the course of exports, and exports depend on the wind and rain, industrial conditions here and abroad, and many other prevailing factors which it is impossible to foresee, because when framing Estimates one has to look ahead for about a year-and-a-half and in this particular country the difficulty is accentuated by the fact that the whole of the imports and exports of Uganda pass through Kenya, and they are controlled for Customs purposes by a combined department, and that of course complicates the issue to a tremendous extent. Hitherto the Customs Estimates have been framed as a single total and an estimated proportionate figure has been given for the allocation likely to be due to Uganda. This is a reasonably accurate total but if the allocation is found to be inaccurate even to the extent of one per cent. that represents a difference of £12,500 to the country.

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It has therefore been found more advisable to frame the Estimates for Kenya and Uganda separately and they appear in the Estimates for the first time in that particular manner,

and it is therefore possible to speak of Customs revenue in terms of Kenya alone. Of course the trade connections between the three territories are so closely interwoven that any change in the conditions of one territory must have some affect on the conditions in the neighbouring territories.

The main figures on which the Customs Estimates for 1928-were framed are as follows, if I may quote ;—

In 1923 the net receipts for Kenya were £498,092, an increase of £138,199 or 38.4 per cent. over the previous year ;

In 1924, the net receipts were £603,583, an increase of £105,491 or 21.14 per cent. ;

In 1925, £679,726, an increase of £76,143, or 12.61 per cent. over the previous year ;

In 1926, the net receipts were £737,657, an increase of £57,931 or 8.52 per cent. over the previous year ;

The revised revenue Estimates for 1927 have been put at £832,419, an increase of £94,762 or 12.85 per cent. in excess of the previous year.

The actual net collections on behalf of Kenya for the first half of the year amount to £405,636. Previous experience has shown that revenue during the second part of the year is always considerably more than during the first half, particularly during the last quarter the revenue goes up and therefore I felt justified in placing the revised estimate for 1927 at £832,419. Imports are to some extent hanging fire at the moment, but I do not see any reason why the revised figures should not be touched at the present time.

As regards the estimated figure for 1928, that is in respect of Kenya, it will be seen that this is only £30,355 or 3.64 per cent. more than the revised estimate for 1927, and I consider this is definitely conservative, having in view the percentage of increase in previous years. This estimate was made before there was any serious indication of drought occurring and the drought to some extent has adversely affected the position, which cannot be gauged at the present time. The drought would not appear to be as serious as was first anticipated and it by no means covers the whole country.

On the other hand conditions in Uganda have considerably improved since the estimates were framed.

If the effects of the partial drought are offset against increased cultivation, extensions of the Railway and the expenditure of considerable capital sums on improvements in the country, I give it as my considered opinion that the

- estimated figure of £862,774 is still not unduly optimistic, although I must qualify this by saying that in my opinion it is true that the Customs revenue Estimates will not be exceeded to the same extent in 1928 as has generally been the case during the past five years.
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The other point has reference to the revenue derived from Customs duties and consumption taxes on wines and spirits.

For the period 1st January to 31st August, 1926, that is prior to the imposition of the consumption taxes, the revenue derived by Customs on wines and spirits was £119,952. For the same period of the current year the Customs revenue derived from wines and spirits is £100,846, and the yield from the consumption taxes is £21,157 or a total of £122,300. In other words the Customs duties have decreased by £19,160 and the yield from both taxes has increased the total revenue of the Colony by about £2,000.

THE HON. THE TREASURER (MR. GRANNUM) : Your Excellency, there are one or two points which have arisen in the course of this debate on which I would like briefly to touch ; the first is the remark of the Hon. the Member for Nairobi South, from which I gather that he is under the impression that the Revenue Estimates of 1928 have been based on too optimistic a basis. I can only say in this regard that the Revenue Estimates for 1928 have been framed by me on exactly similar lines to those of past years, and if the experience of those past years can be taken as being in any way a guide I think we may safely anticipate that the actual collections for the year will be in excess and certainly not short of the figures as submitted. I have here a statement giving details of each item of the Revenue Estimates, but I propose not to weary the Council at this moment by going into these details, but to deal with them in the Committee of the whole Council which is to consider the Estimates in detail.

- The Hon. Member for Nairobi South asked me to give him some assurance in this Council, and to the country at large, that the surplus of the Colony as reflected in the Colony's balance sheet was a real cash surplus and not in any way of a fictitious nature. I find it very difficult to appreciate how anyone who has ever looked at the Colony's balance sheet can come to any other conclusion than that the surplus is a genuine cash surplus based on genuine cash assets. If hon. Members would only refer to the balance sheet and look at the details on the balance sheet they would see how impossible it is to come to any other conclusion than that the surplus is a genuine one.
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Looking at the statement of assets we see the following : Deposits Invested; Advances pending the raising of Loans, Loans to Local Bodies, Imprests and Cash. Other items are Public Works and K.A.R. Clothing Reserve Store, London, and Unallocated Stores. I should explain, Sir—and perhaps the commercial man will appreciate this—that every item of expenditure incurred by the Colony out of revenue is charged off as final expenditure once and for all, that is to say, it is charged off against the Profit and Loss Account of the Colony, in other words against the Surplus and Deficit Account. It is only where we deal with Loan expenditure that any part of our expenditure is capitalised and shown as assets in our balance sheets.

I hope that this statement will make it clear to the whole Colony that our surplus is a genuine surplus.

THE RT. HON. LORD DELAMERE : I hope the hon. Gentleman is not looking at me.

THE HON. THE TREASURER : I am looking at the Right Hon. Member but I did not mean to suggest that he holds that view.

THE RT. HON. LORD DELAMERE : NO, I do not.

THE HON. THE TREASURER : I would have liked to have said that with regard to the Revenue Estimates the Right Hon. Member for the Rift Valley said yesterday that I had stated on some previous occasion that the revenue did not come under the purview of the Committee on Estimates. I should like to say at once that it is quite a misapprehension and no one will welcome more than I shall a careful enquiry into the Revenue Estimates for 1928, and no one will regret it more than I should if the Revenue falls short of the Estimates.

THE RT. HON. LORD DELAMERE : I agree with the hon. Member.

THE HON. THE TREASURER : The Hon. Member for Nairobi South said that he thought that we had omitted from our Estimates of Expenditure the sum of :t8,000 which would represent the contributions to the Sinking Fund payable on the proposed new Loan in 1928. It is the usual thing for the Sinking Funds of Colonial Loans not to commence for a period of three years after the raising of the loan, so that the statement that we have omitted the sum of £8,000 is incorrect.

The Hon. Member for Nairobi South referred also to the questions of pensions, and I should like to state, as chairman of the Committee appointed by Your Excellency to



go into the whole questions of pensions in this Colony, that that Committee hopes to report within a very short time He mentioned the fact that if officers were allowed, as they have been in the past, to retire at the end of twenty years' service that would place a very serious burden on the Colony. I would remind him that in the recently passed Pensions Ordinance that privilege has been withdrawn.

The .Hon. Member for Nairobi South made a remark that he thought that the Supplementary Estimates should be introduced at the same time, and only at the same time, as the next year's annual Estimates. I would point out that if this procedure were followed the expenditure would have to be included in the Estimates of the ensuing year because, as the annual Estimates are introduced in October, it would be quite impossible to expend the money voted in the Supplementary Estimates during the remaining months of the year.

THE RT. HON. LORD DELAMERE : I do not think the hon. Member quite meant that.

THE Hon. THE TREASURER : That is what the hon. Member said.

THE RT. HON. LORD DELAMERE : At the beginning of the year, not at the end.

THE Hon. THE TREASURER : The Hon. Member for Plateau South drew attention to the fact that a considerable amount of our revenue was obtained from capital brought into the country. Of course, there can be no doubt that there is a certain flow-back from loan expenditure in the country, but I think on the other side must be taken into account, as Your Excellency pointed out in your speech to the Council, the very considerable increase in European cultivation, which in five years has practically doubled itself.

The only other remark I wish to make is regarding the point raised by the Hon. Member for West Kenya when he referred to the Game Department as a luxury and suggested that it should be paid for by the people from outside the Colony. I would remind him that that is practically the case, as the receipts from game licences alone far exceed the whole cost of the Game Department. (Hear, hear.)

HON. A. H. Max : Your Excellency, many of the points have already been discussed by the hon. Members on the other side of the House but I should like to make two observations, Sir, with regard to the principle of the budget.

THE RT. HON. LORD DELAMERE : Will the hon. Gentleman be good enough to speak up? I cannot hear.

HON. A. H. Maim( : With reference to the budget, Your Excellency, it will show that we must be a wonderful people who can raise about two-and-a-half million pounds; on the other hand when we make a reference to the Customs Report, which I think is the real criterion from which to judge the position of the country, we find there was disparity between the imports and the exports. Under Revenue, Your Excellency, the first two Heads, Customs Licence Duties and Taxes, amount to about one-and-three-quarter million pounds. All this has got to be paid by the individuals of the country. How can we in the country meet these taxations? Where is it going to come from? I suggest, Your Excellency, that Government is borrowing and the individuals are borrowing, with the result that the country taken collectively as a Government and as subjects and citizens of this Colony are borrowing money and are very heavily in debt. It appears, Sir, that hundreds of thousands of pounds which should be shown as a surplus and spent on capital expenditure come under recurrent expenditure. It is very unfair. The country at the present moment taken individually and collectively seems to be struggling for its very financial existence ; people do not know where to find money to supply themselves with their absolute necessities, but here you find that a nice surplus is shown and spent on non-recurrent expenditure, which to my mind, Your Excellency, appears to be nothing short of luxuries.

We are a young Colony which is in the process of colonisation and it behoves us individually and collectively as a Government to supply ourselves with the bare necessities, and I think, Your Excellency, that this long list of houses which is shown under non-recurrent expenditure under Public Works Extraordinary can be cut down and the public could be assisted by reducing some of the taxation. I suggest, Your Excellency, the least the Government can do is to forego the Education Cess, both European and Indian. To my mind, Your Excellency, the Government should not have raised revenue, or maintained the policy of raising revenue, to meet expenditure—especially of a non-recurrent nature—by levying taxes, but they should cut down their expenditure to the level of their revenue.

Coming to the details, I find that some of the most essential works have been entirely left out. In the Capital Account here the Court Buildings I think should have had a prior right to any other buildings in the country, such as out-stations, etc. There is a programme shown on the list under the same Head against the non-recurrent expenditure, but it seems to me it is not to be considered from the casual

point of view. As I pointed out to the Hon. the Colonial Secretary privately at one time, what we do urgently require is a water supply and a trunk road to Eastleigh, which would eminently help to relieve the congestion in Nairobi, and secondly would also help the Government to reduce their expenditure, especially where the Asian staff is concerned, on account of house rents. The figure that has been paid during the past few months could be considerably reduced if this water supply • and road were supplied for Eastleigh.

It is also, I think, Your Excellency, rather misleading that we should consider the budgets of the Colony and of the Railway separately. For instance under the heading of " Interest " we show a total estimate in 1928, £207,000, but under net local expenditure to the Colony we show an amount of £26,787, which apparently shows that the Colony is not bearing such a terrific interest charge. But there is no doubt that the £180,767 shown as estimated reimbursements and cross-entries has also to be borne by the inhabitants of the country. I would mention as a minor detail that some provision should be made by the Select Committee for a road to Eastleigh and water supply to Eastleigh. It would eminently relieve congestion in the township and ultimately result in t saving to the Asian Civil Service on account of house rents.

His EXCELLENCY : If no other hon. Member wishes to address the House I will call upon the Hon. the Colonial Secretary to reply.

THE HON. THE COLONIAL SECRETARY (SIR EDWARD DENHAM) : Your Excellency, in view of the fact that the questions which have been raised in the course of this debate have been answered to a large extent by other hon. Members who have spoken, I do not propose to speak at any length in my reply on the Motion now before Council. Further, I think that many of these details will best be explained in Select Committee, where full data will be available, and as hon. Members who serve on the Select Committee are aware, Government is only too anxious to place all papers at their disposal and to give them the fullest possible information.

I regret that exception has been taken to several small items in the Estimates, such as the regrading and passages to families of Asiatics, because I wish to inform Council, with regard to those two items, that I consider we are under a considerable obligation to provide this money. The question of regrading has been the subject of discussion in this Council on several occasions. The scheme now put up means an expenditure of £1,700 next year, but it will mean a reduction in course of time because it is accompanied by a decrease in the maximum salary in the

special grade to Asiatic clerks. The position is that a number of clerks are all in the same class and there is congestion in the Asiatic Service. By this regrading certain people at the top of the lower grade will get promotion this year, which will mean an increase, but it will also mean that the actual maximum pay in the Asiatic Clerical Service will be reduced to meet the increase, so that in a year or two, if not next year, there will be no increase at all.

As regards the passages for wives and families of Asiatics, they were in 1921 in the same position as European civil servants. That is to say, they were given by Government the same privileges which were calculated on the difference between the pre-war basis and the post-war basis with regard to their passages to India. Now European civil servants have been given special concessions with regard to their wives and families and I think it is only fair and just that those concessions should be extended to the Asiatic grades of the Service. It must be remembered that a very considerable proportion of the Goan clerks in this country are stationed in some of the most out-of-the-way and remote spots in the Colony. They have to undergo the same disadvantages in regard to health which are also shared by European officers, and I think they should have the same privileges with regard to passages for their wives and families when they go on leave to India. I consider that it is all to the good that they should get these privileges, and that some small concession should be granted them as is given to the European civil servants. A great number of them do deserve it at the end of their tour.

THE RE. HON. LOAN BETA:HERE : They get their 50 per cent. local allowance?

THE HON. THE COLONIAL SECRETARY : With regard to the question of the reduction of the house allowance from £75 to £50 a year, I would like to refer to this because it has been stated that this is an instance of niggardliness on the part of Government and that it is simply a cheese-paring policy which has practically resulted in no saving at all.

But I may say that this reduction from £75 to £50 was only a return to previous conditions, that it is only in force in regard to bachelors and it does not apply to married officers (hear, hear). It was found for example that three officers who chummed together by living in the same house and drawing £75 each, or £225, from Government in house allowance could make a profit out of this arrangement at the expense of Government. The European Civil Servants' Association was asked to put up any cases in which there would be a grievance if the reduction was made. They put up two cases.

The first case was one of an officer who objected to living with other people and who stated he preferred to live in an hotel. The other case was an officer who said he was about to marry and therefore had incurred the expenditure of taking a house. These were the only two cases then before Government and therefore Government thought it was fully justified in reducing the house allowance from £75 to 50 with a saving of an amount just short of £2,000 which is not a paltry amount, but a considerable saving. I only mention these cases because the charge has been made that Government has showed a cheese-paring and a parsimonious practice which is really opposed to Government's general policy ; in fact, we have made an actual and legitimate saving.

The question was raised by the Hon. Member for Nairobi South in regard to the importation of stock from England and the special terms on which that stock might be imported into this country. The Hon. Member for Ukamba also spoke on that point. The Director of Agriculture is now preparing a scheme to be submitted to Government so that we may if possible take advantage of the aid that will be given by the Empire Marketing Board in exporting pedigree cattle to this country.

THE RT. HON. LORD DELAMERE In Supplementary Estimates?

THE HON. THE COLONIAL SECRETARY : Reference was made by the Hon. Member for Nyeri to two points to which I will refer. He stated first of all that he thought that Government generally muddled these matters ; they did not take action in time. He has often reminded us in this Council that matters that have been introduced by supplementary provision ought to have been included in the budget and he now blames Government for including for the introduction of local government. Well, I do not think that his action is consistent. I do not think I will labour the point itself, for what Government desires to do is to prepare for a measure which we believe will shortly be introduced in the interests of this country.

CAPT. THE HON. E. M. V. KENEALY : On a point of order, Your Excellency, I merely stated that the report of the Local Government Commission had not been approved and it was wrong for provision to be made on the lines recommended until such recommendations had been approved.

THE HON. THE COLONIAL SECRETARY : Your Excellency, I scarcely think that meets the case, which is that Government has to prepare for legislation which it believes ought to be carried into force, and the only alternative open to Government would be to introduce supplementary provision.

With regard to the statement made by the hon. Member that the amount included for current road expenditure this year was put so low because it was obviously the intention of Government to make calls on local funds for supplementary amounts to be provided and thus increase the burden on the local taxpayer, that statement, I need hardly say, is incorrect. The provision for roads and bridges has been increased by £6,900 under Public Works Recurrent, as the hon. Member is aware, and, as Council was informed yesterday, there is a considerable programme to be introduced under the loan proposals for roads which will not affect only the Public Works Extraordinary but also the Public Works Recurrent vote in respect of a number of roads.

Reference has been made to "ragamuffin" police in the Northern Frontier Province and the formation of an auxiliary force, and I wish to inform the hon. Member who raised the point that we do not intend to return to the Northern Frontier Constabulary or revive that force which was formerly employed in the Northern Frontier Province, and which I believe in many respects did excellent service, but what is proposed is that instead of having police in the Northern Frontier Province for carrying process and bringing up people to the boma or in taking messages between the boma and more distant places in the district, that a native headman system should be adopted whereby local people from the tribe may be utilised instead of bringing an expensive force up into the Northern Frontier Province. If I did not explain it sufficiently clearly I regret the fact, but the idea is merely to supplement the military force by a force to perform civil duties which cannot be performed by the military ; it will not be a uniformed police force rationed and paid by Government.

With regard to the remarks of the last speaker, he dealt generally with the financial position and I do not propose to follow him in that because I found it difficult to do so at the time, but in regard to the remarks he made in respect of Eastleigh, I should like to inform him that the measures he suggested are being taken and that provision is included in the amount which is being advanced to the Municipality. It is mainly a municipal matter and provision for roads and water supply to Eastleigh is included in the amount to be lent to the Municipality, and it is the case that that portion of Nairobi will be opened as soon as possible, and I have no doubt that when it is it will afford relief to Asiatic housing in Nairobi.

Your Excellency, I think that the other points can best be dealt with in Select Committee.

I now move :-

" That this Council refer the draft Estimates for 1928, as printed and laid on the Table, to a Select Committee of Council."

His EXCELLENCY . The question is :—

" That this Council refer the draft Estimates for 1928, as printed and laid on the Table, to a Select Committee of Council."

The question was put and carried.

## **BILL:**

### THE EMPLOYMENT OF NATIVES BILL.

#### SUSPENSION OF STANDING ORDERS.

THE HON. THE ATTORNEY GENERAL (MR. HUGGARD)

Your Excellency, I beg leave to move that Standing Orders be suspending to enable a Bill relating to the Employment of Natives to be introduced and carried through all its stages without notice.

In -order to explain the urgency of this matter it is necessary, I think, at this stage to state briefly how the Bill comes to be introduced.

The Bill has been prepared in consequence of a recent decision of the Supreme Court to the effect that Section 47 of the Employment of Natives Ordinance, as printed in the Revised Edition, contains no provision for the punishment of offences mentioned in the section. The section in question, which is printed on the left hand page of the Bill before hon. Members, is a very important one and contains offences which are being dealt with every day in the Courts of the Colony, and the effect of the Supreme Court decision is that practically the whole of the first five lines of the section as printed have been repealed and therefore the section contains no provision for the punishment of any of the offences mentioned. What happened, Sir, was this. The penal provision of this section was first enacted by an amending Ordinance in 1918; that Ordinance was repealed in 1925, but the repealing Ordinance reproduced the penal provisions as they stand at present. In 1926 at the time of the issue of the Revised Edition of the Laws, hon. Members will remember that an Ordinance called the Revised Laws Operation Ordinance was passed with the object of incorporating in the Revised Edition the various amendments to the Laws which had been enacted during 1924 and 1925. The Revised Laws Operation Ordinance accordingly incorporated in the Revised

Edition the amendments enacted by the 1925 Ordinance but they did not incorporate the penal provision of Section 47, because this provision had already appeared in the Revised Edition. Now, Sir, the Supreme Court has held that because the Revised Laws Operation Ordinance repealed the 1925 Ordinance, and did not incorporate in the Revised Edition words which already appeared there, these words have therefore ceased to be law although they appear in black and white in the Revised Edition.

When this point, Sir, was raised in the Supreme Court my Department argued the matter at considerable length—I may say there was no representation on the other side because the point had been raised by the Supreme Court alone. Our contention was that the Revised Edition of the Laws, when read together with the Revised Laws Operation Ordinance, must be taken to be the law of the Colony in regard to the subjects dealt with therein, that you cannot alter that law except by another law directly referring to the Revised Edition, that in any case you could not alter that law by a law enacted before the Revised Edition had come into existence, and that therefore Section 47 must be taken to be the law of the Colony. I believe I am right in saying, Sir, that this contention is in accordance with the opinion of the legal advisers to the Secretary of State, and in accordance with the legal views of other Colonies where Revised Editions have been published. Unfortunately, the Supreme Court took a different view and, I believe, a unique view of the matter, and it is in these circumstances that I have to ask this House at a moment's notice to pass an Ordinance to put the matter right, *i.e.*, in other words to declare that Section 47 of the Employment of Natives Ordinance as printed in the Revised Edition means exactly what it says. I beg to move that Standing Orders be suspended to enable that to be done.

THE RT. HON. LORD DELAMERE : I beg to second that.

HIS EXCELLENCY : The question is that Standing Orders be suspended to enable a Bill relating to the Employment of Natives to be introduced and carried through all its stages without notice.

THE HON. CONWAY HARVEY : Your Excellency, I feel sure that all my elected colleagues at least will cordially support this motion. At the same time, Your Excellency, it is almost inconceivable that those legal luminaries who were responsible for the Revised Edition of the Laws at such tremendous cost to the Colony, should have been guilty of so serious an omission. I see no objection whatever, especially in view of the fact that industry would be so seriously dislocated by the present



Supreme Court ruling, and that the revenue, which we have been talking about so much quite recently, would certainly not be realised unless some such action were taken, that there can be no objection on the part of any sane individual to support the motion which very clearly states that the law means what it says. (Laughter.)

The question was put and carried.

#### FIRST READING.

On motion of the hon. the Attorney General a Bill relating to the Employment of Natives was read a first time.

#### SECOND BEADING.

THE HON. THE ATTORNEY GENERAL : Your Excellency, I beg leave to move that a Bill relating to the Employment of Natives be read a second time.

I think, Sir, I have sufficiently explained the Bill in moving the suspension of Standing Orders.

THE HON. THE CHIEF NATIVE COMMISSIONER (MR. MAXWELL) I beg to second.

HIS EXCELLENCY : The question is that a Bill relating to the Employment of Natives be read a second time.

THE HON. T. J. O'Sgga : Your Excellency, I am not quite clear and I hope I will be pardoned for seeking further information. As far as I could gather from the statement made by the Hon. the Attorney General, it struck me as rather a lucid effort to explain a very involved position. I am not quite clear whether we are in fact passing legislation to safeguard ourselves against a unique expression of opinion on a matter of law contrary to the opinion held by all the other law officers in this country, and the law officers in most other countries. I believe that this is an emergency measure to safeguard us against immediate unpleasantness as a result of the decision of the Supreme Court. But does that remain as a further decision or must some further action be taken by Government to upset this unique point of view put forward by the Supreme Court?

THE HON. THE ATTORNEY GENERAL : The effect of this Bill is to declare that Section 47 is the law and that act in itself upsets the decision of the Supreme Court in regard to future cases.

As I stated in moving the suspension of Standing Orders, and I do not hesitate to repeat it, the decision of the Supreme Court is not in accordance with my own views, nor is it in

accordance with the views of the members of my Department, nor, as I said before, is it in accordance with the universal opinion of those in other Colonies where Revised Editions have been published, but it is a Supreme Court decision and there is no appeal against it and therefore the only way to get over it is to pass this Bill to the effect that Section 47, as printed, is the law.

The question was put and carried.

THE HON. THE ATTORNEY GENERAL : I beg leave to move that the House resolve itself into a Committee of the whole Council to consider a Bill relating to the Employment of Natives.

HIS EXCELLENCY : The question is that the House resolve itself into a Committee of the whole House to consider a Bill relating to the Employment of Natives.

The question was put and carried.

*In Committee.*

The Bill was considered clause by clause.

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

HIS EXCELLENCY : The question is that the Bill be reported to Council.

The question was put and carried.

*Council resumed its sitting.*

HIS EXCELLENCY : I have to report that a Bill relating to the Employment of Natives has been considered in Committee of the whole Council and reported back to Council without amendment.

THIRD READING.

On motion of the Hon. the Attorney General a Bill relating to the Employment of Natives was read a third time and passed.

*(Council adjourned until 10 o'clock on Thursday,  
3rd November, 1927).*

THURSDAY, NOVEMBER 3, 1927.

The Council assembled at 10 a.m. on the 3rd November, 1927, His EXCELLENCY THE GOVERNOR (SIR EDWARD GRIGG, K.C.V.O., C.M.G., D.S.O., M.C.) presiding.

His EXCELLENCY opened the Council with prayer.

The Minutes of the Meeting of the 1st November, 1927, were confirmed.

PAPER LAID ON THE TABLE.

THE HON. THE COLONIAL SECRETARY (SIR EDWARD DENHAM) : I have to lay on the table a Certificate of Emergency to enable the Specific Loan Bill to be introduced and passed through all its stages without due notice.

NOTICE OF MOTIONS.

THE HON. THE COLONIAL SECRETARY : I wish to lay before Council an amended notice of motion as follows :-

" Be it resolved, and it is hereby resolved that this Council approves of a Loan of £100,000 being raised under the provisions of the General Loan and Inscribed Stock Ordinance, 1921, and of the money to be so provided being appropriated and applied to the purposes specified in the Schedule hereto.

" And be it further resolved that this Council undertakes to approve of the inclusion in the Schedule of such Ordinance of such amount as it may be necessary to pass to enable the said Loan to be raised."

SCHEDULE.

Roads recommended for construction under £100,000 instalment :—

1.	Kitale-Elgon North	£5,200
2.	Lugari Station—North	7,500
3.	Kitale-Sandhams Bridge ...	3,000
4.	Matunda Siding—S. West	3,650
5.	Kitale-Eastern Charangani	5,000
6.	Hoey's Station-S.E. Charaugani	3,200
7.	Eldoret-Moyben Sergoit	5,000
8.	Kipkapus-Farm 35 ...	2,400
9.	Turbo Station—South	2,500
10.	Murkosi Station—South	500

11.	South Kavirondo Area	5,000
12.	Kakamega Area	2,000
13.	Kisumu Area	2,000
14.	Lumbwa-Kericho	5,000
15.	Korn Station-Club	1,500
16.	Lumbwa—North	1,500
17.	Rongai-Elburgon	1,200
18.	Sabukia Area	6,000
19.	Molo Area ... ..	8,000
20.	Rongai-Lower Molo	1,500
21.	Njoro-Kishobo ...	1,200
22.	Sabatia Station—North	3,000
23.	Naivasha-Kinangop ...	3,500
24.	South Nyeri Native Reserve	9,000
25.	Thomson's Falls—N. East	3,000
26.	Narro Moru-Nanyuki ...	5,000
27.	Amboni Ridge ...	800
28.	Nyeri Station-Farms N.E.	1,200
29.	Narro Moru-Mile 26	1,000
30.	Punda Milia—East	1,750
31.	Mitubiri Station-Ithanga	1,400
32.	Kapiti Station—North	2,500

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£100,000

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#### MOTIONS.

His EXCELLENCY : Will you move your motion?

THE RT. HON. LORD DELAMERE : I am quite willing to move anything, but I see something here about notice of motion on the Order of the Day.

His EXCELLENCY : I will get the permission of Council before I call upon the Noble Lord. I understand that the motion on page 2 of the Order Paper standing in the name of the Noble Lord, the Member for Rift Valley, can only be discussed this morning by the consent of Council, as only verbal notice was given on Tuesday. I understand from all parts of the House that there is no objection.

THE RT. HON. LORD DELAMERE : Written notice, Sir, not verbal notice. The point is, I think, that Members have not seen the notice.

His EXCELLENCY : Has any Member any objection to it being discussed this morning? In that case it will be discussed this morning.

#### FUEL OILS.

THE RT. HON. LORD DELAMERE : Your Excellency, I think everybody in this hon. House will agree that the price of fuel oil in this country, especially petrol and paraffin, is a very

serious question indeed and I think it will also be *agreed* that this question should be thoroughly gone into. It does seem to me wrong, altogether wrong, that the price of petrol is something like Sh. 3 or more and that the price of paraffin is over Sh. 2 a gallon. I feel very strongly about this myself and I think that general steps have got to be taken to deal with that particular question and I think myself that Government should take steps in this matter to procure the temporary services of the best man available to advise it, as to whether there are any methods by which Government can improve the prime cost at the Port of Mombasa, or the method of handling in the country and incidentally retailing so that these very important fuel oils may be brought down to a considerably lower cost.

I have not myself sufficient knowledge to know how far it is possible, if all other methods fail, for Government or anybody else to start a refinery in Mombasa. I do not know the facts sufficiently well about any of these fuel oils like Natalite and how far it would be possible to bring down the price, to a certain extent by the local competition of a fuel of that sort. I think that all these matters are matters on which it would be wise to get the opinion of an independent outside expert. In this country none of us know anything about these things at all except the people who are dealing with them and I think that we should get on to the main issue as soon as possible and obtain the opinions of an outside expert as I have said.

In the meanwhile, Sir, this is a country in which the cost of fuel oil used by internal combustion engines for agricultural purposes is a matter of vital concern. I am glad to say that we have got past the day when everybody thought, or *large* numbers of people in this country thought, what people's interests were to be in these matters. I think everybody in this country knows now that we depend entirely on the products of the soil, that we have no mining or any other industry, and, with the exception of new capital which is coming into the country, to develop agricultural resources, we depend entirely on the value of the products of the soil in this country.

Hon. gentlemen in this House will remember the extraordinary fillip, almost unbelievable, which was given to the agricultural industry by a very small subsidy some years ago—to the maize industry—although in a very short time the Railway found itself able to take that subsidy off because it came apparently to the conclusion that it was economical from its own point of view, but the *fact* of Government taking that action and giving that subsidy of £15,000—the very fact of that—brought about a psychological change in some way in

the ideas of people and gave them a perfectly clear issue in regard to the growing of maize. They did not have to work anything out. They knew that the maize rate to the Coast was Sh. 1 a bag, the same as in other countries. They were told by the Committee that sat on the subject that the shipping companies had agreed that they would not raise the freight to England on maize about the Plate freight rate, so that everybody in the country knew that it was simply a matter of how their own business developed. They knew that when they grew it they could market it at a profit.

When on the top of that they were told that their crop was a very much larger one than in many parts of South Africa where maize was grown in very large quantities, or in Rhodesia, they came to the conclusion that it was worth going in for. I believe that a psychological urge of that sort is one of the most important things of the sort for these countries. People sit down and talk about these things for years. They say it is impossible. They say it is difficult. They have rows with the Railway and arguments with everybody and meanwhile the work is held up and I do believe, Sir, that the moment has come when Government would be wise to take in hand this question of the cost of paraffin and any of the other fuel oils for mechanical farming in order that the production of the country may go on without the difficulties which are in its way at present.

I believe that the present price of paraffin is a great obstacle to the development of great areas in the country. <sup>Apart</sup> altogether from that, Sir, I think everybody will agree that in a country of this sort, which is a small country—it is not a country comparable with the Union of South Africa, or Rhodesia, where you have enormous acreages of land where it does not matter in the least for the next 100 or 50 years whether you feed oxen on very large areas of land in those countries or not. That is not the case at least in this country—in this country you have a limited area of very rich highland country, very limited, and there is no sort of doubt in my mind that in order to make that a success you have to go in for the New Zealand method of intensive farming, rather than the methods adopted in countries where you have unlimited acreages of land. The very fact that we have small areas of land has put up the price as far as agricultural land is concerned. It has put up the price of land, apart from anything else, to a standard which to my mind makes it ludicrous that that sort of land should be used for the feeding of oxen for doing the work of the farm except in certain districts. <sup>In certain</sup> districts you do undoubtedly get waste land on farms where this can be done without great agricultural loss to the country. But our great agricultural areas in this country, I think, are an

exception in that very often you have many, many miles without a stone or a rock and the whole of that land should be put under the plough. The facts are something like this. I have figures given by the Agricultural Department some time ago—I used them in a speech at Nakuru. It was a speech made' after the Caledonian Dinner and I have forgotten the figure—but I do remember one of the instances. There were some farms being worked together and they were farming about 8,000 acres of maize at something like Sh. 2 an acre—it was not quite that but something like that—and they had 2,000 oxen to work that land. That was in one of the most valuable parts of the country and if you take that land at what owners are prepared to sell it for, that is, an acre, and you allow these 2,000 oxen to graze over almost five acres each I think you can say fairly, year in year out, that that takes up 10,000 acres which means about £100,000 of land put out of business completely for the feeding of entirely uneconomic oxen. If once you can bring the tractor into play it can be stabled in the back yard when it is not working. I think myself that the use of bullocks on this valuable agricultural land, which is extremely limited in this country, is not quite as bad, but it is 'very nearly as bad, as the use made by the Kikuyu of an acre of land or something like that for every Sh. 10 of their currency. Somebody very cleverly said a year or two ago that one of the things this country wanted more than anything else was the demonetization of the goat. The currency of the Kikuyu people is the goat. It is simply used as currency and nothing else, and something like an acre of land is wanted for it to feed on, which land in the Kikuyu District is worth anything from .20 to per acre. I think this feeding of oxen, which need not be used at all, is almost as bad as that in a great many ways on this very valuable land. The 10,000 acres of land these '2,000 bullocks use, apart from the value of that land, should be producing anything from 100,000 to 500,000 bags of maize in a year and should be keeping, if you break it up into small-holding or ordinary-sized farms, a good large number of people and this is being used at the present for these bullocks. I am simply putting this forward, Sir, because it does not appear to me that the actual question of economy rests on the relative cost of ploughing as between bullocks and tractors is really an important item in a country like this. I think the most important item is that the land should be used. Apart altogether from that, Sir, I think everybody will agree that if, instead of using oxen, you can use tractors for your ploughing almost universally throughout the country—certainly in the maize growing areas of the country—you would be able to introduce much stricter rules under the Agricultural Department for dealing with things like stalk-borer. It is very difficult to tell people at a time of

drought that they have to get their crop in by a certain day, and that no planting will be allowed for say two months in the year, so that the land may be cleared of maize and thus stalk-borer may be eliminated because there is no doubt in my mind that nothing much will happen if that is done if the farmer is dependent on ox-ploughing. I hope my friend the Director of Agriculture will give us his opinion on that. The use of tractors will have a large effect on that. There is no doubt about that. If you come down to facts there seems to be such a great difference in opinion about the cost of ploughing by bullocks that it is difficult to get any definite figures. I have here some figures from the Agricultural Department which puts it at Sh. 4 an acre. I have sonic figures from a firm which have through their hands the books of more big plantations in this country than any other, which do an enormous amount of ploughing, which put it at Sh. 2, but the fact remains that having gone into this matter for a considerable time the Agricultural Department has come to the conclusion, and I have this in writing, that if the cost of tractor ploughing could be brought down to the level or anything like the level of the cost of ploughing by oxen, and other cultivation by oxen, you have got to pay something like half the price on paraffin used for that purpose.

Now, Sir, paraffin at the Coast at the present moment costs I think c.i.f. Mombasa 71 cents a gallon. In addition to that we have my hon. friend who sits at the Port waiting for it, putting on to it another 20 cents for customs. In addition to that—and I am going to take Nakuru, not because it is my constituency, but because it happens to be about the centre of the agricultural country in this country. I think that can be generally agreed so as not to worry this Council about figures—in addition to the 71 and 20 cents which is 91 cents, 47 cents from Mombasa to Nakuru is the railway freight. I cannot add that up but I think it comes to 138 cents a gallon. Now I notice among other things that the retail price in Nakuru something like Sh. 2/14 and I do think, that so far as that is concerned—I do not know the facts, I am ashamed to say, I do not know as much as I ought to having been busy with my own affairs—a big organisation like the Kenya Farmers' Association should be able to give its members paraffin for tractors at something like the price landed in Nakuru, that is allowing for wastage or whatever it may be. So that you get altogether Sh. 1/38 as the cost of bulk paraffin landed in Nakuru. In addition to that I see in one of the statements of figures another three cents. I do not know what that is for, I believe it has something to do with sending it up in large drums and the Railway charge more, but I do not know what it is for. It is something between Sh. 1/38 and Sh. 1/41, we will call it Sh. 1.40.



I am not going to propose that at the present time this country is able to halve the freight. I do not think it is. If to bring it down actually to the cost of working with bullocks you have got to halve the price of paraffin. I do not think that can be done, but I think you have to take into considerations the fact of the land which is thrown open to further cultivation by farmers, and the fact that the better cultivation he gets, the better crop he gets, if he can get his crop in at the right time. Apart from disease the rains must increase the crop very largely. I think what the Government ought to do at the present time is take off that 40 cents in some way or another. My own feeling about it is that the best way would be for this Government to harden its heart and say, " we have a surplus, we have waited 20 years for certain public works, that have not been done, and instead of starting these this year we will give up for the moment these uneconomic things we have been doing for the last two or three years and so on " and do something towards increasing the production of the country and put on a subsidy to meet the whole of it. What that will be I do not know, I have not got any figures. I believe one of our members here is going to ask about the million gallons of paraffin used at the present time for agricultural purposes. I will go into the question of differentiation later.

Now, Sir, that would mean that a subsidy would be paid towards rebates of Customs duty on paraffin used for agricultural purposes. I have been told by people of whose opinion I think a great deal, that it is very difficult, almost impossible to differentiate, but I must say that it does appear to me in a very small community like this, where everything is strung along one line of railway, cut off for different reasons from the other countries either by lakes or great rivers, or the enormous areas of bush between us and Tanganyika, or whatever the case may be, I believe it is quite possible to differentiate for this purpose, without interfering in any sort of way with the Customs revenue of those other countries with whom we have a Customs agreement. Then I do not see any reason why these countries should not do likewise. It seems to me on the contrary that it is our way of giving elasticity to an agreement of this sort. I entirely agree with people who have said that if you give a rebate on any article for local purposes that you go straight behind the Customs Agreement with Uganda and Tanganyika and that is undoubtedly the case, because anybody could purchase the commodity in Kenya and go over the border and do them out of the revenue they would get in the ordinary way. That does not appear to be the case in the least in this. If anybody gets paraffin for a tractor, and after all a tractor

is not a thing you can hide—although there was a case recently in the court where something of the sort came up—it is not a thing people can make any mistake about. If a man has to prove to the local D.C. that he has a tractor of a certain sort and a certain acreage and is using a certain amount of paraffin for it, it seems to me comparatively easy, and therefore I think this should be done by rebate and not by any other means. I believe it would be quite possible to get these things right without doing any damage to the general revenue of the country, outside this actual grant, and do it in such a way without affecting in any way the Customs revenue of the other two countries with whom we have an agreement, which is very important. And I think they have their redress. If they find we are carrying this out in such a slack manner that stuff is going over the border and interfering with the revenue they should take steps to let us know about it. After all, you can only do these things with a good will. I think this question of differentiation is not so difficult as it appears to be if done on the spot. That is why I suggested it is easier to do it by a subsidy. If you were going to take off this Customs duty of 20 cents a gallon you would be faced with three things. You would have trouble with Tanganyika and Uganda ; secondly you would be losing the whole of the revenue which is paid by innumerable people in very small sums for all the paraffin burnt in lamps in the country ; and thirdly you would find it very difficult, I think, to go in for any system of differentiation if you did it at the Coast. I am quite sure it could be done by the local D.C. or the local government in combination with the Agricultural Department.

Well, Sir, that is the argument with regard to the Customs. I should like personally, and here I am open to criticism by my hon. friend opposite (the General Manager, Kenya and Uganda Railway) because after all, to a certain extent, he has a right to criticise—he knows the Railway he has to deal with and so on and so forth—but I do feel myself that, if it is possible, that is the best way of dealing with the Railway too—although I believe if possible the Railway might be able to give us 19 cents—that is a new figure, I did not bring it in before. 19 cents is the difference between the first class rate, which is the rate we want to get, and the third class rate, which is the rate we have got at present on the Railway for paraffin. 19 cents is the difference per gallon between these two rates from Mombasa to Nakuru which I have taken as the centre of the agricultural country. So that you would get from the Customs 20 cents and from the Railway 19 cents, and that would bring down the price to about a shilling a gallon. I am not sure, perhaps, if my

hon. friend would not do it now, but I think there are certain objections to doing it. After all, this is a Kenya matter. Uganda could perhaps do with some decrease on the Railway rate on petrol because they have a very large transport system run entirely on petrol in Uganda which might create difficulties with these countries. Apart from that I should be the last to suggest for one moment that the Hon. General Manager of the Railway, who is carrying much the greatest financial burden in this country, should lower any rate unless he is perfectly certain that he is justified financially in doing so. Now this Government has a surplus and if we do not spend it—they will—and I think it is very much better that that money for a year or two should be spent on increasing and improving the agricultural industry in this country. I know the Railway has most enormous commitments. We have heard the Government say many times that this Colony has none. It has very few, it has very small commitments indeed. The Colonial Loan is very small compared with loans raised by other countries and the financial commitments are small, and if the Government gave the subsidy that money would not be gone. You would be paying out £20,000 a year to this particular thing and that money would gradually come back to you. -

I think there is no doubt whatever that the future of agricultural production rests with the crude oil tractor. I do not know what my hon. friend the Director of Agriculture thinks about it, but my own opinion for what it is worth is that if our manufacturers at home, who as usual are behind in this matter, took this thing up and pushed it along—there is this German tractor already which I understand is very satisfactory—and if once that can be done and any other method found of dealing with this matter that subsidy would come off and the Government would not have to spend the money.

If you leave it in the hands of Government, they will spend it, as sure as we are here at the moment, because heads of governments usually do that—I am not talking about this particular Government, Sir, and do not take this personally for a moment, but governments will always spend money—and therefore it is up to us to try and get some of it and I do believe that we have been going uneconomically for two or three years. We have been building houses, very nice and necessary things, but I do think it is time that we should make an economic effort to increase production in the country and I do not think anybody has an idea of the increased production we could get if we do this. If you could bring paraffin down to a shilling or so, I am sure you will

get increased production. Government would not lose anything. We should get most of it back from Customs duty on the stuff returned from the things we export. I will not discuss the matter, but I believe this country has to do these things and I believe Government gets it back in many ways and would get back in Customs duties a great part of this subsidy.

I have rather forgotten my thread because, Your Excellency, I have not had very much time to prepare my speech. I did not quite know when it was going to be taken. But I do think, Sir, I need say nothing more for the moment because I do get a chance of replying in this debate, and I would like to propose that this Council takes upon itself the responsibility of bringing paraffin, for agricultural purposes, down to something like one shilling per gallon and that steps should be taken to do this by providing a subsidy for rebates to the Customs and if necessary to the Railway on freights.

THE HON. CONWAY HARVEY : I beg leave to second the motion and I intend to vote for it because I believe the motive underlying its introduction to be a worthy one. There is, however, Your Excellency, to my mind a pitfall—one outstanding pitfall, which can easily be bridged over by my hon. friend the General Manager of Railways. We should like to be assured that if Government takes the action indicated by this motion paraffin will not be prejudicially affected when the time comes for the rate revision which has been very clearly foreshadowed. A gentleman representing the Railway Advisory Council in addressing the Convention of Associations a few days ago made out what I believe to be a very good case against any rate reduction at the present moment, and he emphasised the weighty nature of the financial burden borne by the Railway in carrying financial responsibility for interest and sinking fund on Port capital. At the same time he visualised in the very near future the Port Authority assuming responsibility for this large capital item either wholly or in part. and we very clearly gathered from his remarks that when that took place the Railway Administration would then be in a position to make a correspondingly substantial reduction in freights on various commodities. We should like to be assured in view of that—perhaps it might be confirmed by the Hon. the General Manager—we should like to be assured that paraffin, in regard to which the Noble Lord has made out such a convincing case, will be placed somewhere very nearly at the top of the list. My hon. friend the Commission of Customs, Your Excellency, is, I understand, the Chairman of the Port Authority. We would welcome an

assurance from him that what I have said with regard to that Authority's future programme in regard to finance is approximately correct; and we should also welcome an assurance from the Hon. the General Manager that what was told the Convention a few days ago is the official definite policy of the Railway Administration.

Hts EXCELLENCY : The question is :-

That this Council requests Government :-

(a) to provide in the present Appropriation Bill for a subsidy which will bring the price of paraffin, used for agricultural purposes, to such a figure as will enable mechanical traction to compete with ox traction in the interests of the saving of labour, of the opening to cultivation of large areas of land at present used to feed oxen, and of enabling land to be cleaned up rapidly after harvest for the prevention of disease in crops; and

(b) to request the Select Committee appointed to deal with the Estimates to make recommendations immediately as to the amount of the subsidy required for this purpose.

THE HON. T. J. O'SHEA : I have great pleasure in supporting this motion, and for many reasons, not the least of which is that this is an expression of our faith in the policy of Government to promote the agricultural development of this country, agriculture being our only industry. I also support the measure because it brings us up against a definite decision on a matter which has taken up a lot of our time and energy during the past three years. It also gives me great pleasure to support it because in this motion the Elected Members are taking upon themselves the responsibility for whatever action Government may take arising out of this motion. Several times during the past twelve months we have assured Government that sacrifices of revenue might have to be made by the Railway or might have to be made in other directions in order to cheapen the cost of fuel oils, and our advice has not been accepted. We are now definitely making ourselves responsible for that advice if Government thinks right to accept it. Up to the present we have been pummelling' against a stone wall in the Railway in this matter. I am sorry that the Railway authorities have not thought well of our advice and methods in this direction. Personally I think that his refusal to consider this question of fuel oils is the biggest blunder the Hon. the General Manager has made since he came to the country, but. I recognise that he perhaps is in the best position to judge as to what he can do at the moment in regard to this matter, and

so we have now definitely altered our tactics. I believe that with some such scheme as is suggested in this motion the Railway will recognise, in a short time, that there is more money to be made ultimately by cheapening the cost of carrying fuel oils and that the inevitable development will be of greater assistance to the Railway than anything before.

The Right Hon. Member, the mover of the resolution, in the course of his address has emphasised that the essence of this matter is not the direct effect of reducing the cost by a few pence per gallon but the indirect effect that will result therefrom. The position at the moment appears to be that the present price of fuel oil makes it a doubtful proposition whether one should use tractors or not (hear, hear) and a reduction in cost given, even though it may be proved to be a matter of only one or two shillings per acre really has much more far-reaching results than would appear looking at the case in this way. If the price of paraffin is brought down to something in the neighbourhood of one shilling per gallon, undoubtedly the use of tractors in this country would become almost universal.

In my humble opinion it is essential to the future of agricultural development in this 'country that we should get away from the ox and get on to the basis of mechanical farming. In the first place it is only possible to arrange for a large increased agricultural programme in this country if you adopt the tractor. It is impossible, in my view, to contemplate the use of labour-saving machinery to the necessary extent unless you get away from the ox and get on to mechanical farming. The best of labour-saving machinery nowadays is almost entirely designed for tractors. It is impossible to use with oxen the machines that are really necessary to grow and harvest crops economically. If we are going to contemplate a big extension of agricultural development in this country we have got to consider the position of native labour, and so long as you adhere to the ox you must have large quantities of native labour. As we have had serious shortages in the past of native labour in our present programme of development, how can we possibly contemplate a much larger area under agriculture dependent on native labour to the same extent as at present? We must undoubtedly get down to some basis of production which will economise native labour, and it is only by the use of combustion engines that you can get it.

Another point of view is that it is essential that combustion engines should replace the ox. The cost of production is going to determine whether in future we can compete in the world's markets. In most other countries producing

agricultural crops for export, labour-saving machinery is used to a much larger extent than in this country, and it seems to me inevitable that unless we resort to labour-saving machinery we shall be left behind in the competitive race for production.

Looking at it from another point of view—the point of view of the native—people used to think in this country all native labour was cheap. At one time it was, but to-day it certainly is not, because the output per day of the native compared with his cost is very much less than the same amount of money put into labour-saving machinery and the higher cost of white labour. This is found to be the case in other countries. Inevitably, Sir, the native will have to learn the use of labour-saving machinery if he is to command the price which will go to raise his standard of living. It does not seem to me possible to have a highly paid native agricultural labour supply in this country on the basis of the ox. The native must be trained in the handling of the combustion engines and labour-saving machinery. If he does not train in this direction he will not be able to earn more.

Again, Sir, we have at the present time under consideration schemes for increasing the agricultural development of the alienated areas in this country. We contemplate introducing a much larger European agricultural population, and we are also considering schemes that involve bringing into this country a very different type of European farmer—the small capitalist. I shall never believe that that type of farmer will have to resort to doing his own work rather than employing labour to a greater extent than we have contemplated up to the present. If his labour on the farm is put on an economic basis, he must produce very much more per day than it is possible with animal-drawn machinery. Your team of sixteen oxen and a plough can only handle in the ploughing two-and-a-half acres per day. No man living up to the European standard of living in this country can possibly earn that standard of living on such a basis. With even the smallest type of internal combustion engine you can plough six acres per day. With that basis it becomes possible to attain what we call an European standard of living. Also, I think we have got to contemplate the fact which we are now beginning to recognise in another direction—that there is a young European population growing up in this country on the land ; that that new generation has got to find employment on the land. The proportion of agricultural population to civil servants and commerce has got to increase or this country's finances are going to collapse, and you can only find employment for that younger generation on the land if you develop the use of labour-saving machinery.

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I make it a secret of the fact that in the course of my business I am very closely identified with this problem. The cynic may say that personal interests very largely influence my views on that. I ask this hon. House to believe that on the contrary it is because I happen to be directly interested in the matter that I have made a very close study of it and it is on that account I hold such strong views on it. I am perfectly sincere when I say—I have said it in the past and I believe it to the best of my knowledge—that there is nothing the Government of this country could do which would have a greater and more beneficial effect upon the agricultural development of this country than to assist the people to get fuel oils at a lower price than at present.

Finally, I should like to emphasize that by handling the programme in the manner suggested by this motion we are not going to place any permanent burden upon the finance of the country. By cheapening the cost of fuel oils in the immediate future you are going, I am perfectly convinced, so to increase the use of internal combustion engines in this country that the ordinary laws of supply and demand will bring down the price in the course of the next two years to such a level that it will not be necessary for the Government to maintain the subsidy. I believe in the first place that the Railway will in course of time come to the conclusion that it is a paying proposition to lower the rate on agricultural fuel oils. In the second place, the distributing companies will be able to make such arrangements as will cheapen the cost of distribution; in the third place the oil companies, provided that they are selling much larger quantities in this country, will be willing, I believe, to lower the prices at which it arrives at our Port. The price will have to come down on that account; I think it only right to express my opinion—it may be evidence against me later on—that this subsidy will not be a burden on our budget for very long, and the benefits that will flow into the country and to the revenue from the imposition of it at the present time will far outweigh the disadvantages.

CAPT. THE HON. H. F. WARD : Your Excellency, I wish to briefly support the resolution. The day has gone by when any section of the community in this country can consider itself an entity on its own. We must, and I think the majority of us do realise, that we depend upon the economic and careful treatment of the soil. In that respect I would like to congratulate the Noble Lord the Mover of this motion for his statement which is in my opinion unequalled for clarity and simplicity and business knowledge.

There are two points I would like to make, and one is that if these proposals are accepted by Government there will be little, if any, competition with any other items in the schedule of Public Works Extraordinary. Most of those items are works of a permanent nature that have at one time or other been included in the Loan schedule, and they can, if necessary, be returned to the Loan schedule.

The second point is really a word of warning, and that is that the Government should realise, I think, that this matter does not really wholly lie in the hands of the Government or the consumer, and if the Government agree they must take the necessary steps to see that the whole of the benefits go to the people intended and not be absorbed in any other way.

THE HON. J. CUMMING : Your Excellency, the Right Hon. Mover, I think, has clearly explained the up-country point of view so far as kerosene is concerned. Although I am not a farmer, I do know something about the kerosene trade myself, and I am quite certain some other hon. Members will also speak on this matter. I think the best thing that can do is to give the House some figures which may be of interest. Last year I estimated that approximately one million gallons of kerosene were used in internal combustion engines. For the first half of this year I estimate about 850,000 gallons were used. Now, returning to the cost of kerosene, I shall only deal with wholesale kerosene. At present, up-country, there are no filling installations, although there will be before the end of next year. Kerosene is marketed in tins as that is the cheapest form of packing at present available. Drums could be used, but they have to be returned empty to the coast, which obviously puts up the cost, but I will only deal with the bare tins. The Right Hon. Member for the Rift Valley was not quite correct in his figures, if he will pardon me for saying so. At the present moment in Mombasa in bond a gallon of kerosene costs Shs. 1/20, the duty as we know is 20 cents. If you take that gallon of kerosene up here we have got to pay Shs. 1/76, in other words 32 per cent. of the net cost goes to Government in some form or other, either to the Railway or to the Customs. If that gallon goes to Nakuru the cost there is Shs. 1/87, in other words 36 per cent. goes to Government. If it goes to Eldoret the cost amounts to Shs. 1/98, in other words 39 per cent ; if it goes to Kitale, Shs. 2/04, or 41 per cent.

I think it is unnecessary for me to say any more, as I shall only be reiterating what has already been said. Possibly these figures may be of some interest. As far as I am myself concerned as Member for Mombasa, I would simply say that I strongly support the motion.

CAPT. R. M. V. RENEALY : Your Excellency, in dealing with this matter I should like to speak first of all on the principle of obtaining a subsidy to attain a result. That principle has been accepted by this hon. House in the past. When we had control of the Railway in regard to rates we dictated the rates and in that way we supplied a subsidy in connection with a certain commodity. Since we have lost control of the Railway we have to resort to this method of obtaining the same result. Now, Sir, whilst supporting this motion very strongly I would ask Government to consider the advisability of putting the principle which is here implied on a much wider basis and that is that there should not be discrimination between the different types of fuel used to attain this result. It is absurd, I suggest, from a philosophical point of view, to discriminate between factors that make for the same effect. After all, if paraffin or petrol or crude oil compete in the saving of labour and other things, and enable land to be ploughed more rapidly after harvesting, and help in the prevention of disease of crops, etc., something should be done to help, whether these results are attained by the use of crude oil or any other manufactured oil.

Let us examine this matter a little further. Petrol tractors are obsolescent. It has already been recognised on this side of the House, that the paraffin tractor is going out of use because man in attempting to attain a result naturally uses the cheapest means he can and I say that the crude oil tractor is going to dominate the situation in the future and it is going to dominate the situation with very good effect. If that is so it is surely desirable that everyone should take time by the forelock and provide in this subsidy for the utilization of the ultimate form of oil which should be used, in other words, crude oil as well as paraffin. The only danger in the motion now before the House is that the wording seems to suggest discrimination between different types of tractors, and I think it is unfortunate that that discrimination should be made. We have had some figures from the Hon. Member for Mombasa in regard to the proportions of the cost which Government has taken in regard to paraffin, and one of his figures, in regard to paraffin in Nairobi, was that Government took 32 per cent. of the total cost. In Nairobi on crude oil Government takes 46 per cent. of the total cost. It is unfair to suggest, I think, that because paraffin is expensive and crude oil fairly cheap discrimination should be made between the use of the two. because he attains to small recurrent expenditure by providing a fairly high capital sum. He buys a crude oil tractor which is dearer in cost than most paraffin tractors for the cheapness in the cost of running it as compared with its rivals.

I think it is a phenomenal suggestion that unwisdom should be subsidised and wisdom should not. If a man is wise enough to recognise that crude oil is the fuel of the future he will naturally use the crude oil tractor, and I think it is wise to recognise that and subsidise also crude oil. I suggest to Government also that the wording of this motion should be changed and that instead of the " price of paraffin " being quoted, that should be altered to the " price of fuel oils " for agricultural purposes. The way in which this is going to be ascertained is by enquiry and that should apply equally to crude oil as to paraffin. Crude oil supplies, Your Excellency, cannot be interfered with. Paraffin is a manufactured or partly manufactured article and it is subject to the machinations, therefore, of trusts and combines. We have experienced the results of the existence of those trusts and combines in this country and recently we have had a very ardent expression of hope and faith from these trusts and combines because they realise that they are no longer in a position to dictate. We have the powers of remedy by granting a monopoly and we can grant it on a crude oil basis more easily than on a paraffin basis.

I have great pleasure in supporting the motion but at the same time I do hope Government will alter the application of it from paraffin to fuel oils generally.

THE HON. F. O'B. WILSON : Your Excellency, I am sorry that it has been necessary to bring in this motion, not because I do not agree with it—because I am going to support it—but it does seem to me to be wrong that, after all these years of agitation and argument in the country, Government should have done nothing at all, and finally that it should be necessary for hon. Members on this side of the House to have to suggest a way of dealing with the matter. I can only assume that Government have not been convinced in all these years that the reduction of the price in paraffin to the consumer is going to make much difference.

Now, Sir, the Right Hon. Member for the Rift Valley has taken two sides—one is the psychological aspect and the other is the point of view of the opening up of larger areas for cultivation. Then there is still another point of view, and that is this : that this country being a small country will have to depend on large yields per acre, and, Sir, I believe that the only way we can get on with that to the extent we should is by working the land more often, more quickly after a shower of rain, as the case may be, and at the right time. (Hear, hear.) Now that once more is a way in which oxen lamentably fail. They cannot do it. The farmer with the best will in the world, the best knowledge

in the world, cannot do it more economically and more rapidly, with the use of oxen than he could do by the means of tractors.

He cannot get on to his land, on the the largest area of land, and work it at the right time and he can only do that by the means of tractors, and the question so far as the farmer is concerned is that he is nut going to haul out his tractors time and time again when he realises the large costs he has at present to pay for his fuel. That is the only aspect I am going to draw on because I believe it is a third argument in favour of the Government doing that, and in their trying to bring down the cost of fuel oils. (Hear, hear.)

THE 110N. THE ACTING DIRECTOR OF AGRICULTURE (MR. HARRISON) : Your Excellency, this matter of the cost of cultivation and how the cost of mechanical cultivation is going to be reduced will naturally involve the Agricultural Department in some research looking into the facts. There is no doubt that this Colony at the moment does need some pick or some spur to push it on from the position in which it now finds itself. We have now 400,000 acres under cultivation and 25 to 30 per cent. is managed by mechanical means, and I am very sorry to say, Sir, the yields per acre are not quite like what they used to be when farmers planted their maize probably in newer land than they do now. Farmers have gone in for extensive cultivation and on account of the cost of management and the cost of cultivation they have not been able, in my opinion, to cultivate their maize so closely and so well as to secure the yields which they should. I think that if one could make cultivation cheaper, and I believe cultivation is getting dearer, it would be a very great help to this country.

Many points occur to one, but I do believe that if the cost of cultivation were reduced the capital value of our land would be increased, in other words our people would become more prosperous. I would argue that it is necessary that the cost of paraffin be reduced. There is over £350,000 at the present moment invested in paraffin tractors and therefore to change over to crude oil would be uneconomical and impossible as we must at least wear these things out, and we must make it as economical as possible to do so.

A man said to me : " I drive my tractor for four months, if I could only drive it for six I would very pleased," and time and time again I have been told that farmers cannot use tractors because funds run out and it is an expensive way of farming at the moment. But it has come to stay, we know

our people are mechanically-minded people, they turn to this method of farming with haste because they have been so disappointed with oxen and I would say that the expeditious planting of crops within a very short period of time is necessary to get the best results.

In re'ard to stalk-borer, the longer period of cultivation has undoubtedly caused the spread of stalk-borer in certain areas.

Also there is the effect upon closer settlement. Anything that can be done to bring down the cost of cultivation should be closely studied and if you consider that only 400,000 out of a possible 2,000,000 acres are under cultivation and this land usually occurs in huge stretches we must see that we cannot allow this land to go untilled. We must see what we can do to cultivate the whole area. Two million acres for cultivation by our people is little enough and many years will not be gone before they are cultivated up to the hilt. At the moment cheapness is essential. Later on cultivation may cost more.

THE HON. THE COMMISSIONER OF CUSTOMS (MR. WALSH) : I am very glad to find that there is no proposal before this hon. House for the immediate amendment of the customs tariff on this motion. The establishment of free trade between the East African Territories is in my opinion of very considerable importance and anything done in any way to jeopardise the present position would I think be most unwise. If the principle of granting a rebate on kerosene used for power purposes is accepted by this Government, I see no reason why the other Governments concerned should raise any objection although they should receive prior notification of the proposals.

As regards the machinery necessary for putting the system of rebates into operation, there are several precedents for this sort of thing. It was done in England some years ago for petrol for doctors' cars and so on, and although the difficulties of application in this Colony may be considerable I do not think they would be insuperable. I entirely agree with the Noble Lord that the work of checking cannot be done at the Coast by the Customs Department, it must be performed on the spot as the oil is transported in bulk and sold in tanks to any purchaser. It is therefore impossible for the Customs Department to exercise a check but I think some local officer could do it adequately.

As regards the assurance asked for by the hon. Member for the Coast I would wish to point out to him that the Port Advisory Board is a very representative body and he should need no assurance that the interests of the consumer will be properly safeguarded.

THE HON. THE GENERAL MANAGER, KENYA AND UGANDA RAILWAY (MR. FELLING) : Your Excellency, I suffer from the outset through not having known that this motion was coming up this morning and consequently I have no figures here.

The motion has no direct reference to railway rates and from my point of view, therefore, I can hardly take exception to the general suggestion for a Government subsidy which may or may not touch the Railway in any way. There are just a few points I would like to make.

First of all let me say that I think that we must be grateful to the Rt. Hon. Gentleman for the manner in which he stated his case in moving the motion and I am particularly grateful to him for making it clear that what is wanted in connection with lowering the rate on kerosene is not only reducing the railway rate. The railway rate may be high but it is quite obvious that no reduction in the railway rate that could reasonably be possible would give what is desired. The selling price of kerosene requires tightening up in many ways quite apart from the Railway.

I would like to make it clear, Sir, that it is unfair to make a statement that the Railway has refused to consider the matter. The Hon. Member for Plateau South said that the Railway had refused to consider the matter, that they had refused to accept advice. That is absolutely incorrect. It is the fact, it may be the fact, that Government has done very little, as other members stated, but it is absolutely the fact that the Railway has not only considered the matter on many occasions but has made a number of reductions. Sir, I make a statement of fact. One of the first things I did when I came to this country was to reduce the rate on petrol and kerosene, and even last year there was another reduction in the rate on kerosene. The Railway has in fact made a number of reductions during the past few years. In other words the Railway Council has not only considered the matter continually—as far as I can remember on at least a dozen different occasions—but it has actually made reductions and in all these discussions the Agricultural Department was fully represented

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THE HON. T. J. O'SHEA : Your Excellency, on a point of order, may I ask what reductions were made other than the one made during last year?

THE HON. THE GENERAL MANAGER, KENYA AND UGANDA RAILWAY : Your Excellency, unfortunately I have not got the figures here. I did not know the motion was coming up, but my recollection is that the reductions on petrol, kerosene and crude oils vary from something like 27 per cent. to something like 40 per cent. If I remember correctly the reduction

on kerosene was about 33 or 35 per cent. I can easily give the hon. Member the figures. Unfortunately as I say I have not got the actual figures with me.

THE HON. T. J. O'SHEA : Your Excellency, again on a point of order, the hon. Member has stated that various reductions were made and I believe that only one has been made and that is from Class 4 to Class 3. May I ask him to substantiate his statement later on?

His EXCELLENCY : If the hon. Member will put down a question he will no doubt get the necessary information from the General Manager.

THE HON. THE GENERAL MANAGER, KENYA AND UGANDA RAILWAY : I would mention the reductions on petrol, kerosene and crude oils. How much each particular one has been reduced I cannot say at the moment as I have not got figures showing the actual percentages. The point I am making at the moment is that it is unfair to members of the Railway Council, who are representing the people of this country extremely well, if I may say so as an impartial man, on that point they are representing the country extremely well and it is unfair to them to say that they have not considered these matters.

Your Excellency, the figures have just been handed to me. The figures I will quote :—

The reduction on petrol between 1923 and 1927 was 29.93 per cent.

The reduction on kerosene 34.85 per cent.

The reduction on crude oil 30.36 per cent.

I have no objection, Sir, whatever to anybody pressing for a further reduction. I am not defending the existing rates (hear, hear), but I do ask in common fairness that it should not be stated, and restated, that nothing has been done.

In regard to the question of Port charges, if I may deal with the matter. It is the case that the Port Advisory Board is at present considering a scale of charges and I have stated before that if the Port charges are adjusted the Railway will make a reduction in rates as near as it can, possibly the same. It is not possible to make reductions correspondingly. Some commodities require rate reductions more than others, but the Railway will endeavour to see that rates are reduced to an extent equivalent to the improved position at the Port. The whole question of railway rates is at present under consideration. It is under consideration for East Africa as a whole. After the matter has sufficiently advanced action will be taken at the right time. I cannot give more information on the point at the moment. We must have regard to many services.



The lion. Member for Plateau South stated that there have been difficulties in lowering the rates on commodities. That is quite right in connection with railway rates as this is an agricultural country and we must carry our agricultural exports at a low rate, and we should bring in some imports lower which may be required for production but we must raise the money somewhere; consequently we must have high rates. Then the process goes on of people starting motor transport and carrying commodities by road for which we are charging by rail a high rate. In fact they get it both ways. We shall be in the position very soon of having to face what is necessary in connection with motor competition and the Railway Administration unfortunately must bear that point in view in connection with these rates.

Your Excellency, I have been in the country possibly long enough to see the criticism on railway rates veer the other way round. I know the lion. gentleman has the feeling that we can go too far with rates, and I believe he is right. But as General Manager of Railways I very soon will have to take certain responsibilities which are very serious responsibilities in regard to railway rates and I would not be surprised if in two years' time I may be told the same thing and told the same thing from a different point of view.

In regard to the proposed subsidy. Of course the Railway cannot raise any objection to a Government subsidy provided it does not touch the railway rates.

There are one or two things I want to make clear. There can be no differentiation in the railway rates between the different territories. That, I hope, everybody will understand. The second thing is, I could not possibly support any system of a new rebate direct from the Railway. It may not be known to hon. Members but years ago in South Africa there was precisely the same pressure for reductions in customs and railway rates for kerosene used for agricultural purposes, and the South African Government at the time decided to make a rebate on the railway rate. This rebate applied for a number of years. The results were indescribable and the end of it was that the South African Government, against most strenuous opposition, abolished the rebate altogether, and when the opposition party came into power and re-examined the position, having intended to go back to the rebate, they found that it was impossible to re-introduce it. Therefore there must be no question of a rebate from the Railway. Also I do not think that there should be any question, I grant it myself, of any payment to the Railway. in a matter of this kind I do not think, Sir, that that is sound. Personally I am rather sorry that this question has come up so soon as from a railway point of view we would have helped with the matter within a reasonable period of time, but if this Council approves the

principle of investigating whether something can be done in the direction indicated in the motion then I will undertake to have the matter brought before the Inter-Colonial Railway Council. It is quite possible by that time the position will be smoothed out to some extent.

There is very little more I would like to say, Your Excellency, but I should like to point out that we made a very substantial reduction in the rate on crude oil and there has been no response. The crude oil traffic is very small in this country. It may be suggested that the question goes further than the railway rate. The crude oil rate is not so important to the Railway as the rates in connection with petrol and paraffin and I am sure that if the Railway Council felt that going further with crude oil would have helped the position they would probably have been agreeable (hear, hear).

THE HON. THE COLONIAL SECRETARY (SIR EDWARD DENHAM) : Government is very sympathetically disposed towards the object which it is desired to obtain by this motion. Government is anxious to look into this question as early as possible and I am authorised by Your Excellency to give an assurance to this Council that Government will examine this proposal for a rebate and if it is found that a sum can be provided in the Estimates to give the benefit to the people who really want it Government will include provision in the Estimates for next year. There are, however, some points which must necessarily be taken into consideration by the Government, and the first of these is the point in connection with the neighbouring territories which my hon. friend the Commissioner of Customs has already referred to.

The Noble Lord in his remarks agreed that it was absolutely necessary that we should consult in this matter with those territories which may be affected by such a rebate, if granted, and we all feel that nothing must be done which will weaken the federation in regard to customs which has now been established between the three territories. Therefore Government feels that the Governments of Uganda and Tanganyika should be informed at once of what is being proposed in this matter ; that they should know of it, and while it is a local matter, they should be consulted in the matter to the extent of being told what Kenya proposes to do.

The Hon. Member for Nairobi North pointed out that it is essential that we see that any reduction introduced goes into the pockets of the people we wish to benefit, and therefore Government considers it essential that it should meet the Oil Companies and discuss the matter with them as well as with those who are directly interested in this matter.

There is the further point that Government has to see exactly how the figures will work out, they must therefore consider a proposal such as this so that they should be able to place a definite sum, a definite proposal before this Council.

The motion has been very ably placed before Council to-day and I may say that Government has been strongly impressed by the necessity for investigating this matter. Government has not shown neglect in the past in regard to it, it has rather been a question of how this question could best be met. I hope the time has now arrived when it can be met in the best interests of the country at large.

Government has therefore given the assurances which I believe are required, and I trust, therefore, that the Noble Lord will withdraw the motion which is now before Council.

TUN RT. HON. LORD DELAMERE : I have only one or two words to say. As regards the neglect of Government in this matter, I think it was the Hon. General Manager who said that Government had neglected this matter. He said I think that 35.85 per cent. had been the reduction by the Railway on paraffin but that Government had not taken any steps to make a proportionate reduction or words to that effect. I do not want to enter into an argument with the hon. gentleman as in these things he can be ever so long. It is some years, it is certainly a year, since I first heard him say that it was a scandalous thing that nobody gave the Railway any bouquets because they reduced these particular rates. I think people do in their minds.

With regard to what was stated by the Hon. Member for Kenya, I think crude oils should not come into it because there has been a big reduction which has had no effect. The second is, the two things I asked for are that something should be done to cover the customs, and that something should be done to cover the difference in railway rates between the third class, as it is now, for paraffin, and the first class, as we hope it will be, and which at present is covered in respect of crude oil in both cases.

A very serious accusation was brought against me, that I gave wrong figures to the Council. I should like to apologise if I misled the hon. Member but I knew an opportunity would arise for me to put it forward. I can only take the figures as printed by the Customs. The Customs figures for 1926 are that paraffin to the extent of 1,712,266 gallons were dealt with to a value of £67,523. Now as a matter of fact I did not work these figures out myself and I am here to say that there is a mistake but it is not a mistake anything like the hon. gentleman (Mr. Cumming) has indicated. In fact instead of " 71 " I

find it ought to be "78." I did not work the figures out myself. I cannot by any method make them into Sh. 1/20 and the only thing I can suggest is—no—. . . .

There is one point the Hon. General Manager—I am thankful to say he cannot speak again—said and that is that my motion, I think he said, I cannot hear him very well, that my motion had no relation to railway rates. I think it has a very direct relation in regard to the Railway. . . .

THE HON. THE GENERAL MANAGER, KENYA AND UGANDA RAILWAY : On a point of order, Your Excellency, I said that the motion made no direct reference to railway rates.

THE RIGHT HON. LORD DELAMERE : I entirely agree with him that the way to do this, if it is done that way, is not to make a payment to the Railway, or to ask the Railway to differentiate, but to make a subsidy which would be handed out both as a rebate on customs and the railway rate to one party, whoever the people are, the users of this stuff, and it is not necessary that it should go through several hands. He said something about a reasonable period of time. He said if we gave him a reasonable time he would have helped us himself. I am glad to hear that and I think he is absolutely sincere and means that, and I think this is another reason for Government giving this rebate because they must know after what he has said that the Railway will, after a time, take that portion which deals with railway rates or a portion of it off their shoulders.

With regard to the Oil Companies, Sir, I have always looked upon them as some of the best managed concerns in the world and I believe the general effect of them has been to very much lower all over the world the price of these commodities. There is no doubt that they take what the traffic will bear but I do not think that they would be so foolish, if the Government rendered assistance of this sort, to make an enormous increase in the price of the commodity with which they deal, although if they wanted to they could take a part of that rebate away. I do not think they would. I do not imagine good business people would do it. Of course Government would have to take some steps in the matter if they did.

I am very grateful to members on both sides of the House and to the Government for the way they have taken this motion, and I hope that the fact will be recognised that it is the wish of Members on this side of the House. I am in a very difficult position because I do not know what the position is unless I withdraw the motion. I do not want to withdraw it at all. If I do not withdraw it I presume that until Government has gone into the matter they cannot accept it very well although I do not see why they should not. All I have asked for is

HIS EXCELLENCY : May I make the position clear to the Noble Lord. Government regards this resolution as a most important one and I should like to associate myself with all that has been said and the very clear way in which it was moved by the Noble Lord and supported by his colleagues. I followed him with complete agreement when he said that the psychological effect upon the Colony was one of the chief things to be considered and I also followed him with complete agreement when he said that the relative cost of ploughing by oxen and ploughing by mechanical power was really nothing much to the point and that the essential point was to release further land for intensive farming.

I was very glad to hear the loll. Member for Plateau South refer to one point I have often felt myself before, and that is the great importance of making fanning more independent of native labour.

For all these reasons Government does not hesitate to give lion. Members on the left a complete assurance that they will deal with the subject in the immediate future and that they will lay proposals before the Select Committee which is dealing with the Estimates, before that Committee rises. But I do not wish to accept the motion in the terms moved by the Noble Lord as it would seem to commit Government to not only the principle but the method, and as to that I am extremely doubtful and I think in any case two things are essential before Government decides to move in any way.

The first is that we should consult neighbouring territories—that is absolutely essential—and the second is that we should secure as far as we can the co-operation of the Oil Companies, but if the Noble Lord will accept my assurance that Government is already dealing with this matter and was even giving attention to it before the Noble Lord's resolution was put forward, if he will accept that assurance and withdraw his motion so that Government will not be committed to the method suggested, I think we shall have proposals to lay before the Select Committee.

THE ET. HON. LORD DELAMERE : One of my difficulties is that no objections to the method proposed have been runt forward by the Government side. I will say this, Sir, that so far as I am concerned, and provided Government will not put the six months rule into force, so that this matter cannot be raised again when Council meets after the Committee, and Government is in possession of further knowledge and will allow this matter to be debated again, I will withdraw my motion.

HIS EXCELLENCY : I am very glad to give that assurance. The motion is withdrawn.

**BILL.****SPECIFIC LOAN BILL.****SUSPENSION OF STANDING ORDERS.**

C

THE HON. THE COLONIAL SECRETARY (SIR EDWARD DENHAM) . Your Excellency, I beg to move the suspension of Standing Orders in order to take a Bill intituled the Specific Loan Bill. The object in moving the suspension of Standing Orders is because of the urgency in raising the loan set out in the Specific Loan Bill. We have had advice from our advisers in London that the matter is a very urgent one and that the present opportunity is a very good one for raising the money and floating the loan.

THE RT. HON. LORD DELAMERE • I beg to second the motion. I think it is most important that this Council should take advantage of the advice of those competent to know and float this loan as soon as possible.

The question was put and carried.

**FIRST READING.**

THE HON. THE COLONIAL SECRETARY : I beg to move the first reading of a Bill to Make Provision for Raising of a Loan of Eight Million Three Hundred and Fifty-Three Thousand Six Hundred and Eleven Pounds Sterling for the Construction of Certain Public Works and other Purposes.

THE HON. THE GENERAL MANAGER, KENYA AND UGANDA RAILWAY : I beg to second.

The Bill was read a first time.

**SECOND READING.**

THE HON. THE COLONIAL SECRETARY : I beg to move the second reading of a Bill to Make Provision for Raising of a Loan of Eight Million Three Hundred and Fifty-Three Thousand Six Hundred and Eleven Pounds Sterling for the Construction of Certain Public Works and other Purposes.

I do not propose to go into the question of this Bill at any considerable length. Your Excellency has already dealt with it fully in your speech to Legislative Council last week. In Your Excellency's speech you gave reasons why this loan should be raised and told hon. Members of the opportunity which is now before the country for raising it and what is meant by this loan. This loan includes provision for incorporating in it the £3,500,000 loan, which is known sometimes as the " Cotton Loan," and the £3,000,000 loan which was

never raised, as well as expenditure which has been incurred by the Colony up to the end of this year. There is no item here, therefore, in respect of which the money has not already been spent or will be spent before the end of this year, with the exception of a certain portion in the " Cotton Loan," the expenditure on which has not yet been incurred, but expenditure on which will be incurred.

We have been living for a considerable time on advances made by the Crown Agents, amounting to £3,211,611 on June 30th last. Of that amount .P2,801,221 is in respect of the Railway and Port and the balance of £410,300 is in respect of colonial works. The question must arise, and will arise in the minds of hon. Members, why the £3,500,000 loan should be included in the loan which we are proposing to raise to-day. Your Excellency explained the reasons for that and I need only say that the whole amount is included to-day, although a sum of £250,000, or quarter of a million, will be refunded to meet the interest which has arisen on that loan.

The £3,500,000 loan was originally granted free of interest until 1929 and therefore provision will have to be made for the interest period from the time the loan was raised until 1929. That will be covered by the £250,000 which has been set aside out of that loan and will mean only an extra provision of about £50,000 in respect of the last portion of next year. This will fall on the Railway.

The repayment of this 1924 Imperial Loan has been urged on Government most strongly by our advisers. We have been told that if this is not done it will affect the Colony in raising any other loan on the market, that this £3,500,000 loan is a prior charge and should be moved out of the way. By so removing it we remove our liability to the imperial Treasury. The liabilities therefore of the Colony will only be in respect of the £5,000,000 loan and the proposed £8,500,000 loan.

The schedule is an important part of the loan Bill. It sets out in detail the amounts which make up the sum of £8,353,611. I have spoken of this loan as an £8,500,000 loan because as hon. Members will see the Bill refers to the cost of raising the loan and in the schedule there is no provision for that cost. The reason for that is that we do not know what the cost will be, but it is quite clear that the whole amount will not exceed £8,500,000.

As regards the items which affect the Railway, I will not deal with them, as they will be explained by the hon. the General Manager of Railways, who will second the motion before the House.

With regard to the £667,611, which covers colonial requirements, this sum is made up of three large main items; the first is the sum of £304,342, which covers expenditure already incurred or which will be incurred before the 31st December next in the housing of Government servants, medical buildings, educational buildings and other buildings, the maize drying installation and cold storage. Secondly, there is a sum of £275,269 of which £125,000 represents advances which have been made by this Colony to the Nairobi Municipal Corporation. It also includes provision for water supplies for Nakuru, Eldoret, Kisumu and Mombasa and the expenditure incurred on account of Mombasa Old Town and Mombasa Town Planning.

The third large sum is £88,000, £50,000 of which is for road plant, £28,000 for roads and bridges and £10,000 for a road survey of the Colony. Votes have been approved in this Council for sums amounting in all to £1,833,635 for colonial requirements, but the expenditure has been restricted to £1,712,410 by agreement with the Secretary of State.

Your Excellency, I will not deal further with this loan, as Council will go into Committee to consider it, but I would strongly urge upon Council the necessity of raising the loan at a time when the credit of the Colony and the Railway stands high, when we can afford to do it, and when we are in a position to meet liabilities which we have already incurred and beyond that to pay off and incorporate in our new loan this £3,500,000 loan, a portion of which, of course, is guaranteed by Uganda.

o THE RT. HON. LORD DELAMERE Your Excellency, on a point of order—before this is seconded. I should like the Hon. the Colonial Secretary to tell us what the intention of Government is with regard to the £100,000 for roads, because I see it is not in the schedule of this Bill, and I did understand it was going to be in the schedule. If it is going to be, it should be voted by Council.

THE HON. THE COLONIAL SECRETARY : May I again explain that no item is included in this Bill which has not already been voted by Council. The £100,000 is new expenditure which will have to be incurred next year in respect of roads. It is not included in this schedule, and it is not proposed to include in this Bill any sum which has not had the prior approval of Council. Both that sum and the £100,000 to the Nairobi Municipality roads will have to be put before Council by separate resolution and will have to be passed by Council for expenditure next year.



THE RT. HON. LORD DELAMERE : The only reason I ask is because I thought there was something in Your Excellency's speech on the subject.

HIS EXCELLENCY : I explained in my speech that these proposals for expenditure next year would be met by advances from the Crown Agents after approval by Council.

THE HON. THE GENERAL MANAGER, KENYA AND UGANDA RAILWAY : Your Excellency, I beg to second the motion.

Hon. Members will observe that of the proposed loan of F8,853,611, no less than £7,686,000 will be in connection with railway and harbour extensions and improvements, rolling stock and the like.

The Railway portion of the loan is covered by Heads II and III of the schedule. Head II really represents the old £3,000,000 loan proposals, against which £2,950,000 was authorised and spent. The difference of £1,236,000 making up this £4,186,000, represents £531,000 for rolling-stock, £55,000 for the Mombasa Station site, £600,000 for deep-water berths Nos. 3 and 4, and £50,000 for further port development, all of which expenditure has been covered by resolutions of this Council. From the Railway point of view there is nothing in this loan which has not already been approved. I find, and it is important to note this, that against the total under Head II of the £4,186,000 provision for loan charges to the extent of approximately £3,750,000 has already been made to the Estimates for next year in continuation of what was provided this year. In fact, we are to-day actually carrying the bulk of these interest charges—we are to-day actually carrying more than half of the interest charges on this loan.

The one large item on which interest and redemption charges are not being paid to-day and for which no provision is made in the 1928 Estimates, is the £3,500,000 shown under Head III.

Under the terms of the original £3,500,000 sanctioned as free of interest for five years, it was anticipated by the Railway Administration that interest and redemption charges would not become payable until April, 1929. For reasons which I do not need to enter into again repayment to the Imperial Treasury is provided for in this Loan Ordinance; which means that we shall have to take the interest and redemption debits very much sooner than we anticipated. To that extent the amounts to be placed to the credit of renewals and betterment funds will be reduced.

We hope to settle the £3,500,000 loan on the present worth basis, thereby saving a quarter of a million against capital account ; but that point is still under discussion. Another matter still under discussion is the use of some £350,000 accumulated in London from interest on unspent balances against the £3,500,000. This money will also be available for other purposes in due course. In our Estimates for next year—and I must in order to make the financial position clear to some extent read the figures—we show a probable balance for 1928 for transfer to the Railway betterment fund of £154,590 after allowing Port losses. Any improvement in the position at the Port as a result of changes in the scale of charges will be remitted to the public in the shape of reduced railway rates, and cannot, therefore, be taken into account.

From this it follows that the heavy interest and redemption charges on the £3,500,000 loan coming next year will just about wipe out the balance which we estimated would be available for contribution to betterment fund, but the percentage renewals contribution will stand if all goes well.

I stated when I introduced my Estimates that I had allowed a fair margin for working expenditure, and railway officials will naturally endeavour to keep that expenditure as low as possible. I am satisfied, therefore, that we shall be able to carry this loan interest and the additional obligations imposed thereby without any serious trouble, so that the investing public need not have any fear on that account.

I would mention that during the past five years, or at least the five years ending December next, we shall have contributed to renewals and betterment funds over two and a half million pounds sterling and will have expended approximately one and a half millions.

Renewals have been provided for on a reasonable—even a liberal—scale, in view of past deficiencies ; so much so that, in the course of time, it will become possible to reduce the percentage with safety. Surplus profits available during a temporary low interest period have been contributed to betterment funds and by the end of this year we shall have expended on capital account against transfers *per contra* from betterment fund approximately three-quarters of a million sterling. We can therefore go to the market with confidence, because we can say that we have not charged loan funds with all legitimate capital expenditure ; we can show that we have charged to the extent of at least three-quarters of a million capital works against Revenue, and we can show that we shall have reserves in various funds by the end of this year amounting to over £1,400,000. That, I think, is a point which will appeal to the investing public.

Another point which will appeal to the investing public is that we have put the Railway on an inter-colonial basis. The inter-colonial council system, which has fully justified itself up to the present, secures a large measure of freedom from direct interference by either of the two Governments concerned, or by any political party. The present system, in fact acts in restraint of undue political pressure for precipitate reductions of rates and therefore of railway income. Rate reductions cannot take place without the most careful and responsible consideration. I suggest that bearing in mind the history of Government railways in other countries, the wisdom of this Council and of Uganda in agreeing to a system which provides this additional security should appeal to the investing public as a strong point.

Another point to which I wish to refer again as further establishing the soundness of the Railway position is that in connection with redemption. We have not only provided on a liberal scale for renewals; we have not only allocated large sums during a low interest period to betterment fund ; but we have provided from railway revenue for redemption. This again is one reason why, when it becomes necessary, we can gradually reduce the provision for renewals to a lower permanent percentage basis. It must be understood, and this also should be made clear, that while the Governments of Kenya and Uganda may guarantee loans, the loan interest and redemption are a first charge on the Railway rates and port charges.

As the loan is to cover almost entirely expenditure incurred, and to be incurred on reproductive railway, port and lake development, and will be paid for out of railway rates collected from the users of the railways in Kenya, Uganda and to some extent Tanganyika, the loan is not entirely a Kenya loan—it is an inter-colonial loan. As a matter of fact, in relation to Kenya income, the capital expenditure incurred in the past, and proposed now, on Kenya development apart from railways and harbours is very small. The liabilities must not be taken as Kenya liabilities—they are almost entirely inter-colonial liabilities. I think that point needs making clear in view of statements which have been made before. In this respect the Colony is in a very sound financial position.

Your Excellency, I think I can second the motion in absolute confidence that the sound financial position of the Kenya and Uganda Railways and Harbours Administration, for which the bulk of this money is required, will commend itself to the investing public overseas.

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

RT. HON. LORD DELAMERE : I have very little to say on this subject. I entirely agree with the Hon. the General Manager as to the soundness of the position with regard to the Railway. With regard to the Colony it is absurd to suppose that the Colony cannot carry in addition to the small amount it has already borrowed this further sum of money which is shown in this particular schedule. Of course, it is perfectly clear—as has been stated by both speakers, the hon. Mover and Seconder of the motion—that the items included in the schedule are items which have already been voted in this Council. There is nothing new about it—we have simply been using money for our own convenience lent us by the Crown Agents in order to enable us to get on with the work. I think everyone will agree that a very suitable period has been arranged. The Railway has arrived at a stage when its work in the last two years has been crystallised. We know exactly where we are in regard to the Railway, and from the point of view of the investor the position is the soundest one possible. I hope we shall be able to put this loan on the market at a very much better rate than the first one.

With regard to the £3,500,000 loan I am very sorry that in some ways the Railway have had to carry interest and sinking fund charges before it need do so, but I think on the whole it is perfectly right to see, if you are going to put this loan on the market, that you clear the other one out of the way first, as undoubtedly it would affect the loan being placed on the market were investors to find out that there was a prior claim. Personally I am very glad to see it out of the way. I do not like these Imperial loans. The one in question was put forward for other purposes that have interested people in England—perhaps more than it did in some cases ourselves, and I am very glad that it has come back into our hands. It may seem a good thing to get money from the Imperial Government, but on the whole I don't like it—it simply means that such loans lead to a certain amount of Treasury control. I congratulate Government on having at last brought forward this definite loan. I think it is quite time that some of the money we have been spending should be actually floated and put on the market.

THE HON. T. J. O'SHEA : Your Excellency, I beg to support the motion and in doing so, Sir, I should like to make it perfectly clear that I am almost entirely influenced in my attitude towards this motion by the deep confidence which Government has expressed in the advice of its financial advisers in London. I should certainly not always say that because I cannot forget that when the £5,000,000 loan was raised it was raised on the advice of the financial advisers in

London and that advice was far from sound, and the unsoundness of the advice on that occasion has cost this country a considerable sum of money, but in view of the fact that we have had much more experience of recent loans and in view of the fact that Your Excellency discussed the matter in London I am quite satisfied in supporting this motion.

In view of the fact that a very large portion of the loan is for the benefit of the Railway and the Port I think it is necessary that I at least should say something as to my attitude towards railway finance and railway management.

I am presuming to do this, Sir, because recently there has been diminished to us the important power political influence has been the cost of raising money for railway purposes. Well, Sir, I was one of those who associated myself with a bill that was passed to dissociate railway control and political influence in this country, and I should not like it to be thought that any criticism I have indulged in of late was an effort to influence railway control from the political sphere. I am second to none in my admiration of the good work that has been done by the Hon. General Manager of Railway and perhaps my admiration is founded on a sounder basis than that of a lot of us because I have paid him the compliment of endeavouring to understand the ways in which he has really managed our railway system. I give him no credit whatsoever, Sir, for the fact that since he has taken over the earnings of the Railway have increased by over 100 per cent., but I do give him the height of credit that during that period the costs of running the Railway have only increased by 21 per cent., and also, Sir, my admiration, for his work rests upon the fact that since he took over the Railway he has put it on a sound financial basis. When he took it over it was described as a heap of scrap-iron. To-day, so far as I can understand his figures, it is as sound as the Bank of England, and in case it should be thought I differ with him one iota on the principles on which he is running his financial policy, I appreciate that he has done a lot for this country in insisting upon us, the representatives of the people, recognising how essential it is that we maintain that railway on a sound basis. Nevertheless I think we are entitled to question whether he is not in detail carrying that policy too far and I respectfully question the extent to which he has applied that policy. Furthermore, Sir, I think I ought to take advantage of this opportunity to say that any pressure that I may have brought to bear upon the Hon. the General Manager to reduce certain railway rates is supported by strong arguments that such reductions might result in small immediate loss, but the ultimate gain to the country would be more than an answer to that.

In one respect, Sir, I should like to comment upon the Bill now before us.

I, like the Rt. Hon. Member for Rift Valley, anticipated that the £100,000 for road construction would be included in this Bill. I appreciate the very sound reasons for leaving it over at the moment, but I should have thought that it was very much more desirable to include it in the loan now to be raised for a large sum, seeing that we have made up our minds that we are going to spend it, and a second reason why I should like to see it included is that I understand this £100,000 is merely an instalment. That being the case I think it might have gone into the loan and we could have raised further instalments in the future. I do hope, Sir, that this will be considered because in my humble opinion the question of improving the transport system of the country and roads and bridges is one of the best means by which the country will be enabled to pay the interest and sinking fund upon the loan.

THE HON. THE COLONIAL SECRETARY : Your Excellency, I do not think there are very many points to answer, but I should like to refer to the last remarks made by the Hon. Member for Plateau South. The reason why the £100,000 is not included is because we have included nothing in the loan which has not been spent, except a small portion, as I have already said, in respect of the "cotton loan," and secondly, we do not want to include in the loan money before it is spent. We should then have to pay interest and sinking fund on the £100,000 whereas we can get the money much cheaper from the Crown Agents as advances against loan.

The question was put and carried.

THE HON. THE COLONIAL SECRETARY : I beg to move that Council resolve itself into a Committee of the whole Council to consider the Specific Loan Bill.

His EXCELLENCY : The question is that Council resolve itself into a Committee of the whole Council to consider a Bill to Make Provision for Raising of a Loan of Eight Million Three Hundred and Fifty-Three Thousand Six Hundred and Eleven Pounds Sterling for the Construction of Certain Public Works and Other Purposes.

The question was put and carried.

### *In Committee.*

Clause 6. *Repeal.*

Tan HON. F. O'B. Wilson : May I ask what is being repealed?

THE HON. THE TREASURER : The Ordinance which is being repealed is Ordinance No. 2 of 1922, that is commonly known as the Three Million Loan which has never been raised.

*Schedule.*

THE HON. THE GENERAL MANAGER, KENYA AND UGANDA RAILWAY : In the Schedule, Head II, item (g), the reference against the items should be " items (a) and (b) " and not " (a) and (c). " I have to move that " (c) " be deleted and " (b) " inserted.

His EXCELLENCY : The question is that " (c) " be deleted and " (1) " inserted.

The question was put and carried.

*Title and Preamble.*

CAPT. THE HON. E. M. V. KENEALY : I suggest, Your Excellency, that the title is badly described. I think either " a " the " should be interpolated in the first line or an " of " deleted.

THE HON. THE ATTORNEY GENERAL : The form of the title is universal. It has been passed in this Colony on more than one occasion and it is the form set out at home in connection with the raising of Loans generally. I did notice it and looked it up and found it was the usual form.

CAPT. THE HON. E. M. V. KENEALY : I consider it is wrong that wrong form which is used all over the world should be perpetuated by Kenya.

THE HON. THE ATTORNEY GENERAL : I have never said it was wrong.

His EXCELLENCY : Perhaps the hon. Member will not wish to press his motion?

CAPT. THE HON. E. M. V. KENEALY : No, Sir.

THE HON. THE COLONIAL SECRETARY : I beg to move that Council now resume.

HIS EXCELLENCY : The question is that the Bill, with one amendment, be reported to Council.

The question was put and carried.

*Council resumed its sitting.*

His EXCELLENCY : I have to report that a Bill to Make Provision for Raising of a Loan of Eight Million Three Hundred and Fifty-Three Thousand Six Hundred and Eleven Pounds Sterling for the Construction of Certain Public Works and Other Purposes has been returned to Council with one amendment.

THIRD READING.

On motion of the Hon. the Colonial Secretary, a Bill to Make Provision for Raising of a Loan of Eight Million Three Hundred and Fifty-Three Thousand Six Hundred and Eleven Pounds Sterling for the Construction of Certain Public Works and Other Purposes was read a third time and passed.

## PROCEDURE.

THE RT. HON. LORD DELAMERE : On a point of order, Your Excellency, I did give both verbal and written notice of a motion three days ago and it has been the general custom of this Council that within 48 hours, or after 48 hours, it should be put on the Order of the Day. In this particular case as it involves money commitments, I think it is particularly desirable that it should be considered before we go into Committee on the Estimates—it is the motion about the Coryndon Memorial, Sir.

THE HON. THE COLONIAL SECRETARY : Notice has been given of this motion. . . .

THE RT. HON. LORD DELAMERE : The point I wish to make is that it was not taken to-day, it would only take a few minutes and the sum is £6,500—which is a fleabite I understand according to the Treasurer, but it might affect the estimates in some way or another.

His EXCELLENCY : If the Noble Lord had expressed the wish to have it taken to-day it would have been.

THE RT. HON. LORD DELAMERE : I know, Sir, it was my fault.

HIS EXCELLENCY : The business put down was thought to be sufficient for the whole morning. I am sorry it was not included.

THE RT. HON. LORD DELAMERE : As Your Excellency has, I understand, accepted the motion in principle, perhaps we shall be able to deal with the £6,500 in Select Committee. I do not suggest, Sir, that we should take it now because it is not on the Order of the Day and some Members may not be ready to discuss it.

His EXCELLENCY : If I may explain. The matter was first put to Executive Council and it must go to Executive Council again before it appears on the Order of the Day of this House.

THE HON. THE COLONIAL SECRETARY : May I inform hon. Members of Council that the Select Committee on the Estimates will meet at 2.15 at the Secretariat this afternoon.

*Council adjourned.*



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THURSDAY, 17th NOVEMBER, 1927.

The Council assembled at 10 a.m. on the 17th November, 1927, HIS EXCELLENCY THE GOVERNOR (SIR E. W. M. GLUON, K.C.V.O., C.M.G., D.S.O., M.C.), presiding.

HIS EXCELLENCY opened the Council with prayer.

MINUTES.

The Minutes of the Meeting of the 3rd November, 1927, were confirmed.

PAPERS LAID ON THE TABLE.

BY THE HON. THE COLONIAL SECRETARY (SIR EDWARD DENHAM) :

Report on the Non-Native Census for 1926.

BY THE HON. THE TREASURER (MR. GRANNUM) :

Statement of Unforeseen Expenditure for the Quarter ended 30th June, 1927.

ORAL ANSWERS TO QUESTIONS.

COMBINED HOSPITAL SITE IN NAIROBI.

CAPTAIN THE HON. H. E. SCHWARTZE asked

When is it Government's intention to place before Council proposals in connection with the combined hospital site in Nairobi?

THE HON. THE COLONIAL SECRETARY (SIR EDWARD DENHAM) : The Select Committee on the Estimates has advised that the proposal for erecting a combined hospital should not be proceeded with owing to the difficulty of securing any adequate measure of agreement on the site.

ARTIFICIAL FERTILIZERS.

CAPT. THE HON. H. E. SCHWARTZE asked :

Will Government consider the introduction of legislation with regard to artificial fertilizers based on the law in force in Rhodesia, whereby it is provided that :-

1. The name under which the fertilizer or farm food is to be sold must be of such a nature as will ensure identification of the article and clearly establish its connection with the actual applicant for registration, to the exclusion of any other firm or person.

2. Before registration is accepted the Secretary, Department of Agriculture, must be satisfied that the brand under which the material is to be sold is of a sufficiently distinctive nature to avoid its being mistaken for any other brand already registered.

3. The applicant for registration is required to state the composition of the product and the source from which the principal ingredients are derived.

THE HON. THE ACTING DIRECTOR OF AGRICULTURE (MR. HARRISON) : Government is prepared to explore the means by which the interests of users of artificial fertilisers may best be safeguarded and will, if possible, adopt measures on the lines suggested.

#### IMPROVEMENT OF STOCK ORDINANCE.

THE HON. F. O'B. WILSON asked :

(a) Has the Improvement of Stock Ordinance been applied to any part of the country?

(b) If the answer is in the negative would Government say if they propose to apply it and if so when and to what districts?

THE HON. THE ACTING DIRECTOR OF AGRICULTURE : The Crop Production and Livestock Ordinance has been applied in part of the Nyanza Reserve for some time, also on the Coast. Draft Rules for its application to livestock in the Ukamba Reserve are at present under consideration by the Secretary of State.

#### LOCAL GOVERNMENT COMMISSION.

CAPT. THE HON. H. F. WARD asked :

What was the cost of the Local Government Commission Report, including Fees, Travelling, Rent, Printing, etc.?

THE HON. THE COLONIAL SECRETARY : The total cost of the Local Government Commission was £4,892/19/99.

#### IMPORTS OF WINES AND SPIRITS.

CAPT. THE HON. H. E. SCHWARTZE asked :

Will Government state the relative figures of imports of wines and spirits for the periods :-

(1) January 1st to August 31st, 1926;

(2) January 1st to August 31st, 1927.

THE HON. THE COMMISSIONER OF CUSTOMS (MR. WALSH) : During the period 1st January to 31st August, 1926, the value of wines and spirits cleared for home consumption amounted to £91,437. During the corresponding period of 1927 the value was £77,927. A detailed comparative statement of the quantities and values of wines and spirits cleared for home consumption during the period in question will be laid on the table for the information of hon. Members.

SELECT COMMITTEE ON FILM CENSORSHIP.

CAPT. THE HON. H. E. SCHWARTZE asked :

Will Government state what action it intends to take as a result of the report of the Select Committee on Film Censorship?

THE HON. THE COLONIAL SECRETARY : The report of the Select Committee on Film Censorship has been referred to the Governments of Uganda and Tanganyika Territory with a view to concerted action in Eastern Africa.

CAPT. THE HON. H. E. SCHWARTZE : Arising out of that answer, I should like to know if any replies have been received from the two other Territories referred to.

THE HON. THE COLONIAL SECRETARY Your Excellency, I believe not.

MOTIONS.

THOMSON'S FALLS BRANCH RAILWAY.

THE HON. THE COLONIAL SECRETARY :-

" That this Council approves the construction of a branch railway to Thomson's Falls at an estimated capital cost of £235,265—the expenditure on this branch to form part of that authorised in Item (1) Railways <sup>(c)</sup> of the Motion adopted by this Council on November 5th, 1926 ; and that this Council further approves the annual payment by the Colony to the High Commissioner for Transport of an amount equal to the losses for the year on the working of the branch line, provided that no such annual payment shall exceed the amount of the loan interest and redemption charges on the capital cost of the branch line."

Your Excellency, I would ask the permission of the House in the first instance to amend this Motion by the alteration of the figure from £235,265 to £265,000. After consultation with my hon. friend the General Manager of the Kenya and Uganda Railway, it is suggested that this figure

will cover the full cost and that this figure should be inserted here. The figure appearing in the motion as it stands in the Order of the Day is founded on the original report placed before the Branch Railway Committee.

This resolution needs no commendation from me in this Council. Your Excellency, on the 5th November, 1926, informed Council as follows :-

" I shuld like to repeat what the General Manager said, that the Thomson's Falls Branch Line has already been accepted as the next branch line to be built."

The urgency and necessity of this line have been impressed upon the Council on many occasions. I think there is full agreement that this railway should be constructed as early as possible. It will open up one of the most valuable districts in the country, a district which at the present time is suffering very severely from lack of communications.

It Ms been shown by the Hon. the Director of Public Works that to build a metal road for the opening up of this part of the Colony would cost practically as much as a railway through the district. It is economic, therefore, from every point of view that this railway should be constructed. The time also is a suitable one for the construction of the line and at a reasonable cost to the Colony. The idea is to push forward this line as the first of the branch lines to be constructed, and to make it the first new railway work to be undertaken in this Colony. I will, therefore, now move this motion, and any further details in regard to the line and the expenditure thereon can be given by the Hon. the General Manager when he seconds the motion.

THE HON. THE GENERAL MANAGER, KENYA AND UGANDA RAILWAY (Mn. FELLING) : Your Excellency, I beg to second the motion.

The line proposed is a line taking off at Gilgil and proceeding as far as Thomson's Falls—a distance of 4Th miles; the estimated cost of the line is £265,000. The revenue and expenditure figures, which have been based on the economic survey, show that the line will probably show a loss in the first year of working of £32,000; in the fifth year of working of £20,000, and in the fifteenth year of working of £9,000. What the Railway Council are asking the Government to guarantee, however, is not the total loss but merely the loan charges, so that the guarantee of the Government will be limited to £15,900 per annum. The reason for that is that the Railway Council consider that the line should be built and they are prepared to take the risk in regard to the balance of the probable loss. I want to make it clear, as I have

always made it clear, that African experience generally shows that these branch lines take a very long time to become payable, but that is no reason why they should not be built ; they are necessary for development purposes and the responsibility of the non-paying side must be shouldered at any rate for some time if such lines are to be built at all.

We propose to build the line as a development line; that is to say, with a maximum grade of 1.6 per cent. and a curvature of 16 degrees or 359 feet. I want to lay stress on the fact that the line is not being built to main line standard, but as a development line. I want particularly to draw attention to this because there have been certain discussions in connection with the curves and grades on the proposed line to Kampala. My point of view is this, that if we are going to lay ourselves out in this country to build these lines to a higher standard, we shall not get very much in the way of railway development because the capital cost will be excessive. In the Union of South Africa—in Natal—they are handling to-day twelve times the maximum traffic which has ever been handled on any section of the main line here, and they are handling that on a 21 per cent. grade. We have between here and Nakuru a 2 per cent. grade and we propose on the Kampala line 2 per cent. and on this line 1.6 per cent. I think that grade is quite good enough for a young country, bearing in mind the lines on which railway development has proceeded not only in South Africa but on the Canadian Pacific—in Canada—and in other dominions. The cost of this line will be £5.400 per mile. The line will be commenced as soon as ever we can make the necessary arrangements after receiving definite authority to proceed. It must be remembered that we shall require certain amount of preliminary organization before building such lines. We must make arrangements for staff, stores and the like, so that the sooner—from the point of view of the Railway—we receive definite authority the sooner we can make a definite start. The line will take approximately eighteen months to build.

I second this motion.

HIS EXCELLENCY : The question is :-

" That this Council approves the construction of a branch railway to Thomson's Falls at an estimated capital cost of £265,000—the expenditure on this branch to form part of that authorised in Iteni (1) Railways (c) of the Motion adopted by this Council on November 5th, 1926; and that this Council further approves the annual payment by the Colony to the High Commissioner for Transport of an amount equal to the losses for the year

on the working of the branch line, provided that no such annual payment shall exceed the amount of the loan interest and redemption charges on the capital cost of the branch line."

THE RT. HON. LORD DELAMERE : Your Excellency, I would like to be allowed to support this motion. It is only a continuation of the policy this Colony has already adopted. First of all, in these deep-soiled agricultural districts it pays the Colony very much better to put down a railway than to try and make an all-weather road from which no actual definite return comes, for heavy traffic at any rate. I think there can be no sort of doubt that in the very near future this railway will cause a very great development there. I do not attempt to deal with the figures—as to whether this line will pay or not. I always think that these economic surveys are very difficult to follow. These very short lines do not after all catch a very large amount of traffic, and it is not easy to make these little lines pay. On the other hand, we have got to provide the district with a line or give them a macadamized road, which is just as expensive and from which you cannot get any direct return, except by some method of taxation, which is not very suitable in a country where the population is as scattered as it is here.

Following out the policy of this country and of other countries in volvNI in the Railway Agreement, that when the Railway Council thinks that a branch line in one of these three countries—I suppose it is three—two at any rate—is not likely to pay for some time, when they do not think they can burden the finances of the Railway with that line altogether—because the Railway after all is a service of two Colonies and not of one—they say that that particular Colony shall pay to the Railway in this case just the interest and sinking fund and in some cases where there is likely to be

heavy loss, part or the whole of the loss on the running as well. I think that is a very good idea and greatly to the benefit of this country in many ways, because after all we have done most of our railway building whilst the other people have still got theirs to do, and it is possible that after one main line has gone through their country they will want to build branch lines, and I think that it is a very good plan to make the country partly responsible for finding the money because it will make people most careful in this policy.

I must congratulate the Government on getting down to this at last. I do think that district requires it very badly. That main road from Thomson's Falls to the main line is quite impassable in wet weather and, as I said, Government has the choice of either building a railway or constructing an expensive road.

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CAPT. THE HON. E. M. V. KENEALY : Your Excellency, in supporting this motion there are three factors which will materially reduce the estimate of loss which has been mentioned by the Hon. the General Manager of Railways. The three factors are these : the application of a settlement scheme ; the incorporation in alienable areas of those areas lying vacant, I refer to forest glades--these are considerable ; and by securing to European settlement land to the north of the present alienated area, which, I believe, Government is now doing. These three factors will very materially reduce, and very quickly, reduce the estimated loss which will accrue to the country. I support the motion.

The question was put and carried.

#### LOAN FOR ROAD CONSTRUCTION.

THE HON. THE COLONIAL SECRETARY (SIR EDWARD DENHAM) : Your Excellency, the second motion standing in my name is :

" Be it resolved and it is hereby resolved that this Council approves of a Loan of £100,000 being raised under the provisions of the General Loan and Inscribed Stock Ordinance, 1921, and of the money to be so provided being appropriated and applied to the purposes specified in the schedule hereto.

And be it further resolved that this Council undertakes to approve of the inclusion in the schedule of such Ordinance of such amount as it may be necessary to pass to enable the said Loan to be raised.

#### SCHEDULE.

Roads	... £100,000."
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The schedule giving the list of the roads has been tabled and is in the hands of Members.

I would ask the permission of Council first of *all* to make a slight alteration in this motion. It is only a verbal amendment which is necessary and it is in the last line but one—that instead of " such " the words " a Specific Loan " be inserted.

Your Excellency, I think one of the great difficulties under which this country has laboured for a very considerable period has been in respect of its road system. We have spent very large sums on transport, on railways and harbours. We have opened up a very large portion of this country in all directions, but, we have found in many cases that there have been



hiatuses between farms and the stations owing to the communication by branch roads being backward and deficient in this country. It has therefore been considered necessary by Government to investigate the question of roads especially feeder roads in regard to their formation and construction and the provision of roads as feeders and arterial roads throughout the Colony.

One of the first steps taken was on the recommendation of the Select Committee on Estimates two years ago, that a special road engineer should be engaged whose work should be to develop the road system throughout the Colony and to suggest any improvements ; an engineer with experience in one of the larger Dominions of the Empire, Mr. Moore, has been employed on this work. He has had considerable experience in Australia and he is regarded as having expert knowledge in regard to the construction of earth roads. He submitted a report which has been tabled here and it has received the full consideration of various committees. The next step to be taken was to consider which roads should be first taken up and how the expenditure on these roads was to be met.

One of the recommendations of the Feetham Commission Report was that a Road Board should be appointed for the Colony. These recommendations have not yet received the approval of this Council and it was not therefore possible to proceed with the constitution of such a board by legislation, but it was thought that it would be advisable to appoint a board on the lines recommended in the Feetham Commission Report as a preliminary measure. A board was therefore appointed on which officials and unofficials were represented. One of the first steps taken by that board was to appoint a sub-committee on which were the Chief Native Commissioner, the Director of Agriculture, and the Road Engineer, to put up a scheme of roads to be taken up in this Colony. They were given a sum within which they should keep their recommendations. That sum was £100,000, and the suggestion was that they should put up a scheme based primarily on the needs of the country in respect of branch roads to the railway so that the roads to be undertaken on this scheme should be roads primarily connecting with the railway and directly connected with the agricultural areas to bring these areas into touch with the main line of communication throughout the country.

It is not intended to apply the expenditure on roads merely to the settled areas. Provision has been made for roads in native areas and the Chief Native Commissioner considers that the provision meets the needs of the native areas at

present and that the allocation in respect of these native areas is sufficient in relation to the general distribution of expenditure under this head.

It is intended to meet this expenditure from loan funds. Now, the justification for incurring expenditure from loan funds on roads which cannot be of a permanent nature, but *in* connection with which considerable expenditure will be incurred on permanent construction such as culverts and bridges, is that this work forms part of the communications and transport of this Colony. It is not intended that these roads should be temporary works. Money is not to be spent merely on improving the roads, money is to be spent on constructing a road which will last a considerable number of years and will form part of the general scheme of transport. I believe in some colonies that roads form part of the railway programme. When a new railway is constructed then money is provided out of loan to construct branch roads to that railway.

I may say that one of the recommendations made by the Central Loan Committee when they sat in London last year was that in their opinion the most important roads to be constructed in any colony were branch roads connecting with the railways. They mentioned these roads as being, in their opinion, more important than roads running through the country parallel to the railway. Therefore it seems to Government that expenditure from loan funds is justified in this case and that the cost of these roads should fall not only upon the present generation, but also on future generations and that it is legitimate to raise a loan for road construction which is to improve communications not merely for the immediate present, but for the future.

The recommendations of the sub-committee were that all roads under this loan should be surveyed and where necessary re-aligned. Permanent bridges and culverts should be constructed. The sections of the roads which become impassable should be hard surfaced. Stone or murrum causeways should be built over swamps, black-cotton vleis, etc. The remainder of the alignments should be constructed to a correct earth cross-section and culverted. Where existing roads are trafficable for ox wagons, connections should be made to old roads to obviate the destruction of the new earth construction by this type of vehicle.

The construction should be done departmentally with machinery except through stony ground or in places where machines cannot be employed economically.

The alignment of the road itself is justified out of loan because that must be of a permanent character and will give to the country an indication as to the direction of outlets for trade and commerce throughout the country.

I will not deal, Your Excellency, with the list of roads which has been put before Council, as the Director of Public Works, who is seconding this motion, will give full particulars to Council with regard to these items and will explain the allocation amongst the different districts in the country. I therefore only commend this motion to Council and move the motion standing in my name.

THE HON THE DIRECTOR OF PUBLIC WORKS (MR. SIRE) :  
In seconding motion, Your Excellency, I would like to refer very briefly to a few points which bear very materially on it. The first is the question of road policy in relation to the subject of this motion which foreshadows the construction of roads from producing areas to railway stations.

I would like to supplement and emphasize in some degree the remarks of the hon. the Mover in this connection and I would like to indicate that the time is now ripe for the expenditure of capital funds for the material improvement of our road system, especially those roads from producing districts to railway stations. We are in a much more secure position now than we ever were in the past for that capital expenditure. In order to deal with this matter I would like to refer very briefly to some of the matters which have influenced road policy during the past few years in some degree.

Your Excellency will realise that the mileage of our public road system has increased very greatly in the past few years. In 1921 it was 2,000. It is now 4,250. The roads which existed in 1921, although it may be very difficult to realise it could be so, were much worse than these particular roads are now (laughter) because since then they have been improved by culverting, forming, and drainina and in a good many cases by bridging. (Hear, hear). During the years 1922 to 1925 the funds available for expenditure on the road system were much less than they were in the previous year 1921 and 1920-21. During that period new areas were opened up for settlement ; new native areas came under administration ; new townships were established and trade developed very greatly. All these necessitated road communications. This demand has been complied with as far as possible with the available funds. All we could do was to construct pioneer tracks levelled transversely with steep gradients and sharp curves because there were not funds to construct properly made roads. The principle was that some immediate communication was better than none at all. Even if funds could have been available for capital expenditure on roads that policy might have been

regarded as being the best until the branch railway system had been developed, at any rate in those areas which were under consideration for service by branch railways. If expenditure had been incurred to a material degree on the construction of these roads to a higher standard much of that expenditure was likely to be wasted on the construction of roads which were found to be not necessary at all or not of primary importance. Now the branch railway system is known, the sites of the stations are known, the value of producing areas served by these railways is known. All these areas have been served by pioneer tracks, however indifferent they may be. Clearly a new policy is now required which involves connecting these producing districts with the railway stations by better roads on the best alignments suitable for the highest standard of road which future progress may render possible. (Hear, hear). We can now embark on expenditure on these roads secure in the knowledge that the expenditure will not be wasted. (Hear, hear). This is the first time we could be certain of that.

Your Excellency, I will not say much about the present standard of our road system. We all know what an earth road is in this country—mostly passable with fair facility in the dry season, but often impassable—some would use a stronger term—or passable possibly only with difficulty during the wet season.

There are one or two points, however, which I should like to refer to and they are of importance in considering this question of expending loan funds on roads. They are the factors which render it more expensive to construct roads in this country than in certain adjacent territories which I know, Southern Rhodesia, Tanganyika and Uganda.

Firstly, in this country we have the presence over much of the highlands of volcanic rocks, which, by their disintegration yield clay soils which are impassable in wet weather.

Secondly, suitable surfacing material for roads such as murrain or gravel, other than road metal which is expensive, is absent over large portions of the territory. Furthermore, road metal is no good under present traffic conditions unless treated with bitumen.

Thirdly, the common use of narrow-tyred vehicles which impose a high pressure per inch width of tyre.

Fourthly, the hilly nature of the country.

Now the first of these renders surfacing necessary to a greater degree than in other territories to attain an all-weather standard. The second renders it expensive to do so. The third renders a second track necessary and the fourth causes serious expense, which cannot be avoided.

The expenditure on our road system, Your Excellency, has not been very great as I say and in this country we have the unusual circumstance that the revenue derived from the taxation of motor vehicles their accessories and fuel covers the total recurrent expenditure on all public roads. Our expenditure has been trivial compared to other colonies. The road system has been a sort of Cinderella, if I might use the term, but now that the General Manager has come forward with his branch railway system we may look for better things in the future.

Your Excellency, we are on safe ground in employing loan funds on the construction of roads. We have many precedents from the Dominions. We have precedents for the construction of roads out of loan where the wearing surface is merely the natural earth of the locality. All wearing surfaces require to be maintained and renewed. Even a concrete road surface requires to be renewed. In South London last year the concrete road construction of 1919 was being renewed. The main thing is to be certain that the alignment is permanent and also to resolve that you will maintain these roads up to the standard of construction out of revenue.

As far as the use of loan funds for roads is concerned it is a common practice in England. Every municipality or county council practically has its annual loan charges for roads. It has been the practice in the past to construct roads out of loan and maintain out of revenue. It is immaterial to the argument what the actual wearing surface is. The thing is, if we do construct roads of which the wearing surface is only the earth of the locality we must maintain those roads so that when it comes to putting down a hard wearing surface they are in a proper condition to do so. The principle has already been approved by this hon. Council because on the recommendation of the Select Committee on the loan proposals in 1925 this hon. Council approved of the sum of £50,000 for the construction of three roads, one for townships and two others from producing areas to railway stations. These are under construction now. They had in mind the expenditure of a sum of £500,000 for the construction of roads, but considered that a certain amount of preliminary work was necessary in the first instance. They asked Legislative Council and Legislative Council agreed to provide the sum of £25,000 for road survey in the first instance. The balance is £25,000, which remains as the sum recommended by the Committee, but not yet approved by this hon. Council.

Your Excellency, I will now refer to some of the details. We propose to spend the sum of £100,000 on the construction of some of the chief produce carrying roads in the Colony. As the hon. Mover has stated, this matter has been approved by a sub-committee of the Central Roads Committee in col-

laboration with District Road Boards in settled areas and with District Commissioners in native areas. The areas which are served by these roads have been calculated. The produce which comes from these areas has been evaluated. The produce which they are capable of producing has been evaluated and the matter has been considered in considerable detail. They recommend the construction of thirty-two roads, covering a total mileage of 382 for £100,000 at an average expenditure of £262 per mile. They were of opinion, however, that that sum would not suffice to bring these roads up to the standard which was desired and they recommended that when further sums were available an additional sum of £82,000 should be expended on these roads. They further submitted a list of nineteen roads, having a total mileage of 92, which they recommended for construction out of a further allotment from loan of £73,000 should that become available in the future. These proposals were accepted by the Central Roads Committee.

I do not propose to refer to each individual road in detail. I have a map here which shows diagrammatically the position of these roads. This can be seen by hon. Members if they wish. It is, of course, not possible to estimate the cost of each individual road until a survey has been made when estimates will be prepared of the earthworks, drainage, bridge-work, culverts and so on and it is only then that we will be in a position to say what the actual cost of individual roads will be. After the surveys have been completed discussion will take place with the District Road Boards in the European areas and with the Administration in the native areas. The surveys will be finally approved by the Central Roads Committee subject, of course, to control of major matters by Government.

I will just say a few words with regard to the standard of construction which it is hoped to obtain. The standard is an all-weather road. The alignments will be permanent and the bridges and culverts will be permanent. Surfacing will be carried out in all cases where the road would become impassable in wet weather if not done. Too much should not be expected in the first instance in this direction as it will not be possible to surface the whole of the road at first.

The sub-committee recommended that £92,000 further was required if the full standard was to be obtained.

With regard to the method of construction, road machinery will be used as far as possible. Most of this is now in the country and the whole of the remainder is on order.

As regards overheads, such overheads as are necessary in addition to the Revenue staff will be charged to loan. I anticipate that these will be small. They will chiefly consist.,

of foremen. It is, of course, to be remembered that the more we use machinery for the construction of roads the more one's European personnel is increased and the more one's native personnel is reduced. I may say that any Europeans that are engaged for this work will be on agreement and will not become pensionable.

Your Excellency, I beg to second the motion.

THE HON. LORD DELAMERE : Your Excellency, as the hon. Members who moved and seconded this motion have said, a road system in connection with branch railways is a natural corollary of the railways, and there is no doubt whatever from the economic point of view that you have got to get on with roads in this country now. The only question I had in my mind is whether that should be done by revenue expenditure—expenditure out of revenue—as far as possible, or out of loan funds, and I must say that as far as I myself am concerned I have been convinced that although there are many objections to making earth roads out of loan money, it is justified under the conditions obtaining in this country\_ and that it has precedents behind it, as this policy has been approved by people whose finances are on a good and safe basis. Of course the expenditure of loan money on roads has not really the same justification as spending it on railway development. In the case of railway development, that meets all the conditions which the expenditure of loan money should have put upon it. First of all, it is a permanent asset ; secondly, it brings in a direct return so that in a short time, if your railway is put in the right place and begins to pay its way, the money which you have already expended is available again for some other purpose. I think that is a very important thing. For instance, if you spend £5,000,000 on a railway, the railway takes up the burden as soon as it begins to pay. Then that interest and sinking fund which you have been finding is available to raise another £5,000,000.

Now that is not the case with roads. They do not fulfil these conditions. First of all, I think it is stretching a point to call an earth road a permanent asset. I am bound to say, in view of the arguments which I have heard, that it does give us a leg to stand on if the foundations are made permanent, and you decide that you will provide enough money out of revenue to keep up the surface, so that it remains a road at the end of the loan time—in that way it is still an asset. It does depend on being able to provide money out of revenue to keep those roads up so that we do not suffer, I think that is a very ingenious argument ; I understand it is an Australian argument. I am not very much taken with the question of precedents, because I do

think that in England at any rate local taxation has rather run wild and that for the purpose of giving employment roads have been taken in hand which might not necessarily have been taken in hand in other circumstances.

From the point of view of an indirect return I think it must be obvious that these roads must bring in a very big return. First of all, it would save large bills in the mending of different vehicles and it must free, owing to the greater rapidity with which they can traverse, oxen and motor tractor vehicles quite a lot during the year.

As I say, I am not quite as happy about this as I *am* about railway development, because I feel that if you spend this money it is gone, and I cannot think of any method of local taxation in a country as scattered as this from which you could get a direct return on these roads sufficient to enable you to reborrow that money, as you can in the case of the railways. For that reason I think we have got to go carefully. But, Sir, I am going to support this motion because I think we ought to go forward with this thing in a bold way, and find out the result. We shall know in two or three years and then we can make up our minds again.

With regard to details, with great respect to my hon. friend on my left (the Member for the Lake) what is the production of the Koru Club? I see an item here—No. 15—from the Koru Station to Koru Club, £1,500. (Laughter.) Now, I quite understand that some people may think that a very desirable road, but from the point of view of production, which after all is the only justification for this sort of thing, what, may I ask the Hon. the Director of Public Works, is the production of the Koru Club? There may be a certain number of imports into it (laughter) but how is that thing justified? It is probably something quite different. It is probably a road linking up with something else, but I must say that as far as it goes on the schedule I think it might give a bad impression. I think if it does mean something else we ought to change that name and make it look like something else.

I have heard a lot in the past about the damage done to railway systems in South Africa and elsewhere—and this is one of the strong arguments put forward by the Inter-Colonial Railway Board—by legislators and so on putting into schedules things without sufficient forethought. **Now** it would be the last thing I should accuse my hon. Friend (the Member for the Lake) of doing, but I think he must be mixed up in this road between Koru Station and the Club, and I should like, to know how this is justified from the point of view of production. I do not even know that



part of the country, so it means nothing to me. I have been there, but I do not remember sufficient about it to know what it all means. I am sure we shall get a very satisfactory explanation, but I do think it should be explained because it is on the list. I do not think, Sir, there is anything more. As far as I am concerned I do think there is justification from the point of view of indirect return to Government of starting this in a bold way and seeing after a year or two what it means in figures and in the way of finance.

Another thing, the width of tyres. I think that has got to be dealt with by prohibition. Personally I have always thought so. The Nairobi Municipality did try comparative taxation according to the width of the tyre. More especially in connection with Ngong Road traffic it was decided to try it. I understand that has been a complete failure. People pay the higher tax and do not alter their tyres. There is no doubt that it does make all the difference in the world if you have a heavy wagon on a narrow tyre.

Another question is the one of broad policy in dealing with heavy traffic on roads parallel to railways. I think that is a most important thing. I know Government has had it in mind and I do hope that something very direct will be done about that particular thing. After all, as it was argued when the railway from the Central Railway in Tanganyika was built to the Victoria Nyanza it is not really fair or right to use loan money or money of any sort from the same source paid by the same people to bring about two competing systems which only cut each other's throats. I do think that is a matter which has got to be gone into very carefully. Everybody knows that if you get good roads parallel to the railways you are going to cut the throat of the railways. It is the business of Government to stop two forms of parallel transport which are only going to cut each other's throats.

Tim HON. CONWAY HARVEY : In reply to the Noble Lord's challenge, I should like to make it perfectly clear that I was not a member of the Sub-Committee appointed for the purpose of collecting data and making recommendations as to the priority of various roads for the participation in loan fund expenditure. The expression in Item 15 of the Schedule : " Korn Station—Club," is merely an easily understood term in order to describe a very short length of road which serves a very large number of farms and is used for the transportation of from five to ten thousand tons of produce annually. Hitherto that road has been constructed and maintained almost exclusively out of the pockets of the individuals concerned and it was felt by the Sub-Committee, and ratified by the main Committee, that this was probably

-one of the most deserving roads in the whole of the Colony from the point of view of accelerating production and increasing production. It no more refers to the production of the Club as such than £3,000 allocated under item 3 refers specifically to £3,000 worth of production which is likely to accrue from Sandham's Bridge.

There is one further point which the Noble Lord made at the beginning of his speech—a point of some importance—and that is the maintenance of works financed out of loan expenditure. I do suggest that the maintenance of a properly surveyed and constructed road is of no greater importance really nor will it be any greater drain on the public purse than the maintenance of railways, or buildings, or anything else that loan expenditure is used for.

THE BOX. 12. J. O'SHEA : Your Excellency, I have much pleasure in supporting this motion. I support it without any mental reservations whatsoever. In fact, I support it with enthusiasm. I think it must have been obvious to even the most conservative for some years past that our efforts to develop a road system in this Colony out of revenue were foredoomed to failure. It has been so for some years past—and now we have faced the problem of building them out of loan funds. But the conservative people in London would appear to be very doubtful as to the wisdom of the policy of spending loan funds on surfaces which would disappear before the loan is repaid. Your Excellency, because of the persistency of that view, those who believe in the employment of loan funds for road construction of a temporary nature have had of necessity to examine their case very carefully and so far as I personally am concerned I am convinced that the expenditure of loan funds on this road system is one of the soundest projects to which the Government of this country purposes to employ loan funds. It seems to me that the critics of this policy have gone out of their way to consider the matter from the point of view of the investor in our loans and have failed to give sufficient attention to the other aspects of the *case—the* result of employing the money in this particular direction. It is argued that such permanent buildings as, for instance, a new Government House, is a perfectly legitimate expenditure out of loan funds, whereas these earth roads might not be. Now surely that argument is based on the assumption that the investor contemplates the possibility of having to foreclose on the borrower. Well, if such a state of affairs did arise I respectfully suggest that a building of the nature of Government House would be very much of a white elephant if the state of this Colony were such that its assets had to be seized. I take it that the people who contemplate putting money into our loans con-

sider the influence upon this country of the purposes to which the money is devoted. I presume that they argue whether the employment of the funds in the directions which we specify in the schedule will enable the country to meet its obligations and will increase the prosperity of the country. If it is looked at from that point of view I think it must be obvious that having gone on with our railway system there is no direction in which we can more strongly stimulate production than by carrying out the natural corollary of building up a road system. I believe that the expenditure of this £100,000 on such a schedule—despite the Koru Club—will do more to enable the country to meet its heavy commitments in this and other directions than possibly any other work the Government has carried out.

As an illustration of that I would mention just one case in the district in which I am interested. It is proposed to spend something like £4,000 in the South-West Trans Nzoia area. At the present time for the want of a bridge and road there the people have to carry their produce eighteen miles. By the construction of the road and bridge the haulage to the railway will be reduced to nine miles, and the immediate saving on transport in that one particular will be equivalent to the interest and sinking fund charges on possibly £100,000. That may be an extreme case but it is an illustration of the effect of the carrying out of this policy.

The Bt. Hon. Member for the Rift Valley, who apparently is only half converted, is doubtful as to whether as much can be said for this policy as for the building of railways out of loan funds. He has understood me to say if you put £5,000,000 into the building of a railway you then have an asset upon which you can negotiate for the borrowing of another possible £5,000,000.

THE RT. HON. LORD HELMERS : No, I did not say that.

Hex. T. J. O'SHEA : Well, it was something on these lines—that it was doubtful expenditure of this money.

The RT. HON. LORD DELAINIEBE : On a point of explanation, Sir, what I said was, if you borrowed £5,000,000 to build a railway and if that railway is put in the right place, that in a very short time it will begin to pay its way and that the money which you have already expended will be available again for some other purpose—that Net interest and sinking fund which you have been finding will be available to raise some more money—say another £5,000,000.

Box. T. J. O'SHEA : Your Excellency, if one considers the effect—the likely effect—of the expenditure of this money, one must realise that it will place this country in a

position to still further increase its borrowing powers in the near future, because of the effect of this important road system upon the agricultural development of this country. From that point of view I think it is a perfectly sound policy.

I noticed with sonic surprise that neither the hon. Mover nor the hon. Secunder of this motion emphasised that this expenditure of £100,000 was merely a first instalment. I sincerely hope that the Government has not any intention of weakening in that connection. If we have made up our minds that this is a sound policy, why then, it must be carried out and it must be recognized that this is a very, very small portion of the work that has to be undertaken. I understand that the road engineer who made a study of our requirements has put in an estimate that the amount of money required to give the 'country a sound road system would be in the neighbourhood of £750,000. That sounds rather terrifying, but I feel sure that for a period of five years it will not place any undue strain upon the credit of the country. I sincerely hope, Sir, that we shall have a reassurance that the Government has definitely made up its mind on a definite road policy, that it is convinced of the soundness of the expenditure of loan funds on a road system, and that this in reality is only the first instalment and that we shall look forward to a second instalment as soon as it is justified. (Hear, hear.)

LIEUT.-COL. THE HON. C. G. DURHAM : Your Excellency, when my friend the Hon. Conway Harvey got on to expenditure . . .

HIS EXCELLENCY : Order, order. The hon. and gallant Member must refer to hon. Members by their constituencies.

LIEUT.-COL. THE HON. C. G. DURHAM : Well, when he referred to that I did hope that he was going to say that it was a mistake on the part of the Committee and that the " Koru Club Road " should have read " Limoru Road." I am sorry we have been left out in the cold in the schedule. Two years ago Government voted a sum of £2,000 for an all-weather road through Limoru and to-day apparently they have abandoned that road, with the result that the work done then has been destroyed, simply because they could not continue it. We realised when they talked about this matter that the roads would have to be produce roads, but there is a huge amount of coffee which is carted down every year from Limoru to Nairobi. Very largely this cartage has to be done during the wet season and anybody who has used the Limoru roads will understand that they are about the worst in the country.

I would like to know from the Hon. the Director of Public Works later whether or not we can be included in this schedule or whether he would revise the sums allotted to the various roads and include us, so that we might be enabled to complete the road through Limoru and make it an all-weather route.

The Rt. Hon. Member for Rift Valley referred to the ox-wagon transport and the size of the tyres on these wagons. Your Excellency, I would like to ask the Government to very seriously consider the introduction of a dual road system throughout the country—an all-weather road for motor traffic and an ordinary road for heavy vehicles. When the Estimates were prepared before the end of the year I asked at a District Committee meeting for a sum of 4'6.000 to be allotted to complete this all-weather route through Limoru. I do not know where it went to, but ;Irma rantiv it has been lost sight of altogether. It was put up by the District Commissioner of Nvandm and I would like to know whether the Hon. the Director of Public Works can toll me whether that has been received and what the result was.

CAPT. THE HON. H. E. SCHWAETZE : Your Excellency, I have no doubt whatever in my own mind that the expenditure of moneys on feeder roads, such as is tentemriated in this motion, must be of inestimable bement to the Colony as a whole because I am quite certain that the indirect return will be very great and I have no doubt or hesitation, such as the Noble Lord feels, so far as that point is concerned. So far as other points are concerned I agree with the Hon. Member for Plateau South, but I equally have uo doubt whatever in my own mind that as a. basic, principle the expenditure of loan funds on earth roads is fundamentally unsound. It cannot possibly be argued, as the Noble Lord has said, that earth roads can be called permanent works.

am going to support this motion because I believe the justification to be that the urgency is so great that we cannot wait until we can get the money from Revenue and from Public Works Extraordinary, which should really be the method of paying for these roads. I think there are occasions it; life when a matter of real urgency which is generally admitted to be for the general good and welfare of the country entitles one, provided one does not set a precedent, to depart from a principle. In this case another difficulty would arise; obviously the expenditure of loan funds would be justified in the survey, in the alignment and in the permanent parts of the roads such as bridges and culverts, but that is a very different thing from the rest of the construction of the road.

If, therefore, Your Excellency, a really proper method were followed it would mean an allocation between Public Works Extraordinary and Loan Funds. You cannot do the thing holus-bolus—you cannot do little bits here and there, and I am inclined to the opinion that this £100,000 should, in the general interests of the Colony, be expended from loan funds. I merely rose to say that no kind of argument I have heard from many of my persuasive colleagues, of whom the most persuasive is my hon. friend the Member for Plateau South, will ever convince me that the expenditure of loan funds on earth roads is justified.

CAPT. THE HON. E. M. V. KENEALY: Your Excellency, we have struggled for many months on this side of the House to convince ourselves that in this matter we were unanimous. Certain hon. Elected Members have definitely attempted to play for safety and have retained that attitude of mind in this House to-day. After all, if it is a matter of principle—and no man may betray his principles for the expediency of the moment (laughter)—I think it is an unsatisfactory position for an Elected Member on this side of the House to maintain that because there is an immediate urgency in this matter he should betray his principles. I trust that theory will not be accepted by the House—I feel that on this occasion the Elected Members must definitely commit themselves to agreeing with or opposing this policy, and if they do not categorically associate themselves with the opponents of this policy in the future they will not have a leg to stand upon, and they will not be able to criticise any future allocation for the utilization of loan funds for earth roads, except as to amount.

THE HON. A. H. MALIK: Your Excellency, the road system is one of the prime needs of the Colony. I am convinced that compared with the Railway-expenditure it is much more useful and advantageous to spend even a larger amount than £100,000 on the roads of the Colony. I agree with the views expressed by some hon. Members that out of the loan a sum should be allocated for the road system of the Colony. They have advanced reasons in support of this theory that money should not be spent out of loan funds because they think that the amount expended will not be returned by some indirect taxation as was done in the case of railways. I suggest, Your Excellency, that a road fund should be created into which primarily all the taxation levied on the motor-cars and other vehicles should go and perhaps it would be advantageous to run a mechanical road transport service in those areas which are not served by the railways as yet. I am also convinced that certain branch lines which are now projected will show a loss to the Colony for a

considerable number of years and I would rather see the sum of £265,000 sanctioned for certain branch railway construction spent on roads. I have not been supplied, Your Excellency, with the schedule of the roads that are to be covered by this motion and I am therefore unable to make any observations on the details.

CAPT. THE HON. H. F. WARD : Your Excellency, may I ask quite briefly whether the hon. Mover of this motion will deal in more detail with the precedents for this particular policy. So far we have had both from the hon. Mover and from the hon. Seconder a broad statement to the effect that this policy is adopted in other Colonies and Dominions. If they could have elaborated the policy a little more at this juncture I think it would have been helpful both now and in the future. I do think, Sir, that if it had been at all possible to do this work out of Public Works Extraordinary, it would have been a matter for serious consideration whether or not that would not have been the better method. But after very close and careful consideration it has become amply clear that there are so many demands on that vote for works of even a more temporary nature, that if we depended on Public Works Extraordinary we should never probably get any further at all.

In regard to the principle I submit that the real issue is the merits of the case put up. In this particular application there is abundant merit in that this is an extension of the transport system of the Colony—and it is probably on a permanent basis—of the central feeders to the Railway, and I do not see why we should go outside and try and commit ourselves to principles when we leave our minds perfectly open to consider the business side of each application put in to this hon. House.

HIS EXCELLENCY : My hon. friend, the Director of Public Works, who seconded this motion, may only speak again in reply to questions by leave of the House, but if hon. Members desire him to do so I shall be glad to ask him to reply.

THE HON. THE DIRECTOR OF PUBLIC WORKS : Your Excellency, the first point to which I will refer is the one raised by the Noble Lord, the Member for Rift Valley, with regard to the road from Koru to Horn Club. This as explained by the hon. Member for the Lake is merely a definition of the road. The area tapped by that road is 19,140 acres. The area under cultivation is 3,426 acres. The tonnage in 1927 is estimated at 2,565 tons. The tonnage in 1930 is estimated at 4,300. There is justification for a short road of that kind.

The Noble Lord raised the question of ox-wagon traffic. That is a matter which is at present under very serious consideration by a committee, the Roads and Traffic Committee, which is sitting under my chairmanship, and I would scarcely care to foreshadow what the final recommendations of that Committee will be in that respect, but they are considering it very closely indeed.

The question of heavy traffic on roads parallel to railways is also going to be considered by that Committee and the General Manager of Railways will assist on that Committee when we are considering that matter. I would like to speak on this subject of roads parallel to railways, but it does not seem to me to arise in connection with this particular motion.

I am not sure that I quite understood the hon. Member for Kikuyu (Colonel Durham). I thought he said that the sum of £6,000 was suggested for the improvement or construction of roads in Limoru area out of revenue, but that matter has not come before me. Limoru District has I think had a very considerable sum for the maintenance and improvement of its roads in comparison with the area of that district and the produce coming from that district provided in Estimates during recent years. There are no roads in the Limoru District which have been recommended for construction out of loan by the sub-committee of the Central Road Committee, either in the first or the second schedule.

With regard to the general question of constructing earth roads out of loan which was raised again by the Hon. Member for Nairobi South (Captain Schwartz), I am, afraid I shall not be able to convince him, but I think it should be realised that the alignments of these roads will not disappear. The earthworks and drains will not disappear if they are properly maintained nor will the surface disappear if proper action is taken. An earth road is really the basis of all roads. It is the subgrade of all roads. It is immaterial to the argument whether it is used for the conveyance of traffic or not, so long as that subgrade is maintained. The Hon. Member for Nairobi North asked if we could give instances of the construction of earth roads out of loan—I understood him to refer to earth roads. The Victoria Road Board has been constructing roads out of loan for many years. The first loan was floated in 1915. I received the annual reports of the Chairman of the Victoria Road Board for a number of years and it is quite clear from those reports that earth roads were constructed out of loan. There are other cases also, chiefly in America, where earth roads are constructed out of loan.



His EXCELLENCY : The question is :

" Be it resolved and it is hereby resolved that this Council approves of a Loan of £100,000 being raised under the provisions of the General Loan and Inscribed Stock Ordinance, 1921, and of the money to be so provided being appropriated and applied to the purposes specified in the schedule hereto.

And be it further resolved that this Council undertakes to approve of the inclusion in the schedule of a Specific Loan Ordinance of such amount as it may be necessary to pass to enable the said Loan to be raised.

SCHEDULE.

Roads

£100,000."

The question was put and carried.

KENYA AND UGANDA (TRANSPORT) ORDER-IN-COUNCIL.

THE HON. THE GENERAL MANAGER, KENYA AND UGANDA RAILWAY (MR. FELLING) : Your Excellency, I beg to move the motion standing in my name :-

" That this Council approves the proposal to place the Port and Harbour Services under the control and management of the High Commissioner for Transport and for this purpose approves of the amendment of the Kenya and Uganda (Transport) Order in Council, 1925, as set out in the Memorandum laid on the Table."

Your Excellency, I need hardly remind this hon. Council that the subject of the control of the Port of Mombasa has been under discussion in this country for a good many years. After a considerable amount of discussion on the subject. a Port Commission of Inquiry was appointed and this Commission recommended that the control should be vested in the Governor in Council and exercised through the General Manager of Railways. The matter was further discussed after presentation of this report and ultimately after considerable discussion in England this year it was decided to vest the control and management of the Port of Mombasa in the High Commissioner, the arrangement being that the Railway Administration would become for that purpose a Railway and Harbours Administration and the General Manager the General Manager of Railways and Harbours, but the control of the Port would be vested in the High Commissioner with the advice of the Port Advisory Board, it being a very clear understanding that the Port Manager would be entirely independent of any Railway department. The main principles decided upon are now embodied in the amendments to this

Order in Council. The constitution of the Port Advisory Board is as suggested by the Port Commission of Inquiry and the other amendments made in the proposed Order in Council are just incidental to the system to be adopted. On the financial side the arrangement is that on the recommendation of the Port Advisory Board the General Manager submits Port Estimates of Revenue and Expenditure separately from the Railway Estimates of Revenue and Expenditure. They are then embodied by the High Commissioner in one complete set of Revenue and Expenditure Estimates for the Railways and Harbours.

The loss in the meantime is borne against Railway funds, but it is to be made the duty of the Port Advisory Board to study the position and to see to what extent the charges can be changed or at least reduced, and ultimately relieve the whole of the loss—in other words to make the Port self-supporting.

In connection with the land, the position is that the Port Advisory Board was to consider and make recommendations as to what should be defined as the land area to come under the control of the Port Administration. That is now under consideration. Of course, the Government of Kenya will have to agree as to what shall be Port lands before that is finally settled. It must be understood, Your Excellency, that for the Port, as for the Railway, we shall require legislation conferring powers on the High Commissioner and the General Manager and, to some extent, defining what the Port Advisory Board is to do. 'would like this hon. Council to understand that the High Commissioner is advised by the Port Advisory Board and the General Manager cannot work the Port unless he gets the necessary powers, and hon. Members in accepting this motion, as I hope they will, must bear this in mind. I mention it because it is rather the tendency in this country to require it both ways. We cannot have powers vested both in the High Commissioner and the Governor in Council. The Port Authority must have at least the same powers as an ordinary port trust would have in any other country and that applies to the charges to be made for services rendered. It also applies to development. They must have authority to develop the foreshore, they must have certain powers connected with tidal waters, the same as are possessed by the Singapore Harbour Board and the Bombay Port Trust. Subject to that I move this motion and trust it will be accepted without much discussion as the matter has been debated for so many years.

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

The question was put and carried,

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

The question was put and carried,

## THE LADY NORTHEY HOME AND THE CORYNDON MEMORIAL.

THE BR. HON. LORD DELAMERE : Your Excellency, I beg to propose the motion standing in my name on the Order of the Day, but I would ask leave of this hon. House before doing so to change one or two of the words. Instead of saying " and hereby rescinds the vote of f6,500 granted in Supplementary Estimates " it should be " and hereby rescinds the vote of £6,500 granted by motion." I think the principle is exactly the same because a motion practically takes the place of a Supplementary Estimate. It is different in this way—the fact that it was passed by motion is first of all correct—it was passed by motion. Secondly, it is the cause of my being able to put forward this motion because, owing to it having been done by motion, Your Excellency, finding there was a certain amount of controversy in the matter, gave an undertaking that the matter should be discussed all over again. In fact I understand Your Excellency wishes it to be done. In this instance I have asked leave to bring forward this matter again against the rules of this House which says that no motion can be reopened under six months, except with the leave of the President, and having got that leave I have raised this matter again.

I am not going to say very much about this. It is a resolution which speaks very largely for itself. There are one or two things I would like to say. I think first of all I would like to say that I am entering into this with clean—no that is not the expression I wanted—but you will realise that I am in a different position to anybody else because I did not happen to be at Mombasa during the meeting of Council the other day—which was a pure accident—and therefore I have had nothing to do with this in the past and therefore perhaps it does give me a somewhat different position in the matter. Sir, I do think that if I had been in the position of my hon. friend the Member for Nairobi South I should have voted as he voted for the original suggestion—perhaps I put the words wrongly—approved of the original suggestion on its merits. Is that right? Because I think everybody must agree that the suggestion in the ordinary way was a very normal suggestion, but since then several developments have taken place, and the only point I wish to make with which Your Excellency and everybody else agrees is that it is improper that controversy should rage round a memorial to a Governor who was here and, in the same way, that it should be concerned with a charitable institution which has been brought to its present state of development—the Lady Northey Home which is named after one of our Governors—and which was brought to its present state of development by the gracious activities of his lady and of Lady Grigg and I think, Sir, that under these

circumstances there is only one method by which controversy can be completely squashed and that is by reopening the question, starting again and offering the Coryndon Memorial Committee another site altogether. I am quite sure there is no difficulty in finding a correct site for this memorial. I am sure in my own mind that that Committee will go into negotiations with the Government quite happily for another site and then the Lady Northey Home will be in a position to carry on its work in such a way as its Committee and other people interested may wish for the time being. If at any future time the Lady Northey Home is considered by the Town Planning Authority to be in the way of the development of the town other steps can be taken at that time, but in the meantime I beg to move, Sir, that the money voted by motion at Mombasa should not be granted and that that motion should be rescinded and that negotiations should simply be reopened in the ordinary way.

THE HON. CONWAY HARVEY : I beg to second.

His EXCELLENCY : Before putting this question to Council I think I should explain the reasons why, as the Noble Lord stated, I have departed from Standing Order No. 29 in allowing the motion to be moved. I think that all hon. Members agree that that Standing Order is essential to sound procedure in this Council since it has been reproduced in the new Standing Orders which have been laid on the table of Council, and I think it important to call attention to its soundness as a general rule. (Hear, hear). On the other hand everyone is equally agreed that the Memorial to Sir Robert Coryndon should be lifted above controversy and that controversy should also be prevented about an institution which bears the name of another Governor of this Colony. As soon as I realised that this question of site was controversial I gave an undertaking that Government would not act upon the resolution passed at Mombasa without consulting Council again. It is in order to fulfil that pledge that I have used my discretion in waiving the Standing Order but in the interests of procedure in this Council in future I must make it plain that the circumstances are wholly exceptional and that the special leave granted for special reasons in this case must not be regarded as creating a precedent. I believe that hon. Members of Council will agree as to that.

Having made that clear I should add that Government is satisfied that the course proposed in the Noble Lord's motion is the wisest in the circumstances and I venture to express the hope, which I am sure Members in all parts of this Council share, that a suitable site will now be found beyond the reach of controversy. (Hear, hear). Government therefore accepts the motion.

The question is :

" That in view of the undesirability of controversy about the proposed site this Council considers that another plot should be offered to the Coryndon Memorial Fund Committee, that the question of the Lady Northey Home should be left to be decided on its merits in the future between the Committee of that Home and the Town Planning Committee in the interests of the lay-out of the Capital; and hereby rescinds the vote of £6,500 granted by motion at Mombasa on the 16th of September last, for the purpose of purchasing the Lady Northey Home."

CAPT. THE HON. H. E. SCHWARTZE : My views on this subject are well known and nothing I have heard has caused me to alter them, it is therefore solely because of the reasons which have actuated the Noble Lord in proposing this motion and the reasons which have actuated Government in accepting this motion, namely, that it is in the best interests\_ of everyone concerned that controversy should cease and that this should be lifted above ordinary controversial political matters which happen in all countries, for that reason, and that reason only, I do not intend to oppose this motion.

The question was put and carried.

#### THE MAE AND CHEPA LUNGE FOREST AREAS.

THE HON. CON WAY HARVEY : **Your** Excellency, my motion, which I believe to be an entirely non-controversial one, refers to two areas, the Mau area, approximately 600 square miles, and the Chepalungu area, consisting of approximately 200 square miles. I have here, Sir, the detailed official description of the area concerned which I propose to hand to the learned Clerk at the conclusion of my speech.

I should like to mention too, Sir, that a small portion of the Man Forest Area between the Amala River and the Nakuru District boundary happens to be in the Masai Reserve, but that does not for one moment affect my argument.

I notice, Sir, that on page 5 of the Annual Report of the Forest Department for 1926 it is stated that 8,000 acres of this land has been excised from the forest reserve and handed over to Government, presumably for settlement purposes. Nevertheless, Your Excellency, it is of some importance that someone should be responsible for looking after that land and it would be interesting to know what Government's intentions may be in regard to using that land for settlement or other economic purposes.

I do not wish my remarks to be interpreted in any way as an attack on the Forest Department and I should like to take this opportunity of congratulating that Department on a most excellent record of work indicated in its Annual Report for 1926, though, Sir, at the same time the Conservator can never expect any normal individual to believe for one moment that there are no unauthorised squatters in forest reserves.

The sole object of my motion, Sir, is to create machinery to ascertain the facts and accelerate the economic utilisation of a very large area of land which enjoys an average annual rainfall of no less than 100 inches, very evenly distributed throughout every month in the year. It is a very valuable area which is rapidly degenerating, with most prejudicial effects to it as a forest asset, to its rainfall, from the point of view of game preservation, and the maintenance of law and order generally. I have, Sir, visited it repeatedly and I am perfectly certain that everything I say will be amply corroborated by District Administrative Officers concerned, especially my hon. friend the Senior Commissioner for Nyanza, who has a most intimate knowledge of this particular subject.

The area, Sir, is supervised by no one. The Forest Department is merely responsible for a very small area in the north-eastern extremity. It has now become an asylum for criminals and scallywags to such an extent that during last year the Administrative Officer in charge of the Kericho area on one of his visits demolished no less than just on 500 huts of people squatting improperly in this particular area. Uncontrolled poaching is rampant. Small game is being practically exterminated and when one bears in mind that this area is practically the sole habitat of such rare animals as the emulet and the bongo I suggest that the extermination of these very rare and magnificent animals constitutes an act of vandalism which should be sternly suppressed, and I should like to know what the Game Department is doing about that, Your Excellency. The rivers recently have been thoroughly stocked with trout which are reported to be doing well and this, Sir, has given the gentleman who performed the work a first-class opportunity of ascertaining the conditions prevailing in this district. He could, I feel quite sure, confirm everything I say. The existence of this "no man's land", this "rogues' Utopia", renders administration in the contiguous native reserves a matter of very great difficulty, inasmuch as criminals and others find a safe and ready shelter from justice. All the contiguous tribes cut timber at will, thus relieving them completely of the necessity to plant trees in their own reserves. They moreover derive the means for paying but and poll taxes from the sale of the contents of honey boxes placed in the forest area, thus, Sir, relieving the natives

concerned of the necessity either to work in the reserves for themselves or to work for employers outside, which we have all been given to understand was part of the Government's native policy.

All that I have said up to now, Sir, applies equally to the two areas I mentioned in the beginning, and now, Sir, I should, with the profoundest respect, like to suggest a constructive policy which possibly Government will seriously consider. So far as the Mau Forest Area is concerned, Your Excellency, I would suggest that it be placed under the jurisdiction of one administrative officer in one administrative area, instead of being divided, as is now the case, between Nakuru and Eericho. Secondly, I would suggest that the whole area which has not yet been surveyed and demarcated into either native reserve or farm land should be suitably demarcated, and thirdly, it should then be placed under the supervision of the Conservator of Forests, who should be given the necessary staff to perform the work properly. This will mean a slight increase of cost to Government, but I suggest that the whole thing can be very easily financed and there will probably be a small balance on the right side if the work is performed by natives, who are given in return the privilege of putting their honey boxes in the trees.

The Chepalungu Forest, Your Excellency, is slightly different. I am not quite satisfied that it has a very large amount of valuable timber, but something should be done about it and I would like to suggest for the consideration of Government that in my humble opinion, Sir, it should either be put under the Forest Department and supervised by the Mau Forest staff, or secondly, alienated for farms, or thirdly, handed over to the Game Department, or fourthly, and this is a very important point, Your Excellency, it might quite properly in my opinion form a reserve into which might be concentrated those quite harmless little limiters, the Wanderobo, who have been singularly neglected by the Native Affairs Department and the Government for a number of years. Their natural environment, Your Excellency, is the forests. That being the case nobody bothered much about them, but a curious situation has arisen in recent years inasmuch as any unpopular individual from Nandi, Lumbwa or Masai, whose reserve became too hot to hold him, or who escaped from the Nairobi jail, entered the area and said : " I am a Wanderobo, what are you going to do about it? " do consider it of vital importance that the matter should be gone into, Your Excellency, and I do suggest, Your Excellency, that the only way is to make proper provision for a very deserving people, and in the interests of all the other



people I have mentioned, this subject should be *faced*. With that, Your Excellency, I beg leave to commend my motion to the sound judgment of my hon. colleagues on this Council.

HIS EXCELLENCY : Does any hon. Member rise to second the motion?

THE RT. HON. LORD DELAMERE : Your Excellency, in rising to second the motion as it stands I must confess that I do not altogether agree with all the arguments put forward by the hon. Mover. He has described to us that these places have become I think he said a sort of " Utopia " for all the rogues in the country—an Alsatia. So far as that is concerned I have no idea whatever with regard to Mau, hut I do think it is time Government took it up. There might have been quite a lot done about this question of the Chepalungu and the Mau Forests. The only reason that I think a committee should go into the matter with regard to the Mau Forest is that it would be able to prevent deletion from such forest area land which would have to be kept for forests, although it *may* not have forests on it in order to keep up the rainfall in that part of the country.

In regard to the Chepulungu Forest area, I always rather fancied myself bringing this matter up because there has always been the question of how far that can be used as an area which might be added to the area to be tapped by the railway down to Sotik, I suppose that these things are rather difficult, but I think if the Committee went into these matters and had a look at this country we should know all the facts about it which at the moment are rather obscure.

THE HON. THE COMMISSIONER OF LANDS (MR. MARTIN)  
Your Excellency, the general purpose of this motion is one I am authorised to say the Government is in agreement with. It is quite obvious that these two large areas of what we might call doubtful country, which have not yet been devoted to any specific purpose, must be examined and enquired into. I do not propose to go into the question of possible policies for this area or the various alternatives which the hon. Mover has put forward, but I think he has said quite enough to show that at this stage it will be quite impossible for anybody—even a Committee—to sit down and formulate a policy. What I would suggest, Your Excellency, is that we make use of the departmental enquiry which the Conservator of Forests is starting at the beginning of the year for the purpose of producing a map which by the time it is completed will show what the actual conditions are, what the exact facts are, and what there is in the way of native stook and

natives, and economic timber, etc., and to produce that map for the purpose of a proper examination and formulation of a policy. What I suggest for the moment is that that enquiry, which is bound to be an enquiry on the ground, should be agreed to and that an enquiry for the formulation of a policy by a Committee should come at a somewhat later stage when the facts can be put before a Committee, and I suggest therefore that the hon. Mover of the motion should take the assurance of Government that this enquiry will be put into effect at once and that the results of it can be made available for his inspection and that at a later stage the question of the utilization of these forests and the formulation of policy may arise with the formation of a Committee.

C-APT. THE HON. K. M. V. RENEALY : Your Excellency, I hope that Government is not suggesting that this motion should be withdrawn, but I hope also that the Mover of the motion and the Seconder will agree to an amendment, I suggest that this should be the amendment :—

" That Government appoint a Committee of this House to enquire into the total area of forest glades and other sparsely forested areas in Forest Department control and to make recommendations as to its better economic utilization."

That makes the basis wider. It is highly desirable that this particular area should be the subject of an enquiry, but Sir, the policy of having large forest glades which are not and cannot in the next hundred years be utilised by the Forestry Department is waste from an economic point of view.

HIS EXCELLENCY : Order, order. I have only just had an opportunity of considering the amendment which the hon. and gallant Member proposed and has asked leave to move. I am afraid that as it stands it cannot be regarded as an amendment to the motion but as a new substantive motion which he is perfectly entitled to put down by notice of motion. But it would be against the general rules which deal with amendments to accept his amendment now. He is only in order in commenting on the motion before the House.

CAPT. THE HON. E. M. V. KENEALY : I am entirely in favour of the motion, but it deals only in a partial way with a partial problem, and that is not sufficient. I suggest that Government should favourably consider a motion which will be submitted to the House by myself in the terms in which I have already introduced it.

REV. CANON THE HON. H. LEAKEY : Your Excellency, see no reason why I should not support the motion before the House, but I would like to make a few remarks with regard to the fourth suggestion made by the Hon. Member for the Lake, as to making the place in question a reserve for those interesting little people—the Wanderobo hunters. I do not think they would thank us for bottling them up into a little reserve of forest land where they would be obliged to revert to their old ways of living upon the results of their hunting and their honey barrels. I believe I am right in saying that from the time that the British Government came in and put a stop more or less to inter-tribal fighting they have much preferred to feed on sheep and on the produce of gardens, by intermarrying with pastoral and agricultural tribes. I myself know many pure Wanderobo people living in the Kikuyu Reserve who are now planting and making good use of the soil. I hope, therefore, that the suggestion will not be given serious consideration.

THE HON. THE COLONIAL SECRETARY : I am authorized to state that Government is prepared to accept the motion and in the meantime to collect the data necessary to put before the Committee which is to investigate this matter. A considerable amount of information must necessarily be collected and prepared.

THE HON. CONWAY HARVEY : Very briefly, Sir, I would say that I think it is unfortunate that the Rev. Canon Leakey did not give us some practical alternative method of providing for the requirements of the Wanderobo, who are entitled to some consideration.

In reply to the Hon. Member for West Kenya, I would remind him that the general subject that he introduced was dealt with in very great detail seven or eight years ago by the Land Tenure Commission and he will see most definite recommendations in that report of the Commission which has been considered by Government. I quite approve of the suggestions of the Hon. the Commissioner of Lands that this Committee might quite properly mark time or not start to function until such additional data has been procured which will greatly assist their work when they begin.

I did not say, Sir, in reply to the Noble Lord, that all the rogues were concentrated in this area—all the rogues in Kenya—because that obviously is impossible, the area being only 800 square miles. (Laughter.)

THE RT. HON. LORD DELAMERE : As a matter of explanation—if it is to be a habit to reply to the Seconder—I beg to reply to the hon. Mover that I do not think I expected that all the rogues were there ; I do not expect to find any there, or very few.

His EXCELLENCY : The question is :-

" This Council is of the opinion that a Committee should be appointed to enquire into the conditions existing in (a) that portion of the Mau Forest Area stretching along the slopes of the Mau between the Tugenon and Amala Rivers, and (b) the Chebalungu Forest Area, and to make recommendations for the more effective utilization of these areas."

The question was put and carried.

## BILLS.

### FIRST READINGS.

#### THE WIRELESS TELEGRAPHY (AMENDMENT) BILL.

On motion of the Hon. T. Fitzgerald (Postmaster General) the Wireless Telegraphy (Amendment) Bill was read a first time.

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

#### THE SUPPLEMENTARY APPROPRIATION (RAILWAY) (AMENDMENT) (No. 2) BILL

On motion of the Hon. T. D. H. Bruce (Solicitor General) the Supplementary Appropriation (Railway) (Amendment) (No. 2) Bill was read a first time.

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

#### THE ARMS AND AMMUNITION (AMENDMENT) BILL

OH n101;011 of the Hon. the Attorney General (Mr. Huggard) the Arms and Ammunition (Amendment) Bill was read a first time.

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

#### THE LAND TITLES (AMENDMENT) BILL

On motion of the Hon. the Attorney General the Land Titles (Amendment) Bill was read a first time.

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

C THE DRUGS AND POISONS (AMENDMENT) BILL.

On motion of the Hon. the Director of Medical and Sanitary Services (Dr Gilks), the Drugs and Poisons (Amendment) Bill was read a first time.

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

THE BIRTHS AND DEATHS REGISTRATION BILL

On motion of the Hon. the Colonial Secretary the Births and Deaths Registration Bill was read a first time.

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

THE SUPPLEMENTARY APPROPRIATION (RAILWAY) (AMENDMENT) (No. 3) BILL.

On motion of the Hon. the Colonial Secretary the Supplementary Appropriation (Railway) (Amendment) (No. 3) Bill was read a first time.

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

SECOND READING

THE WIDOWS' AND ORPHANS' PENSION (AMENDMENT) BILL.

THE HON. THE TREASURER : Your Excellency, I beg to move the second reading of a Bill to Amend the Widows and Orphans Pension Ordinance.

As is noted in the statement of objects and reasons printed at the end of the Bill, sections 27 and 28 of the East African Widows' and Orphans' Pension Ordinance, as amended and replaced by Ordinance No. 3 of 1927, are in conflict as regards the widows' and orphans' pensions that may accrue in respect of officers transferred from the East African Service to other Services under the Crown, and who, on transfer, cease to contribute to the East African Widows' and Orphans' Scheme, one section permitting the widows' and orphans' pensions that may become payable in such cases to be calculated at the full rates given in the Widows' and Orphans' Pension Tables while the other section requires such pensions to be calculated at four-fifths of those rates. The proposed amendment provides for both pensions being calculated at the full rates given in the Tables.

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

The question was put and carried.

## PROCEDURE.

His EXCELLENCY : I understand it will be convenient to postpone the taking of the last Ordinance on the Order Paper (The Registration of Domestic Servants Bill) until the report of the Select Committee has been received.

Regarding our meeting to-morrow, I am in the hands of hon. Members. It is a question whether we should meet to-morrow or not. There is business for to-morrow, such as the resolution in favour of a loan of £100,000 being raised for roads for Nairobi.

The resolution in regard to the Eavirondo Branch Line will also have to be taken and the second readings of the Bills which have been read a first time to-day, but they cannot be taken without special leave of the Council. I do not know whether hon. Members prefer to meet to-morrow or to postpone meeting until the week after next. I see the Noble Lord is not here.

THE HON. CONWAY HARVEY : Your Excellency, my view is that if there is no particular urgency for these matters to be taken at once the meeting might as well be postponed until later in the month.

*Council adjourned.*

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MONDAY, 28th NOVEMBER, 1927.

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The Council assembled at 2.15 p.m., His Excellency the Governor (SIR E. W. M. GRIGG, K.C.V.O., C.M.G., D.S.O., M.C.) presiding.

His EXCELLENCY opened the Council with prayer.

MINUTES.

The Minutes of the meeting of 17th November, 1927, were confirmed.

PAPER LAID ON THE TABLE.

BY THE HON. THE TREASURER'

The Report of the Committee dealing with the Question of Land Grants to Retiring Civil Servants.

ORAL ANSWERS TO QUESTIONS.

VACCINATION-INDIAN GOVERNMENT SCHOOL CHILDREN

THE HON. A. H. MALIK asked :

Is it a fact that the students (from infant classes upwards) of Indian Government School, Nairobi, were marched to the Health Office for vaccination in batches of about 60 to 80, at a time when the streets are full of traffic and the heat at its highest?

THE HON. THE DIRECTOR OF EDUCATION (MR. ORR) : It is a fact that pupils from the Government Indian School were marched to the Health Office under the supervision of an Assistant Master for the purpose of vaccination.

Vaccinations for Europeans, Indians and Africans are completed as a matter of routine at the Health Office between 12 noon and 1.0 p.m. The Health Sister who is responsible for routine vaccinations is fully employed except at that time. On the first day 63 children and on the second day 83 children were vaccinated ; on the third day 156 children were voluntarily sent by their parents for revaccination.

In view of the fact that parents sent their children voluntarily at that hour on the third day no action by the Education Department appears necessary.

REVISED LEAVE AND PASSAGE CONDITIONS FOR CIVIL SERVANTS.

CAPT. THE HON. H. E. SCHWARTZE asked :

Can Government state when the revised leave and passage conditions for Civil Servants, which have been approved by the Secretary of State, are to come into force?

THE HON. THE COLONIAL SECRETARY (SIR EDWARD DENHAM) : Government is not satisfied that the proposals approved in 1925 go far enough and hopes to be able to lay fresh proposals before Council in January next.

GOVERNMENT HOUSE VOTE.

CAPT. THE HON. H. E. SCHWARTZE asked :

What sums have been credited to the Prison and debited to the Government House Vote in respect of prison labour to September 30th, 1927?

What sums have been credited to the P.W.D. and debited to the Government House Vote in respect of :-

- (a) Labour,
- (b) Material,
- (c) Supervision,

up to September 00th, 1927?

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

No sums have been accounted for according to the method mentioned in the question. The cost of prisoners supplied for public works is not credited to the Prison Department and debited to the vote for the work.

All expenditure incurred on the construction of Government House in respect of labour (other than the above), materials and supervision is charged to the approved allocation in the Loan Schedule for Government House.

THE HON. CONWAY HARVEY : Arising out of that answer, Your Excellency, may I ask whether Government will furnish a statement showing the sum of money which would have been credited to the Prisons Department if the principle was adopted for the ordinary charges which private employers have to pay when they utilise the services of prison labour.

THE DIRECTOR OF PUBLIC WORKS : Your, Excellency, there is no objection to supplying that information. (Hear, hear).

ARAB AND SWAHILI CLERKS IN GOVERNMENT DEPARTMENTS.

MAJOR THE HON. R. W. B. ROBERTSON-EUSTACE asked :

(i) What is the number of Arabs and Swahilis employed by Government as clerks?

(ii) What is the rate of pay and are they generally satisfactory?

(iii) If so, will Government consider the employment of these?



THE HON. THE COLONIAL SECRETARY :

(i) The total number of Arabs and Swahilis employed by Government as clerks is 99 (including learners employed by the Postal Department).

(ii) The new conditions of service for Arab and African Clerical Service provide rates of pay as under :-

Learner Grade ... Sh. 20 to Sh. 60 p.m. (No fixed establishment).

Grade II                      Sh. 65 by Sh. 10 p.m. annually to Sh. 90.

Grade I                        Sh. 95 by Sh. 10 p.m. annually to Sh. 150.

Special Grade    ... (Without increments) according to special qualifications, educational or otherwise.

Certain numbers of the existing staff are serving under the conditions of service of the Asian Clerical Staff and their rates of pay range from Sh. 150 to Sh. 520 per mensem.

The services of these clerks have been generally satisfactory.

(iii) Consideration is always given by Government when applications are received and suitable vacancies occur.

#### DEFENCE.

CAPT. THE HON. H. F. WARD asked on behalf of LIEUT. COL. THE HON. C. G. DURHAM:

With a view to reducing expenditure on defence, will Government appoint a Committee to reconsider the advisability of reopening the question of the amalgamation of the K.A.R. and Police Forces on the lines suggested in 1922?

THE HON. THE COLONIAL SECRETARY : Government is prepared to appoint a Committee on the lines suggested. The matter is so closely connected with the whole question of defence that it is unlikely that any final decision can be reached until the problem in all its hearings has been considered by the Closer Union Commission.

#### SALE OF PLOTS AT ELDORET.

THE HON. A. H. MALIE asked on behalf of THE HON. P. K. GHANDY

Re the Plots to be sold in auction on November 30th at Eldoret, will the Government be pleased to state why the liberty to bid at the auction of plots marked in

Schedule No. 1 is restricted to Europeans only, although in accordance with the terms of the White Paper of 1923 the Policy of segregation of races in Township has been abandoned?

THE HON. THE COMMISSIONER OF LANDS (MR. MARTIN) : would invite the hon. Member's attention to the answer given on the 15th September, 1927, to a question by the Hon. J. B. Pandya in regard to the disposal of certain residential plots in Mombasa. The terms of that reply apply equally to the sale of plots in Eldoret.

#### OCCUPATION LICENCES AT SONGHOR.

THE HON. CONWAY HARVEY : Your Excellency, on a point of order, may I ask whether my question on the subject of the temporary occupation licences at Songhor has been lost in the mists of antiquity and when I may expect an answer?

THE HON. TITE COLONIAL SECRETARY : I will look into the matter and if possible will see that the hon. Member gets an answer to his question to-morrow.

#### MOTIONS.

##### DEATH OF HIS EXCELLENCY THE GOVERNOR OF SEYCHELLES.

THE HON. THE COLONIAL SECRETARY : Your Excellency, before passing to the ordinary business of the Homo, I feel sure that this House will desire to express its sympathy with Lady Stevenson and the people of Seychelles in the loss of their Governor, Sir Malcolm Stevenson.

He only recently arrived in the Seychelles and his death we feel sure, has caused considerable sorrow in the Seychelles and to all those who knew him, amongst whom I am one who had that privilege.

HIS EXCELLENCY : I would ask that the House move the motion in the usual way standing.

The motion was carried, all Members standiir.

##### ADVANCE OF :1100,000 TO THE NAIROBI MUNICIPAL CORPORATION.

THE HON. Tim COLONIAL. SECRETARY Your Excellency, I beg to move :

" Be it resolved that this Council approves of a loan of 1;100,000 being raised under the provisions of the General Loan and Inscribed Stock Ordinance, 1921, and of the money to be so provided being appropriated and applied to the purposes specified in the Schedule hereto.

And be it further resolved that this Council undertakes to approve the inclusion in the Schedule of the Specific Loan Ordinance of such amount as may be necessary to enable the said Loan to be raised.

#### SCHEDULE.

Advances to Nairobi Municipal Corporation  
(Improvement of Roads) ... .. T100,000."

Your Excellency, I think any one who has travelled over the roads in this town realises that the time has come when very drastic action must be taken in regard to these roads. The Municipality has had a difficult task and their task has been somewhat additionally complicated and rendered more difficult by the fact that they have only been able to provide a certain sum of money annually on the maintenance of these roads.

As we found in our ordinary road works in other parts of the Colony, spending small sums annually on roads can never have the same result as spending a large sum at one time and having the roads put in proper order.

After consultation with experts, the Municipality have put forward a scheme to Government whereby they recommend that by an expenditure of £100,000 they can put the roads in the town, which are given in the schedule, is a condition which will, we hope, prove satisfactory.

Government considers that in any loan of this kind guaranteed by the Municipality the work should be done by a Department in which this House has confidence and which we believe will be extremely useful and helpful to the Municipality in this matter. We realise the capacity of the Municipality's own staff and that they will be able to work in close co-operation and give very considerable assistance in the matter, but the Municipality have neither the full staff, the materials, the apparatus, nor the equipment required to carry out any big programme of roads within the town. It is therefore believed by Government that the object can best be obtained if the Director of Public Works details a portion of his staff to undertake this work with, of course, the full assistance and co-operation of the Municipality. We believe that by this means the work will be expedited which we are all very anxious it should be and that the programme will be carried out successfully.

We have made previous loans to the Municipality and we believe that the security they can give us in this matter is sufficient to justify this Council in making this further loan.

Any other technical particulars which this Council may desire to receive in regard to the construction of such roads and the lines on which they will be undertaken can be given, as far as he can possibly do so, by the Director of Public Works who is seconding this motion.

I will only mention that this is a step to assist the Municipal Corporation in a direction in which we all consider immediate action should be taken.

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

CAPT. THE HON. H. E. SCHWARTZE : Your Excellency, I wish very briefly to congratulate Government on their decision to bring this loan before Council. There are two things of outstanding urgency in Nairobi. One is the betterment of the roads which will prevent dust, and much as I look upon the improvement of the roads as necessary for the comfort of people using the roads and the safety of motor vehicles, I look upon it as of still greater importance, namely, that the tarring of this large amount of roads, 33 miles I believe, will very materially prevent the dust in this town which is such a great menace to the health of the town. That is one of the most urgent needs of this town and the other is the immediate tackling of the mosquito menace. If we could get the roads tarred and the dust stopped and the mosquitoes killed and malaria stopped we should be able to have a town which will no longer have to bear the reputation of being one of the most unhealthy towns in Kenya and probably in Africa. If, as I understand, in addition to this loan to the Municipal Corporation Government intends to help the Corporation with regard to an anti-malarial campaign I think that this Session, so far as Nairobi is concerned, has achieved a result which is a lasting one and for the permanent benefit of the town and, if for the town, necessarily for the Colony too.

THE HON. CONWAY HARVEY : Your Excellency, there are two points in connection with this matter on which the public would be glad of information. We all feel, Sir, that the time is far past and legislation is long overdue in connection with repressing the prehistoric forms of transport which do exert a very serious destructive effect on the roads, and we feel, Sir, that money may be frittered away if, in connection with any really up-to-date road surfacing, legislative measures are not introduced to discourage the destruction of these roads by ox drawn vehicles and metal-tyred vehicles and other forms of transport which can be seen on the Nairobi roads to-day and we also feel, Your Excellency, that at the same time those who benefit from the improved road surface, such as motor omnibuses plying for hire should also be called upon to contribute in some way to the revenue of the Colony which has financed this very great road improvement.

THE HON. THE COLONIAL SECRETARY : Your Excellency, in reply to the remarks of the hon. Member for Nairobi South, I may say that I think Council, when they receive the report of the Select Committee on the Estimates, will see that provision, and I may state considerable provision, is being made in the Estimates in respect of these anti-malarial measures the need of which we all realise is necessary.

In regard to traffic on the roads there is a Roads and Traffic Committee sitting at present under the Chairmanship of the Director of Public Works and it is considering this matter and other questions in regard to the use of metal-tired vehicles, tractors, etc., in the town and the effect they have on the roads of this town and in the Colony.

The question was put and carried.

#### NORTH KAVIRONDO BRANCH LINE.

THE HON. THE COLONIAL SECRETARY : Your Excellency, I beg to move :

" That this Council considers that the construction of the Branch Railway from Kisumu to North Kavirondo, provision for which was included in the Schedule to the Imperial Loan Ordinance (No. 29 of 1924), should *be* proceeded with at an early date and approves the annual payment by the Colony to the High Commissioner for Transport, after the completion and opening of the line for traffic purposes, of an amount equal to the losses on the working of the branch line, provided that no such annual payment shall exceed the amount of the loan interest and redemption charges on the capital cost of the branch."

Your Excellency, this branch railway, this Kavirondo Line, is one which has commended itself on several occasions when it has been discussed in this Council. It has practically been on the stocks since 1911 when a private company applied for a concession to construct and work a branch in this area. It was not proposed then to take the railway over the line which has now been decided upon but it was proposed to take a railway into this area. A survey was made of a route to Mumias by the Public Works Department in 1912, and in 1913 the Secretary of State suggested that a branch should be constructed from Kisumu to Mumias. In 1914 and 1915, a detailed survey of the Uasin Gishu Railway to Mumias was made and in 1921 the construction of the Uasin Gishu Railway as far as Turbo was undertaken. In 1923 the Secretary of State suggested a railway from Turbo to meet the Busoga Railway in Uganda and in that year proposals were put forward which culminated in what is known as the " Cotton " Loan

and in that " Cotton " Loan was included branch railways in Uganda and a railway through the Kavirondo area. In 1924 the Secretary of State suggested a branch from Malakisi to Yala River and suggestions have been made as to the route this line should take. These suggestions have been considered by the Railway Branch Lines Committee of this Council and the resolutions that have been passed by that Branch Lines Committee are to the following effect.

In March, 1927, the Inter-Colonial Railway Council resolved that--

A decision as to the route to be followed should be left to the Kenya Branch Lines Committee and that the Kenya Government should be asked to guarantee Loan charges whichever route was adopted.

On 11th May, 1927, the Railway Branch Lines Committee, having considered the report and having heard the Acting General Manager, recommended that the Senior Commissioner, Nyanza—who is in Council to-day and who can give any further information required—be asked to make a further report in collaboration with Mr. Harrison, the Deputy Director of Agriculture as to the possibilities of the line.

On the 14th September last the Railway Branch Lines Committee met at Mombasa and passed a resolution to the effect that the construction of a branch line from Kisumu to Yala should be proceeded with at the earliest possible date, estimated to be June or July, 1928, with the object of carrying construction as far towards Butere as the money available on the £3,500,000 loan will allow.

As will be seen from that resolution that money has been provided and included in the £3,500,000 loan.

All that Council is asked to do to-day is to guarantee an amount equal to the losses on the working of this North Kavirondo Branch Line.

The railway has been approved, it has been included in the £3,500,000 loan, and it has been further supported in this Council and by Committees of this Council. There can, I think, be no doubt whatever that this railway will prove to be probably 'one of the best of all the branch lines in this country and in a short time. It certainly goes through one of the richest areas in Kenya. It passes through an area teeming with population. Only last week I went through parts of the country through which the line runs and it was really remarkable to see every ridge crowded with people; to pass on the road markets filled with hundreds if not thousands of people bartering goods brought in from the District at these local markets. The number of tractors that we net on the

road was very considerable indeed, and the whole country gave an air of a rich teeming population and of an area which only requires to be further developed to be able to produce still more wealth for this Colony.

The Kavirondo line has always taken the first place amongst railways through native areas. The cost of this line will amount to approximately £175,000 and it is therefore not a very expensive line to build. At present we are not proposing to carry the whole line right through. That will probably, and must, come in time. It is proposed to carry the line from Kisumu to Yala where there is a very considerable market at present and which will undoubtedly bring trade in from that area to Kisumu and so to the railway from Kisumu.

I will not deal further with any details of this line because the Hon. the General Manager, who is seconding this motion, will be able to give you any further particulars with regard to the cost of construction of the line, but I commend this motion to Council and feel sure that in passing this motion they will assure to a valuable area in this country, an area in native reserves, a still greater return on the industry of the people that inhabit that area ; one of the most industrious races in this Colony. (Hear, hear.)

THE GENERAL MANAGER, KENYA AND UGANDA RAILWAY : Your Excellency, I beg to second the motion. The line the Railway proposes to build is a line of about 30 miles long, and we propose that the line shall be built as a purely development line, *i.e.*, with 2 per cent. grades and 16-degree curves. We propose to adopt a route from Kisumu to Yala. There is a very strong desire that the line should be taken on to Butere at present. I should like to have seen that done but unfortunately the amount available, £175,000, will not take us that far. We propose therefore to leave the terminus an open question, to cut the cost of construction as much as possible and take the line as far as the money will allow. As far as our present Estimates allow, to take the line to Butere will necessitate an additional £50,000 for a further 13 miles of line.

The Railway Council ask the Government to guarantee the loss only to the extent of interest on capital. The Council has taken the responsibility for any other loss. According to the economic survey the line should pay for itself in ten years. My own personal opinion is that the line will pay for itself before that.

The estimated interest charge for which a guarantee is required will amount to £11,235 per annum. I would like this hon. Council to understand, Sir, that the proposal is to build this line of second-hand rails and that between this line, which is in a purely native area, and the Thomson's Falls

line which is in what may be described as a European area, pretty well all the second-hand rails on hand, or likely to be released before the end of next year, will be absorbed. No further new lines therefore should be recommended on the basis of more second-hand rails being available. The second-hand rails that will be absorbed will be those released up to the end of 1928. What the programme of relaying will be for 1929 I cannot say at the moment. If we are allowed to have sufficient money available in renewals and betterment funds of course we intend to continue in 1928 the relaying of the main line and we should then obtain a further 50 miles of second-hand rails. That will not be until 1929 and perhaps not until 1930.

I think it is necessary to lay stress on this because hon. Members should understand that there is no unlimited supply of second-hand rails available for branch lines.

Your Excellency I think this line should be built and I therefore second this motion. It is the intention to stall it about July.

His EXCELLENCY : The question is :

" That this Council considers that the construction of the Branch Railway from Kisumu to North Kavirondo, provision for which was included in the Schedule to the Imperial Loan Ordinance (No. 29 of 1924), should be proceeded with at any early date, and approves the annual payment by the Colony to the High Commissioner for Transport, after the completion and opening of the line for traffic purposes, of an amount equal to the losses on the working of the branch line, provided that no such annual payment shall exceed the amount of the loan interest and redemption charges on the capital cost of the branch."

THE HON. CONWAY HARVEY Your Excellency. I feel sure the whole country will applaud the attitude of Government in connection with this important matter. I think it is well, Your Excellency, to emphasise the fact that this particular branch line goes from its start to its terminus through the Native Reserve, and at no point, Your Excellency, does it approach within forty miles of any appreciable European settlement. We are often criticised, Your Excellency, for disregarding native interests. I think this is a very complete reply to our critics on that particular point. But, Your Excellency, I must confess to a feeling of disappointment that the Hon. the General Manager of Railways has not given us any detailed figures as he did in the case of other contemplated branch lines indicating the tonnages likely to be transported by the Railway as the result of an economic survey which we presume has been made. He did state that it was not estimated that



there would be any loss in running after the first few years, but I am perfectly sure, Your Excellency, that the public would like to have some details of the tonnage which justified the construction of this line. Quite apart from that, Your Excellency, it is very important to remember that up-to-date transportation facilities in this area will automatically release for more productive work many thousands of natives who are carrying loads of maize and other crops at sometimes a distance of from fifty to sixty miles from the centre of the producing areas to Kisumu.

There is one other point—I do sincerely trust that Government will bear in mind the desirability of extending this line a matter of ten or twelve miles into the Butere area, which is the heart of the Kavirondo producing area, as soon as circumstances permit.

CAPT. THE HON. E. M. V. KENEALY : Your Excellency, in supporting this motion I should like to comment to a certain minor extent on one or two factors which have been mentioned by the Hon. the General Manager of Railways. He suggested that the policy to be adopted by the Railway Administration is to stretch—to attenuate—the line. I think it is a little dangerous to do this, and I suggest that if the old lines are stretched as far as possible it may result in a dangerous position. I suggest that, as we have 80 lb. rails on the main line, those had better be stretched rather than the old second-hand lines. But seriously I do not think for a moment that this policy should be dictated to by the amount of second-hand material in the country. Railway policy should not be based on the old material we possess at the moment. We can get new materials and I think our railway policy should not be dictated by the amount of old material. I think a case has been made out for another railway line—I will not mention the name of the line because it may hurt the susceptibilities of some hon. Members in this House—but I think a case has been made for the extension of another line and if a case can be made out I think it is absurd that the construction policy of this country should be dictated to merely by the number of old rails we have in stock.

His EXCELLENCY : My hon. friend the General Manager of Railways can only speak by permission of the House. If hon. Members wish, I will call upon him to reply.

THE HON. THE GENERAL MANAGER, KENYA AND UGANDA RAILWAY : Your Excellency, the Hon. Member for the Lake asked me a question about the probable tonnage. I would like to make it quite clear that the Railway does not estimate these tonnages—it is done by an economic survey in the Agricultural Department. The present tonnage coming from producing areas to Kisumu is about 10,000 tons per annum

but on the figures on which we have made our calculation we have been conservative and we think we can start off with 5,500 tons going on to 31,500 tons in a few years' time. I would make it clear that what I said was that the estimate is that it would take ten years for the line to pay its way, but personally I think it will pay its way before then, because we have an area which is being largely developed. We have a very large native population and trade there now and the roads are, as the Hon. the Colonial Secretary has already said—full of wagon and hamali cart traffic.

With regard to the remarks of the Hon. Member for West Kenya in regard to second-hand rails, I can assure the hon. Member that there is no question of railway policy being dictated to by second-hand rails.

CAPT. THE HON. E. M. Y. KENEALY : Hear, hear.

THE HON. THE GENERAL MANAGER, KENYA AND UGANDA RAILWAY : But we cannot use a given quantity of second-hand rails for more than one line at the same time, and my suggestion is merely that in connection with any new lines to be considered we must remember that it will cost very much more because we will have to buy new rails. I do not know what the hon. Members means by "stretching the rails." I can assure him that it is not our intention to try and stretch them. What I meant was that we would try and stretch the money as far as we can from the point of view of mileage. I have no doubt, Your Excellency, that efforts will be made—and some of them may be successful—to establish a case for other railways, but just at the moment I must say that as far as I know no case has yet been made out for the line hinted at by the hon. Member.

The question was put and carried.

## BILLS.

### SECOND READINGS.

#### THE WIRELESS TELEGRAPHY (AMENDMENT) BILL

THE HON. T. FITZGERALD (POSTMASTER GENERAL) : Your Excellency, I beg to move the second reading of a Bill to Amend the Wireless Telegraphy Ordinance.

As explained in the printed statement of Objects and Reasons which accompanies the draft Bill, the purpose of the Bill is three-fold.

The first object of the Bill is to make it perfectly clear that it is necessary for persons who receive wireless messages to possess licences, as well as those who transmit such messages, and this object is provided for in Section 2 of the

Bill. I would explain that this amendment is now rendered necessary by the advent of broadcasting. The Principal Ordinance was passed in 1913, when broadcasting was not thought of, and I might say that our local law was based on the English Act dealing with wireless and it is only a few years ago that the British authorities thought it necessary to pass an Ordinance to make it legally clear that the possessors or owners of wireless receiving sets had to take out licences.

Now that we are on the eve of a broadcasting service in this Colony I think it is desirable that the position should also be made perfectly clear locally.

The second object is to deal more effectively with what is known as " piracy," that is to say the reception of broadcasting matter by persons who have not taken out the necessary licence. I may add, Your Excellency, that " piracy " is a grave evil and it was undoubtedly responsible for the failure of the first broadcasting organization in South Africa. I think it is particularly desirable in a Colony such as this, where the number of potential listeners-in is so few and where " piracy " by a number of persons may make an enormous difference to the success financially of the broadcasting enterprise, that we should do everything that is reasonably possible to protect any enterprise of that kind. I have just stated that the first broadcasting organization in South Africa was not a success owing to the " piracy " that went on, and the South African Government a short time ago found it necessary to strengthen its legislation to deal with that particular evil. It has been found from experience that the most satisfactory way of doing that is to license dealers in wireless apparatus and place certain responsibilities upon them. That is the method which has been adopted in South Africa to deal with this matter. The Australian Government has done the same, and similar legislation is in force in Ceylon. The Bill gives the Governor-in-Council power to make Rules in regard to licensing dealers in wireless apparatus and all it is proposed to do is to require such dealers to keep registers recording their sales of wireless apparatus, and it gives power to the Postmaster-General or anybody named by him to inspect these registers from time to time. By this means it can be ascertained who are purchasing wireless receiving sets and the information thus obtained can be checked up against the licences issued.

Section 3 also extends generally the Rule-making powers of the Governor-in-Council. At the present time those powers are confined to certain matters, but it may be necessary from time to time for Government to make Rules on other matters affecting the administration of the Ordinance in view of the

development of wireless telegraphy. This general rule-making power is merely embodying in the Ordinance what has been embodied in other Ordinances in the Colony.

THE HON. THE COLONIAL SECRETARY (SIR EDWARD DENHAM) : I beg to second.

The question was put and carried.

THE SUPPLEMENTARY APPROPRIATION (RAILWAY) (AMENDMENT)  
(No. 2) BILL.

THE HON. T. D. H. BRUCE (SOLICITOR GENERAL) : Your Excellency, I beg to move the second reading of a Bill to Amend the Supplementary Appropriation (Railway) (Amendment) Ordinance, 1926.

As the Objects and Reason's state, this Bill has been drafted to remedy a defect in the Supplementary Appropriation (Railway) Amendment Ordinance, 1926. That Ordinance was passed for the purpose of augmenting the sum granted by the Appropriation Ordinance, 1924, to the use of the Railway. The sum granted in the 1925 Ordinance was £2,684,396, the sum eventually required amounted to £2,874,009. Well, the Supplementary Appropriation (Railway) Amendment Ordinance, 1926, altered the sum in the Schedule to the 1924 Ordinance from £2,684,396 to £2,874,009, but similar alterations (which were required) were not made in sections 2 and 1 of the 1924 Ordinance. Therefore, this fact having been brought to the attention of Government, this Bill has been prepared to remedy the omission.

THE HON. THE GENERAL MANAGER, KEYNA AND UGANDA RAILWAY (MR. FEELING) : I *hog* to second.

The question was put and carried.

THE ARMS AND AMMUNITION (AMENDMENT) BILL.

THE HON. T. D. H. BRUCE (SOLICITOR GENERAL) : Your Excellency, I beg to move the second reading of a Bill to Amend the Arms and Ammunition Ordinance, 1925.

As hon. Members, to whom the Bill has been circulated, will see set out in the Objects and Reasons, the objects of the Bill are three-fold. The first main object is to make it clear that a licence issued under this Ordinance must be a licence for each firearm. It does not add to the fee because this amended Bill provides that there shall be no fee payable for any other licence after the first. It only really gives the police a more efficient guard upon the issue of licences, which I think all hon. Members will agree is necessary. The fee provided for the first licence is to be Shs. 6/- instead of Shs. 5/-. This is only a small additional sum—it is going

back to the principle of the first Ordinance of 1906, where the fee charged then was R3, which I believe is equal to Shs. 6/-. Therefore, we are only going back to the amount paid previously, Shs. 6/- instead of Shs. 5/-.

The third provides that no licence is to be required for an antique firearm kept as a curiosity. There was a similar provision in the 1925 principal Ordinance, but it was not working in quite the same way. Under the Ordinance as it now stands no licence is required for antique firearms.

THE HON. THE TREASURER (MR. GRANNUM) : I beg to second.

#### THE LAND TITLES (AMENDMENT) BILL.

THE HON. T. D. H. BRUCE (SOLICITOR GENERAL) : Your Excellency, I beg to move the second reading of a Bill to amend the Land Titles Ordinance.

Your Excellency, this might be called almost a supplementary Bill to remedy an omission.

Section 59 of the Land Titles Ordinance (Chapter 143 of the Revised Edition) reproduces section 10 of the Land Titles Amendment Ordinance, 1910. The latter section enacted that no lien, charge or mortgage shall be valid unless created by a last will or by an order of a Court or by an instrument duly executed and registered. It was provided, however, that this section should not affect the provisions of the equitable mortgages or the lien of an advocate.

In the preparation of the Revised Edition of 'the Laws of the Colony the words " the provisions of the Equitable Mortgages Ordinance or " were inadvertently omitted from the proviso already mentioned, and the object of this Bill is to re-insert them in the Principal Ordinance.

THE HON. THE COMMISSIONER OF LANDS (MR. MARTIN) : I beg to second.

The question was put and carried.

#### THE BIRTHS AND DEATHS REGISTRATION BILL

THE HON. THE COLONIAL SECRETARY (SIR EDWARD DENHAM) : Your Excellency, I beg to move the second reading of a Bill to Provide for the Notification of Births and Deaths and other Matters Incidental Thereto.

This Bill embodies the Bill that has already been in force, but the point of the Bill is that it applies to natives and it is intended to introduce through the medium of this Bill the registration of births and deaths of natives in the towns. The

time has not yet come to introduce a measure for the registration of births throughout the whole country amongst the natives of this Colony. It would be very difficult and the state of progress in the different districts is not such as to justify any such step being taken, but for some time Government has had its attention called to the need for obtaining accurate statistics with regard to the birth and death rates in this country amongst the natives. We are, I am afraid, in many respects lamentably behind other countries in regard to our statistics and we are taking steps now to consider and bring those statistics, through the efforts of the Statistician and the Statistical Department up to a standard where they will be really useful in appreciating the growth and progress of the different races in this country. To really ascertain what is happening amongst the native races, whether they are progressing or whether they are decreasing, it is necessary to find out whether the birth rate is being maintained or whether there is a heavy mortality amongst natives. We have every reason to believe that in this country the native population is increasing remarkably fast. I think that if a census were taken it would be a surprise to a great many people in this country to find what a large number of natives there is and how much larger that number is than the number which is usually estimated in Kenya. We consider the first step should be taken in respect of the towns and that an Ordinance should be introduced which can, and will, ensure that all births and deaths of natives in towns will be registered. It was thought that it would be advisable to make no special provision for natives but to bring them under the same Rules and Regulations as other races in regard to the registration of births and deaths.

The only other alteration is that the period for compulsory registration has been decreased from three months to twenty days in the case of births, and in the case of deaths, from three months to twenty-four hours, provided that the notification shall be given of births and deaths within the same periods. It is intended, as I have said, only to introduce this Ordinance in the towns and to do so through the staff of the Statistical and Registration Department at its commencement. Therefore Government believes that no additional expenditure, at any rate at the commencement, will be incurred as the result of the introduction of this Ordinance, because the staff of a Government Department will be utilised for this purpose.

There are various points in connection with this Ordinance which possibly will require further consideration. A point has been raised by the Hon. the Chief Native Commissioner with regard to provision which might be made for

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carrying out some form of registration, even if not compulsory in some portions of the native reserves. The point has been raised by the Legal Advisers to Government as to whether it would be possible to put provision in this Bill or provision to enable portions of its requirements to be carried out in the native reserve's, because in some respects it might be difficult to introduce portions only of the Bill in the native reserves. If this Bill passes its second reading it is proposed to move that it should be referred to a select committee.

THE HON. T. D. H. BAUM, : I beg to second.

THE HON. A. H. MALIK : Your Excellency, I was about to move a motion on this subject earlier in the year, but before I had done so I saw the present Bill published in the Official Gazette. For the information of this Council I should like to read the motion that I had in view to move :-

" That this Council is of opinion that registration of births and deaths of Asiatics should be made compulsory throughout the Colony as is the case of Europeans and that necessary legislation should be thl frfluced forth-with.

Now, Your Excellency, civilization, whet,, r it be Eastern or Western, has arrived at a pitch and this question of births particularly has gained a great prop thence in the various Colonies. Birth certificates, limes, r i ve of nationality, are required in many cases for at least four prominent purposes—for the purposes of education, marriages, insurance, and last of all passports, and one cannot say fo other purposes as civilization develops these certificates will be required. r. how many

Your Excellency, to cite an instance, a child was born at Kisumu in 1907, who is now grown up and is in the Indian University. To sit at a particular examination he was required to produce his birth certificate. He wired to his father here, who of course, not having registered his birth, was unable to produce his certificate. It was attempted to register this boy's birth then in the Register of the Colony, but the registration not being compulsory, the last resort that was taken was that the father had to swear an affidavit here which was sent to the authorities in India. I am not sure whether that has been admitted or not. This may appear to be a very minor question but it can alect, if the authorities insist on birth certificates, the careers of the Indian students. The children—citizens of the British Empire—, if this provision is not made compulsory for the Asiatics, may have their future careers affected—it may seriously prejudice them simply because their parents have been ignorant or neglectful

I maintain, Your Excellency, to perform this simple duty. that it is the duty of the State to look after the interests of the future generations of the Empire. The State should not give the option to parents—to register their children. The State does not give an option to the parents to kill or maim their children, so they should not give them the option of registering their children's births and deaths. I think, Your Excellency, the State should interfere if the parents by their neglect interfere with the future progress of their children. It may be said that to a certain extent the Asiatic community is illiterate and it would be perhaps troublesome for the community to partake in this system, but I maintain, Your Excellency, that the very illiteracy of the community demands it. If this privilege has never been demanded before it does not mean that the community does not need it. I say it does need it. They have not neglected as the races progress and as the time progresses, they will raise these defects, I do not believe that it has been as a racial Bill and I do not believe that it has been an intention of the Government to exclude the Asiatics from this privilege, because the Registration of Births and

TIM HON. THE COLONIAL SECRETARY: On a point of explanation, this Bill does not exclude Asiatics. There is provision in this Bill for the compulsory registration of the death of every person of European, American or Asiatic origin Or descent and of every native dying within a township. There is also provision for the Governor to declare that, from a date to be named, notice of registration of births of all persons in the Colony of any particular race, class, tribe, or group, or of all or some of the inhabitants of any particular town, district or area, shall be compulsory.

DIE HON. A. H. MALIK: I notice, Your Excellency, that provision is made for the registration of birth and deaths of Asiatics in townships, but I am applying for the extension of this measure throughout the country. Some time back, a few months back, the Nairobi Town Council realised this and I understand that they approached the Government and in view of that they included Asiatics.

It is also important, Your Excellency, from a statistical point of view. Even in this Colony at this stage a great desire is felt to collect statistics on every subject possible and fail to understand why these vital statistics have not been

I allowed for by legislation.

I think, Your Excellency, that from every point of view, social or statistical, provision should be made. I pointed out that



it is not possible or desirable for certain reasons for the native population which is the greater part of the population. I urge, Your Excellency, that in this Bill provision should be made compulsory in regard to immigrant races and certainly at least in the case of Asiatics and I believe that the inclusion of Asiatics in this compulsory measure will not add to the task of Government. And last of all, Your Excellency, I be-  
 • to submit that the Bill as it stands is a little bit racial, it gives certain privileges to a certain section of the community and debars another section, and I believe it is a very bad way of legislating to legislate definitely for one section of His Majesty's subjects and indefinitely for others, and I consider it cannot be but a dangerous policy and does not become a civilised community.

THE HON. THE COLONIAL SECRETARY : Your Excellency, I think the hon. Indian Elected Member is labouring under a misapprehension. As I said, the provisions of this Bill provide for compulsory registration in towns and also provide for this compulsory registration being carried further on representations being made to the Governor and approved by the Governor-in-Council. It is quite possible if the Indian community makes such representations and these representations are favourably received that we shall have compulsory registration in respect of that race in every part of the country or town or area in this Colony.

In regard to the other point made I think that can be considered in Select Committee.

The question was put and carried.

THE SUPPLEMENTARY APPROPRIATION (RAILWAY) (AMENDMENT)  
 (No. 3) BILL

THE HON. T. D. H. BRUCE (SOLICITOR GENERAL) : Your Excellency, I beg to move the second reading of the Supplementary Appropriation (Railway) (Amendment) (No. 3) Bill: The principle is the same as the one I referred to in moving the second reading of the Supplementary Appropriation (Railway) (Amendment) (No. 2) Bill.

This Bill, Sir, has been drafted to remedy a defect in the Supplementary Appropriation (Railway) (Amendment) Ordinance of this year.

That Ordinance was passed for the purpose of augmenting the sum granted by the Appropriation Ordinance, 1925, to the use of the Railway. In that Ordinance the sum granted in 1925 was £2,745,800 and the sum eventually required was £2,794,711. Well, Sir, the Supplementary Appropriation (Railway) (Amendment) Ordinance of this year, altered the sum in the Schedule to the 1925 Ordinance from

12,745,800 to £2,794,711, but similar alterations were also required in sections 2 and 4 of the 1925 Ordinance as they were not made at the time, and therefore this Bill has been introduced to remedy that omission.

I therefore beg to move the second reading of the Bill.

THE HON. THE GENERAL MANAGER : I beg to second it.

The question was put and carried.

HIS EXCELLENCY : With the exception of the first of the Bills down on the Order Paper for the Committee stage, these Bills cannot be taken without a Suspension of Standing Orders, but inasmuch as they are largely of a formal character and as no amendments to them are proposed, there is no need for a Certificate of Emergency and, if it meets the convenience of Members of Council, I would suggest that Standing Orders be suspended so as to take them this afternoon.

THE HON. CONWAY HARVEY : Your Excellency, I see no objection whatever to that course.

#### SUSPENSION OF STANDING ORDERS.

THE HON. THE CHIEF SECRETARY : I beg to move the suspension of Standing Orders to enable the Bills which have passed their second readings to-day to be taken through the Committee stage and also the Bills which are down for the Committee stage, with the exception of the Drugs and Poisons (Amendment) Bill and also the Registration of Domestic Servants Bill, the Report of the Select Committee not yet having been received.

THE HON. T. D. H. BRUCE (SOLICITOR GENERAL) : I beg to second.

HIS EXCELLENCY: The question is that Standing Orders be suspended to enable all the Bills upon the Order Paper to pass through the Committee stage with the exception of the Drugs and Poisons (Amendment) Bill and the Births and Deaths Registration Bill.

The question was put and carried.

#### *In Committee.*

THE WIDOWS AND ORPHANS PENSION (AMENDMENT) (No. 2) BILL.

The Bill was considered clause by clause.

THE SUPPLEMENTARY APPROPRIATION (RAILWAY) (AMENDMENT) (No. 2) BILL.

The Bill was considered clause by clause.

THE ARMS AND AMMUNITION (AMENDMENT) BILL.

Clause 2. *Amendment of Section 12 of Principal Ordinance.*

THE HON. CONWAY HARVEY : Your Excellency, may I ask, Sir, what will be the loss of revenue to the Colony by reason of the fact that it will be necessary in future to license only one arm instead of twenty or thirty. I have been paying large sums of money for a large number of years and I am rather surprised that Government has put up such an incomplete case in this instance. Revenue must be involved.

THE HON. T. D. H. BRUCE (SOLICITOR GENERAL) : I think that under the Ordinance as it stands one licence covers all firearms. Section 12, sub-section 4 of the Ordinance appears to provide for that

THE Hon. CONWAY HARVEY : Your Excellency, that does raise a most important issue which will be seized upon by people with great avidity because every man has been paying enormous sums of money for a large number of years. I do not quite know how Government will deal with the large flood of correspondence which will inevitably descend upon them -as soon as this is made public. I, for one, will certainly claim a refund.

CAPT. THE HON. E. M. V. KENEALY : Your Excellency, may I suggest that perhaps the hon. Member's firearm comes under the category mentioned in paragraph 6?

I suggest, Sir, it is highly desirable not to put the onus of proof of description on the individual. I suggest, Sir, that if a weapon is kept as a curiosity or an ornament it should suffice and it should not be necessary for an individual to prove its antiquity or its obsolescence. I suggest, Sir, that the wording be altered. After all, Government does not want to catch a man out on his inability to prove that claim. Surely Government does not want to collect money for arms which are not used as rifles though they are kept as curiosities or ornaments. May we have ruling on that ?

THE Hon. T. D. H. BRUCE : Sir, I think that as far as the contention of the hon. Member for West Kenya is concerned, the Bill may well stand as drafted. I think that everybody will take the same view as to what is intended and it is perfectly reasonable that it should stand.

THE Hon. CONWAY HARVEY : May I ask whether Government will be good enough to circularise Revenue Authorities all over the Colony advising them as to the law in this Colony. Only a week or two ago I was called upon to pay a tax for an Army Service Rifle which I use exclusively for practice for taking my place in the Defence Force when it comes into being.

THE HON. THE TREASURER (MR. GRANNUM) : I am not able to give a definite opinion on the point but I think a licence is required for every arm used under the present Ordinance, with the exception of when you take out a Bird Licence, which entitles you to use one arm. That is the only exception—speaking from memory.

THE HON. CONWAY HARVEY : That is a distinct contradiction of what my hon. and learned *vis-a-vis* said a moment ago.

THE HON. THE COLONIAL SECRETARY (SIR EDWARD DEN HAIN) : Your Excellency, I believe there will be a certain loss of revenue incurred under this Ordinance, but it was hoped that this would be met to some extent by the fact that the licence has been increased from Shs. 5/- to Shs. 6j-, so that anybody who wants a gun will have to pay Sh. 1/- more. A large number of people in this country own only one gun and the point of this Ordinance is to insure that there is a licence for all guns. The real object of this Ordinance is to make a complete inventory of guns in this country. We believe that we can do that even if it does mean some sacrifice of revenue because by this means we shall get a complete inventory of guns in the Colony.

THE Hon. CONWAY HARVEY : May I add, Your Excellency, that formerly if one took out a Bird Licence one was entitled to one shot gun free. This point was explained by the Treasurer, but it is obviously desirable to have a census of the total firearms in the country.

As far as the onus of proof is concerned, I think it would be up to the Collectors of Revenue to prove the gun was not an "antiquity."

LIEUT.-COL. THE HON. C. G. DURHAM : I should like to see Shs. 10/- instead of Shs. 6j-.

THE Hon. CONWAY HARVEY : I think that will be approved by my colleagues on this side of the House. I see no reason whatever why a man who can afford a firearm should not pay a comparatively small sum

like Shs, 10/- and I think it is unfortunate that Government should lose a comparatively large amount of revenue front sportsmen and others who own firearms.

His EXCELLENCY : Will the hon. and gallant Member move that amendment ?

The question is that in line 16 the word " six " be deleted and the word " ten " be substituted therefor. Those in favour ?

CAPT. THE HON. E. M. V. KENEALY If it has been seconded . .

HIS EXCELLENCY : A motion in Committee need not be seconded.

CAPT. THE HON. E. M. V. KENEALY : Well, I wish to oppose it. After all, Sir, we have got to consider not only the man who uses a rifle, or a shot gun, or a revolver for sporting purposes. It may be required by a woman for self-protection and I think it inadvisable at this stage of the country's progress to introduce a penalty for making provision for self-protection. I think it is entirely wrong to raise the tax or to suggest that the tax should be raised and if the suggestion should come up at all in this House, I do suggest, Sir, that it should come from the other side of the House and not from this side. I oppose this most strongly and particularly in the instance that a woman may need a firearm for her protection. That is one reason, although there are a hundred-and-one others, but I mention this one only as it is a. potent one. I am opposed to this motion.

THE HON. THE COLONIAL SECRETARY : I think the pitiful case which has been put up by the hon. Member for West Kenya will not be covered by a reduction of Shs. 4/-. A woman who can pay Shs. 6/- can afford to pay Shs. 10/-. In any -case I think the amount recommended is quite small and will probably result at any rate in there being no loss in revenue by the introduction of the Bill. Government is prepared to accept the amendment.

CAPT. THE HoN. E. M. V. KENEALY : May I move a further amendment ?

His EXCELLENCY : Order, order, not until this one has been disposed of.

CAPT. THE HoN. E. M. V. KENEALY : An amendment to the amendment? I wish to move, Sir, that this amendment as now accepted shall be amended in this way. That it shall be applicable only if the weapon used, or the weapon possessed, is not used for sporting purposes, or rather is used for sporting purposes.

His EXCELLENCY : I think that the hon. and gallant Member had better let this amendment be put and then move another amendment to the clause if he wishes to do so.

The question is that in line 16 in the Bill, clause 2, the word " six ' he deleted and the word " ten " substituted therefor.

The question was put and carried.

CAPT. THE HON. E. M. V. KENEALY : I wish to move, Sir, that the taxation of any firearm or any weapon used for the purpose of self-protection shall be remitted if used only for the purpose of self-protection.

His EXCELLENCY : I would suggest to the hon. and gallant Member that he should move that amendment as a further proviso to tub-section (b).

CAPT. THE Hon. E. M. V. KENEALY : I shall be happy to do so if Government will accept it.

His EXCELLENCY : I am not able to say that Government will accept it. I am only giving a practical form in which to move it. If the hon. Member will give me this amendment I will put it.

THE Hon. CoxWAY HARVEY I think it is a most thoroughly unsound precedent to establish. Where is it going to stop In municipalities those who own dogs will say that they will not take out a licence for their dogs as they are used for protecting themselves and their families. It seems to me to open up a vast field for humbug and chicanery.

CAPT. THE HON. E. M. V. KENEALY : If, Sir, it is not necessary for this amendment to be seconded I should like to speak to it.

His EXCELLENCY : The hon. Member may move it now. If he will resume his seat I will tell him under what clause to move it. If he will move it as an addition to sub-section (b), clause 2, at the end of line 20 . . .

CAPT. THE LION. E. M. V. KENEALY : Your Excellency, I wish to move an amendment in section (b), line 20, or to incorporate it, Sir. In this country, Sir, it is impossible for Government to provide the requisite amount of protection for persons in isolated areas. These persons must protect themselves, and in many instances these persons are women left alone far away from their normal methods of protection, or away from any centre where police or military officers are. It is essential that they should provide themselves with some means of protecting themselves and usually they have a revolver or a weapon of that nature, and since it is due to the lack of the State's ability to protect them I think it is utterly improper for the State to suggest that they should pay for providing themselves with the means of protecting themselves. Obviously they must have some form of protection and I consider it is entirely improper to penalise them further, because the State should provide them with that protection, and when it fails so to do it is entirely improper that they should be made to pay for providing that service which they have a right to expect from the State. I think that is the major point on which this amendment is moved. I hope it will be accepted by Government. It will not mean a great loss of revenue but it will mean a recognition of this Government's duty to the individual.

THE How. THE COLONIAL SECRETARY : I think that this proposed amendment is incapable of being put in execution because it will be impossible to determine whether a firearm was kept for protection or for shooting game. An owner will say that the firearm is kept for protection and it will be difficult to prove it was not. I suggest that the amendment is impracticable.

The question was put and lost.

His EXCELLENCY : The question is that clause 2, as amended, stand part of the Bill.

The question was put and carried.

#### THE LAND TITLES (AMENDMENT) BILL

The Bill was considered clause by clause.

THE SUPPLEMENTARY APPROPRIATION (RAILWAY) (AMENDMENT) (NO. 3) Bay.

The Bill was considered clause by clause.

His EXCELLENCY : If it meets the convenience of hon. Members on my left the Third Readings of these Bills might be included in the Order Paper to-morrow and the Suspension of Standing Orders be moved accordingly.

THE How. CONWAY HARVEY : I see no objection thereto.

#### BIRTHS AND DEATHS REGISTRATION BILL.

THE How. THE COLONIAL SECRETARY : I beg to move that the Births and Deaths Registration Bill be referred to a Select Committee consisting of :—

The Hon. the Chief Native Commissioner.

The Hon. the Attorney General.

The Hon. the Director of Medical and Sanitary Services.

The Hon. Member for the Coast.

The Hon. Indian Elected Member.

*Council adjourned until 10 a.m. on Tuesday, 29th November, 1927.*

TUESDAY, 29th NOVEMBER, 1927.

The Council assembled at 10 a.m. on the 29th November, 1927, His EXCELLENCY THE GOVERNOR (SIR E. W. M. GRIGG, E.C.V.O., D.S.O., M.C.), presiding.

His EXCELLENCY opened the Council with prayer.

MINUTES.

THE HON. THE COLONIAL SECRETARY (SIR EDWARD DENHAM) : Your Excellency, there was a mistake made yesterday with regard to the appointment of a Committee to deal with the Registration of Births and Deaths Bill. My name should have been on that Committee. The names given were :-

The Hon. the Chief Native Commissioner ;

The Hon. the Attorney General;

The Hon. the Director of Medical and Sanitary Services;

The Hon. Member for the Coast ; and

The Hon. Elected Indian Member.

The name of the Colonial Secretary, as the Mover of the Bill, should have been added.

His EXCELLENCY : With that amendment I declare the Minutes of the 28th November, 1927, confirmed.

PAPER LAID ON THE TABLE.

BY THE HON. T. D. H. BRUCE (SOLICITOR GENERAL) :

Civil Procedure Rules, 1927.

QUESTION.

TEMPORARY OCCUPATION LICENCE, SONGHOR.

THE HON. CONWAY HARVEY : Your Excellency, I understand that Government would prefer that this question should be deferred for a day or two when Government will send me a written answer and send a copy of such answer to the Press for publication.

THE HON. THE COLONIAL SECRETARY : I wish to thank the hon. Member for the Lake on behalf of Government for his action in allowing this matter to stand over. It has not been possible to answer his question to-day as further investigation into the matter is necessary.

## MOTION.

## ESTIMATES OF REVENUE AND EXPENDITURE FOR 1928.

THE HON. THE COLONIAL SECRETARY : Your Excellency,  
I beg to move :-

" That this Council approves the draft Estimates of Revenue and Expenditure for 1928 with the amendments proposed by the Select Committee."

Your Excellency, in moving this motion I do not propose to deal with the report of the Select Committee at any length. I regret that this report was not laid at an earlier stage in the proceedings, but with the permission of the House I will now lay a copy on the table. It is in the hands of all hon. Members to whom it has been circulated by the Clerk.

This report received very full consideration in the Select Committee, which spent a considerable time in their deliberations on the Estimates and put up a number of recommendations, which Government feels sure will prove of lasting value and importance to this country.

I would only mention here that the position at present in respect of the Estimates is that as a result of the deliberations of the Select Committee an increase is made in the Revenue Estimates of £3,604. There is an increase in recurrent expenditure of £26,736. This is balanced by a decrease in non-recurrent expenditure of £20,700, and a decrease in the surplus of £2,432. The surplus of estimated revenue for 1928 over estimated expenditure will therefore amount to £19,207. That estimate would have been increased to a sum of £39,207 had it not been for the fact that the Select Committee was strongly of opinion that urgent steps should be taken to deal with health conditions in the City of Nairobi. It was felt that a sum of £20,000 should be set aside as a contribution on a *pro rata* basis towards the cost of an Anti-Malarial Campaign in Nairobi in conjunction with the Municipality and Railway, and provision has therefore *been* made in the Estimates for this amount, which reduces the surplus from £39,000—due to the Select Committee's deliberations—to £19,000 odd.

Other items to which I should like to refer are firstly in respect of the Administration. It will be found that two special posts on a salary of £1,000 per annum are included in the Estimates. This is merely in accordance with the suggestions which were put before this Council in regard to the revision of sr'irit: "here posts are established in Tanganyika Territory and in Uganda, and they have now been inserted in the Estimates. But they have been allocated

to two definite posts in the Establishment, namely, those of Resident Commissioner, Mombasa, and Resident Commissioner, Nairobi.

Provision has also been made, but without additional expenditure, for three additional posts of Resident Magistrates. It is felt that there is a need for further additions on the judicial side and that the administration of justice will be strengthened in the districts by utilising the services of three administrative officers who are barristers as resident magistrates in three of the settled areas of this Colony.

With regard to the subject of education generally, the education of all the races in this Colony has received very full consideration from the Select Committee, and I feel sure that all residents of Nairobi and all people in this Colony who are interested in the growth of our capital and the progress of the children in the capital will be glad to bear that provision has been made in these Estimates for three elementary schools in Nairobi and Nairobi area at Kilimani, at Parklands and at Upper Parklands, that is to say, three more schools in addition to the Nairobi School.

It will also be noted that a further saving has been effected under the Head of Transport and Supply, which is one of the reasons why we are able to make additional provision in these Estimates for other services of immediate necessity and value to this Colony. I would also call the attention of Council to the report which is an Appendix to the Select Committee's report, and to pages 23, 24 and 25 of this report, which deals with the whole question of East Coast Fever and the immediate action which should be taken in order to prevent its increase in this Colony, and to deal with and control it on a definite basis and by means of a campaign in a particular area of this Colony. Provision has been made for that and the whole question is dealt with at length in this report.

With regard to the importation of pedigree stock, this question was raised when the debate on the Estimates took place. Government has now telegraphed to the Secretary of State and informed the Secretary of State that provision will be made up to £3,000, if necessary by supplementary provision, in respect of this or next year, in order to ensure that we may get that assistance from the Empire Marketing Board that is required in regard to the exportation of pedigree stock from England to this Colony.

The motion that came before this Council with regard to the question of a rebate on paraffin has been met by the provision which is being made in these Estimates in respect of a rebate of 20 per cent. equivalent to the Customs Duty.



The Public Works Department has made out a case for an increase in staff, and it will be seen that six assistant engineers and sixteen foremen have been added to the staff of that Department. Council will recognise that the additional programme which has been drawn up for that Department not only in respect of public works but also in respect of a very considerable road programme which has received the approval of this Council does necessitate an addition to the staff of that Department and that addition is made on lines which I think will appeal to this Council and to the Colony, that is, to increase European supervision in the Department so as to secure good work throughout all branches of such Department. It is also desired to assist as far as possible in the training of the African for public works in this Colony, not only for public works under Government but for all branches of work—building, engineering, and so on, and it is felt that an addition should be made to the Native Industrial Training Depot at Kabete, not only by increasing the staff there, but by also giving the staff provision to the Director of Public Works to establish a depot in Nairobi which it is hoped will be run on a healthy competitive basis and will show that good work can be done both by the Education Department and by the Public Works Department in the training of African artisans.

Special provision has been made for roads and drains in the Indian Bazaar at Kisumu. It was felt that this matter had been standing over for some time and Government has therefore provided this money to enable the work to be carried out. This additional expenditure of course had to be met and has been made to a large extent by reductions in Public Works Extraordinary, but those reductions have been made from works which are not removed from the programme for public works of the Colony, but which will be undertaken from loan, as was originally proposed instead of being undertaken from Public Works Extraordinary. These works include provision of certain buildings in certain out-stations and an assurance has been given that these works will in any case not be delayed but that they will be undertaken as early as possible from loan works instead of from the Public Works Extraordinary Vote.

I think, Your Excellency, are the salient points in this report, which has now been laid before the Council and the adoption of which I now move.

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

CAPT. THE HON. H. E. SCHWARTZ : Your Excellency, I would like at the commencement of the few words I have to say to ask Government most carefully to consider an alteration

in procedure with regard to the estimates in future years. I do not mean to say procedure such as going to Select Committee, which I think is the only right procedure, but that more time should be given to Members first of all to study the Budget before it is first laid on the table, and secondly to study and read the report of the Select Committee before meeting to discuss it. It is extraordinarily difficult. You have only a few days to read a voluminous Budget to commence with and it is equally difficult to meet and discuss the Select Committee's report and not see that report until one sits at the table at which one has to discuss it.

I quite realise, Your Excellency, that this year, so late in the year, with the mass of work we have had, it has been difficult to meet the case, but I am sure, Your Excellency, that you will be the first to realise and agree that if more time can be given both at the beginning and at the end too, it will be very much to the advantage and to the convenience of Members.

With regard to the Estimates as they now stand and as we are asked to pass them, I should like to deal briefly with one or two of the more salient points, dealing first with those which I welcome so heartily in the Budget.

I should like first of all, as one of the Members for Nairobi, to express my gratification, and I am sure I speak with the approval of my lion-friend on my left (Capt. Ward), at the increase that has been given in the education vote for the erection and commencement of three new schools in Nairobi. These will be a real benefit to the children of Nairobi. Not only will it permit of more children being educated and in greater comfort but it will also save children having to go such long distances in the heat of the day or to go such long distances in conveyances to the great inconvenience of their parents who are probably working, and I have no hesitation in saying that this step must be of enormous benefit and advantage to the whole of the children in Nairobi.

I would also like to express my gratification at seeing that the Select Committee have agreed to incorporate a sum of £20,000 in the Public Works Extraordinary vote to help to commence a real campaign against mosquitoes and malaria in Nairobi, and I trust that the incorporation of this amount in this vote will mean that Government and Municipal Council and also the Railway will really get down to a campaign without any delay, so that we shall never again have to face the ill-health which we had to suffer last year through this tremendous plague of mosquitoes and malaria.

With regard to the question of the provision under, I think, Item 48 for closer settlement, I would like to ask the Hon. Colonial Secretary when replying to this debate if he

can say whether there have been a large number of applications already from overseas for participation in this scheme. I have heard rumours and it would be interesting to know if these rumours are true.

The Hon. the Colonial Secretary in referring to the addition of three Resident Magistrates which I also welcome in the Estimates, stated, I think, if I heard him correctly, that these Resident Magistrates would be appointed from administrative officers who were barristers. I would like again an assurance from the Colonial Secretary that the fact of an administrative officer being a barrister will not necessarily be considered by Government as meaning that he is fully qualified for the post of Resident Magistrate. I have not the slightest doubt that there are administrative officers in this Colony—and there are no doubt three of them who are barristers—who have in the opinion of Government and the Attorney General, sufficient qualifications to enable them to fill these posts, but we do feel it very important indeed that there should be qualifications other than those of being barristers. I agree that barristers must be the *sine qua non*, but there must be other general qualifications, and as I said in Select Committee, I should like an assurance that these officers will not be appointed as Resident Magistrates unless they are in the opinion of Government, and especially of the Attorney General, thoroughly qualified to undertake these positions.

With reference to the new arrangement in regard to the Land Office. I would urge Government most carefully to consider the result that the suggested scheme, or any suggested scheme, of decentralization of the Land Office may have. I will not at the moment express any adverse opinion but I am sure I am not asking too much if I ask Government, and the Hon. Commissioner of Lands, to consider the points of view which have been put forward which tend to show that there may in many cases, as a result of such decentralization, be not a saving in time but loss of time: If this scheme of decentralization is going to mean that titles have to be searched in the decentralized offices instead of in a central office in Nairobi that will mean a tremendous delay in putting through transfers, in putting through mortgages, in arranging for apportionments of rents, and it is worth while considering all points of view before finally coming to a decision as to the exact methods and exact details of such decentralization.

It has been suggested in certain quarters, Your Excellency, that it will be fitting to put a vote in the Public Works Extraordinary for the erection of a Supreme Court in Nairobi. Well, I do not suppose anyone in this House more desires than I to see a Supreme Court, which is a Supreme Court and not a rabbit hutch, erected with the least possible delay. but in my

opinion it is patently impossible to put such a sum of money in Public Works Extraordinary. First of all the cost in a very large One and by no stretch of imagination can the erection of a Supreme Court be nailed a minor public work, and secondly because at present there is no place in which to erect a new Supreme Court until the layout of the proposed alterations in the town are nearer completion. I have always been one of those, I am not alone, who consider that to take away the Supreme Court from its present site and put it somewhere else is the greatest mistake that could be made, but apparently that has been the decision finally reached and it would be a waste of money to put up any temporary structure on the present site, or just behind the present site, if another proper structure is eventually going to be built in quite a different place.

Now, Your Excellency, the only two other points I wish to deal with are points which I personally regret to see here in the Estimates. The first is the abandonment of the suggested combined hospital. I understand that it has been definitely decided and that the majority of the Select Committee approved the abandonment. It seems to me a pity that a scheme which had so much to commend it, a scheme which was favoured by the country as a whole everywhere—to take the view I think unanimously expressed by the Convention of Associations—should have been dropped because of opposition in certain quarters to different sites. If Government considers that the combined hospital scheme was a proper scheme, and presumably they did as they brought it up, I think it was up to Government to determine the site and get on with it and I regret to see that it has been dropped and it does not appear to me to be a sound thing to do.

The last point is one I feel very strongly and that is the retention in the Estimates of the consumption tax for education and the education poll tax. We have a continually increasing Customs revenue which suddenly drops when a new consumption tax is brought in and some hon. Members and my hon. friend on my right (Mr. Harvey) would have me believe that it is a coincidence. I decline absolutely to believe that. It is too great a coincidence. We have heard of long-armed coincidences but never of a coincidence as long-armed as that. The fact is you put a consumption tax on and the result of imposing that extra burden on the country is you lose revenue and I cannot believe and cannot agree that a tax that causes a loss of revenue is sound finance.

In regard to the education poll tax ; everyone in this House, Your Excellency, and I believe in this Colony, agrees that as a means of taxation it is inequitable in its incidence, and cannot be supported at all, and I would urge Government and hon.

Members on this side of the House to talk matters over again and *see* if they cannot come to an agreement with the views that I hold that the time has come to do away with this differentiation for education for different races and let the vote for education come out of the ordinary revenue of the country.

I think, Your Excellency, that is all. I apologise for the length and time which I have kept this House but I should be lacking in my duty if I did not point out those matters upon which I feel so strongly.

CAPT. THE HON. H. F. WARD : As one who has in the past taken up a position of active opposition to certain financial proposals of Government I think I should, in view of the generous treatment which has been given to critics, deal quite briefly with the general subject of criticism as applied to the motion now before this hon. Council. By criticism, Sir, I do not refer to the unfortunate people who write on so-called finance to the papers, nor do I refer to those people whose political objectives are not solely centred in Kenya, but I do refer to that general snowball of criticism which, if it is allowed to proceed, does become a hard-moulded public opinion.

Criticism is centralised on two or three main lines. The first is on the somewhat vexed question of Government House. It is said by quite responsible people that Government House, in spite of whatever anybody says, cannot be built for the sum of £120,000 or £125,000. With regard to the furniture at Government House I have heard it said that the unfortunate official class in this country will have to be content to live in bare houses for a number of years until the coffers are filled from the raid made in respect of Government House. The hon. Mover of this motion should, in reply, give us the exact facts with regard to furniture. It is within the memory of hon. Members on both sides of this House that provision was made in a definite budget by this hon. Council in regard to the buildings and I hope the hon. Mover will tell us how the matter stands in regard to the original estimates. Might I say that, as a Member of the Works Committee, I have had the opportunity of fully following the Director of Public Works and the gentleman in charge of the loan staffs: I have found them particularly careful on these points and as far as it is possible to judge until the final results are available I believe that the results of the work of the Public Works Department are better than have ever been seen in the country, private or Government.

The next point is on the country's financial position and I apologise for having taken up the time of this hon. Council in travelling over the ground again. It is possibly as well to put the position from this side of the House as it has been given to us. In the first place, Sir, as we understand it here

we shall have surplus balances in excess of the original estimates. It is difficult to judge it but we have been given figures that will possibly be right and we may reach figures possibly as high as £500,000 or £600,000 by the end of the year. This, I think, is the first year that we have been able to say that recurrent expenditure has been arrested. It has been arrested almost up to the point when it has almost completely stopped and the increases on recurrent expenditure are due to the normal increase provided by Government contracts of service and by improvements in administrative services and other improvements suggested very largely by this side of the House. That position, Sir, has left us with, for the first time, I think I am correct in saying, a really substantial amount to do things with. I am sorry I have lost my original copy of the statement on the Budget, but speaking from memory I believe that the amount available for Public Works Extraordinary is in the neighbourhood of £250,000 or £275,000. I think, Sir, this is one of the most remarkable achievements that any country in a short time has been able to effect. The results are foreshadowed in this Budget and as regards my own constituency I should like, with the hon. Member who has just spoken, to direct Government's attention to the education in Nairobi and I feel certain the Director of Education would be the first to agree with me that we should be the first to thank that committee of parents who went into the matter closely and put up such a full statement for Your Excellency's consideration. We have further, Sir, been able, as the Hon. Member for Nairobi South said, to begin spending money on making the capital city of Nairobi what it should be, not only as the capital of Kenya, but as the prospective capital of an even larger area than Kenya. We have also been able to provide for recurrent expenditure in a form of elementary education so far not dealt with in Nairobi, and as a preliminary step until the buildings have been provided out of loan. In addition to that, Sir, taking a definite position as we do, we find ourselves with a balance of £19,000 estimated for 1928 but, Sir, the most important factor of all I think is this, that taking the history of the last three or four years and taking the fact by which the actual revenue has exceeded the original estimate we can look forward to having an additional amount available at the end of 1925 somewhere in the neighbourhood of £2200,000. It remains true that in this year the margin between estimates and actual revenue has been anticipated rather more than in past years. It may be that in this year, coming to the end of three none-too-good years, though this year is not as bad as some people pretend it to be, the balance between estimated revenue and actual revenue may not be quite so much as it has been on the average for the past three or four years, but there will be a substantial sum available as far as it is possible to predict.

The other points of criticism rage round the working of some of the Government Departments. Criticism is very difficult to meet unless actual facts to refute it are available and I do welcome the introduction of a member of the Director of Public Works' staff on temporary engagement out of Loan, who will have nothing else to do but to sift the facts and make them available for public information. I think that is the only possible way in which criticism on the working of a department like that can be met. Personally my opinion is that such an officer will have nothing very material to record. I think, Sir, there is one other remedy in that department which the hon. Member has introduced himself this year, and that is the employment of an increasing number of foremen. I am quite certain, Sir, that in a department of that sort no work of any value can be got out of native labour unless the staff of European foremen is increased year by year as far as it is possible to do so.

One passing point, Sir, I should like to make and that is to welcome the appointment of a Committee by Your Excellency to consider the question of the defence measures necessary in this Colony. As I pointed out when the budget came before this hon. Council the combined provision for police and military is excessive, especially as the working of neither the police nor the King's African Rifles provides in either case a force that is in line with the up-to-date forces in other parts of Africa and other Colonies, and I feel that when that question is closely examined the total provision found necessary will provide not only an efficient force but a force considerably less expensive than the provision now made.

In conclusion, Sir, I would like with deep respect to sound a note of real gratitude to Your Excellency for the detailed consideration you have given to these questions and for the detailed consideration you have given to such points as I or other members have brought up.

C 11<sup>1</sup>T. HON. E. M. V. KENEALY : Your Excellency, the point that has already been raised in regard to the time given for the consideration of the Estimates I wish to amplify. Although we have had a lot of time for the discussion of these Estimates in Select Committee that time has not proved sufficient, and although the discussion in regard to the detail of matters has been fairly extended, yet the time given to the consideration of the report of the Select Committee—which was yesterday for two hours—was insufficient not only to digest the Estimates and the report of the Committee, but even to read it. I hope that Government will in future give more time for the consideration of Estimates. After all, in this instance I think the Estimates themselves have not been given sufficient time for consideration and the report of the Committee also.

Now, Sir, the only time and the only occasion on which hon. Members on this side of the House have an opportunity to sway the policy of Government in this country materially is when the Estimates are discussed, and therefore it is essential that we on this side of the House should ask for a longer time in which to make our pressure felt in regard to modification in policy.

One of the subjects in which Government has assisted is materially is in regard to a measure for the benefit of farmers was definitely the paraffin subsidy, for which -S210,000 has been provided, but the motion introducing that principle — or that policy, not the principle — was withdrawn, which means that there was no further public discussion of the matter, which I consider absolutely necessary, because a subsidy has been granted to a particular class of tractor, and in fact an unfair discrimination has been made between one tractor and another in favour of a type of tractor which is obsolescent if not obsolete.

A small increase has been made in providing for water exploration work, but, Sir, I am dissatisfied with the amount that has been provided. I do not think enough money has been provided for this absolutely essential service. Still, it is pleasant to admit that Government has at last recognised the necessity for water legislation. I hope there will be no further delay.

With regard to the question of Land Settlement in this country, this matter has not received the due consideration which it merits. There is a scheme for closer settlement, but that scheme deals only partially and wholly inadequately with the subject. Actually the closer settlement scheme is a Government and not an Elected Members' proposition; of course we all know—and we can easily analyse—the reason why a closer settlement scheme has been put forward in this country; I am not sure that it will prove successful but we do know that in the past settlement in this country has been successful. We have a large quantity of valuable land available—we have a large quantity of alienable land, and we have a large number of persons desirous of having that land, and those persons are monetarily qualified—and in other ways they are also qualified—and Government has not demonstrated that it means to cater sufficiently next year for that particular class of person, and that particular class of person is the class of person that we particularly desire to have in this country.

The closer settlement scheme embraces men who will make a call on our purses. The Land Bank is going to meet that call, but it definitely means that we are going to finance



that scheme and that we are going to finance partially the persons who come to this country, and I maintain that if we do advance those persons money we should at the same time have at least twenty ordinary settlers to help us carry the financial responsibility to every one of those assisted settlers proposed in the new settlement scheme. I did hope Government would accept this point in Select Committee, but as it has not done so, I must insist on asking for a reason here for Government not having done so.

Another matter of land policy is the policy of townships. It may seem to hon. Members in this House that I am raising a parochial issue, but it is not a parochial issue—it is a general principle and that is, that if Government alienates a township area under recognized conditions it should not then suddenly create a new township in opposition to the established one and its interests by ceasing railway construction fifteen miles from the established township. That is the position in regard to Nanyuki. Nanyuki is a township which Government made into a township after much persuasion. There was originally private township there, but eventually Government agreed to alienate plots of land.

It is not a parochial issue—it is a matter of policy, and a matter of principle, and I do urge Government to recognise that it is not a parochial issue and to give further consideration, and immediate consideration, to the extension of the railway line to Nanyuki.

One further aspect with regard to land which has reference to Nanyuki is that we are not making economic use of certain land which is held departmentally. I refer to forest land and glades. There are vast forest glades which could be used for settlement which cannot for at least the next hundred years be used for forestry purposes. That is another point on which I believe Government will agree to the appointment of a Committee, but I do hope the recommendations of that Committee will not be shelved.

Generally, Your Excellency, I support the motion that the Estimates of Revenue and Expenditure for 1928 should be adopted with those reservations I have mentioned, and those are reservations which I consider very important ones.

LIEUT.-COL. THE HON. C. G. DURHAM. Your Excellency, I support this Budget on the whole, and I welcome the policy of Government in providing more schools and for starting a campaign against malaria and the general cleaning-up of Nairobi.

The Hon. Member for Nairobi South referred to the building of the Supreme Court. I cannot agree with him that this matter should be delayed at all. I would like to

use the expression of a "Tommy"—I would not call it a "rabbit hutch"—I would call it a "bug-walk." (Laughter). There is no doubt to my mind that the buildings as they stand at present are an absolute menace to the people who work in them (hear, hear), and I do hope that Government will consider the immediate necessity for the erection of a suitable building for the Supreme Court. This also applies to the Secretariat buildings.

I have to thank Government for agreeing to the appointment of a Committee on the subject of defence. I cannot, however, agree with the Hon. Member for Nairobi North when he says that we may get a more efficient force. I submit that the E.A.B. to-day as it stands has never been more efficient.

CAPT. THE HON. H. F. WARD : Your Excellency, on a point of personal explanation. I should be the last person in the world to question the efficiency of the K.A.R. I cannot remember what I exactly did say, but if I used the word—and I (I) not believe I did use it—"efficiency" I am sorry; the word I meant to use was "suitable."

LIEU.-COL. THE HON. C. DURHAM : Your Excellency, I am afraid he did use the word "efficiency." I do, however, agree with the Hon. Member for Nairobi North that there would be a very large saving if we could have the combined force. I am sure the country could save anything up to £1,40,000 a year, as I have previously stated, without losing any efficiency.

With regard to the subject of Government House, I agree entirely with my hon. friend the Member for Nairobi North, and would welcome an audited statement from the Hon. the Colonial Secretary at a later stage.

THE HON. CONWAY HARVEY : Your Excellency, first of all I should like to amplify what was said by my hon. colleague who represents Nairobi North, on the subject of public criticism of the work of this hon. Council. Criticism, Your Excellency, based on facts, is invariably regarded as the prerogative of the Britisher, but it must be based on facts. Idle criticism does nothing but harm to the country and at a time like this when Kenya more than ever is pressing for and does ask for a consummation of national ideals, I do think it is of very great importance that idle ill-informed criticism should be met. When we came down for this particular session we were met with a mass of criticism from distinguished technical authorities in connection with the building of Government House. We were all inaudibly suspicious and we made it our business to probe this particular

item so far as it could be probed by any human being. Every possible facility was placed at our disposal by the Government, Your Excellency, and by the Public Works Department. We even were able to invoke the aid of professional auditors and as stated before, we went into the matter from " a to z " and we are, like all reasonable men would be, absolutely convinced that the criticism that has hitherto been levelled in regard to this particular item, and incidentally many others, is absolutely unwarranted. (Hear, hear).

With regard to the Liquor Consumption Tax, that may or may not be sound business, but I for one do consider that any measure is amply justified which leads, as this has led, to a great diminution in the consumption of alcohol in Kenya. (Laughter.) The long arm of coincidence, Your Excellency, may not be entirely responsible, but I would remind my learned colleague (the Member for Nairobi South) that this action has not yet borne full fruit and one brief 'ear is an insufficient period on which to base drastic' calculations, particularly in so much as a week or two before the tkix was increased enormous quantities of liquor were taken o4t of bond. That will probably only be revealed if records are taken for a very much longer period than one brief year.

There is just one other item, Your Excellency, on I age 35 of the Committee's report. I would like to allude to this item and to say that I wish, as one of the minority, ,to associate myself absolutely with the representations of my hon. friend the Director of Public Works in his plea for the expenditure of a comparatively trifling sum of money on :essential bridges on the Nairobi-Mombasa Road. I opposed this four years ago, Your Excellency, because I thought there were other roads in producing centres here more worthy of attention in connection with road-work, but the position to-day is that the traffic between Nairobi and Mombasa is going through the Game Reserve—a distance of eighty or ninety miles further than the direct route, and that direct route, Your Excellency, does traverse a very large area of land at present unproductive, which it is highly desirable to advertise and to make and create facilities for people to examine and explore the possibilities of this land with a view to increasing settlement. The minute on page 35 is quite a correct report of what was said and I regret that I did not challenge the statement at the time to the effect that the majority of the Committee opposed the expenditure of public money on this work. Well, I venture to suggest, Your Excellency, with very great respect, that no vote was taken and that the louder voiced minority may possibly have unduly influenced the hearing of the Clerk in this connection. (Laughter).

THE HON. A. H. MALIK: Your Excellency, I beg to apologise for raising a point which I ought to have raised in the Select Committee, and I would specially request the Hon. Member for the Lake to be patient because it may take a little time and it could have been saved if it had been raised in the Select Committee.

This point, Your Excellency, is in regard to Indian education. I had in mind to raise this point originally when the Budget came before the Council, but in view of the remarks made by the Hon. the Director of Education and the Hon. the Colonial Secretary, I let the matter slip. The provision of a European principal in the Mombasa School, Your Excellency, has caused a great disturbance in the minds of the Indian community, particularly at Mombasa. I have received representations from some of the associations and I understand, Your Excellency, that a petition has been addressed to the Government which has been largely signed by the parents of the boys at Mombasa. I have also received a telegram, Your Excellency, from Mombasa, communicating that at the mass meeting held on Saturday a unanimous resolution was passed and the strongest opinion was expressed against this provision. I for one, Your Excellency, consider it a wrong principle to place the Indian education under a European headmaster. We are in a period now when we can pay a bigger salary so that we can get proper educationists from India to take up responsible posts such as principals of schools in this country. Now, Your Excellency, a question arises why at all there should have been a request, as suggested by the Hon. the Director of Education coming forth from Mombasa. I understand, Your Excellency, that it is the work of one or two members of the Indian School Committee who had a personal grudge against the headmaster at Mombasa . . .

HIS EXCELLENCY Order, order. The hon. Member is not entitled to impute motives of this kind against this Committee.

THE HON. A. H. MALIK: Your Excellency, I understand that a reason put forward by those members—by some of those members who desired the change was that Indian pupils under the Indian teachers could not learn the proper pronunciation of the English language. I quite agree with it to such an extent, but, Your Excellency, for this simple reason that the change is not desirable the case should have been met by the provision of an English teacher in the school. In a European school for instance, Your Excellency, where Latin or some other language is taught, a Latin teacher simply is employed because he can teach Latin better to the

English boys, but it would not mean or would not tend to make the case that the Latin teacher should be made a principal of an English school.

I understand, Your Excellency, that there is a feeling against the principle of placing even the Nairobi Indian school under a European principal, although the present principal through his efforts, I believe, has commanded the respect of the community and is also, I think, liked by the community. But even against the present occupant of the post I think there is a great deal of feeling in Nairobi. The proposal of a second European master in Nairobi is also resented in certain parts of Nairobi.

The present headmaster at Mombasa I understand, Your Excellency, from the reports of the Education Department, has occupied this position efficiently ever since he was appointed to the position. If I may be allowed to read two or three lines out of this report it will illustrate . . .

THE HON. THE COLONIAL SECRETARY : On a point of order, are we concerned with the merits of particular individuals?

HIS EXCELLENCY • I was about to call the hon. Member to order again. He is entitled to discuss the principle of a European headmaster or an Indian headmaster, but I cannot allow further discussion with regard to the merits of individuals.

THE Hon. A. H. MALIK : Finally, Your Excellency, I would like to lay stress on this point—that there is a great deal of feeling among the Indian community on the principle of European headmasters in Indian schools and it is desired by the Indian community and Indian parents that this principle be adopted by the Government : that in all cases Indian education be placed under Indian principals.

THE HON. F. O'B. WILSON : Your Excellency, I have much pleasure in associating myself with the various remarks made by the Hon. Member for Nairobi North in regard to the criticisms, and some of them ill-informed criticisms, which have been showered upon Public Works, more especially on Government House generally. I have had some chance of going into the matter, and I should like to emphasise that I entirely agree with the remarks made by the Hon. Members for Nairobi North and Kikuyu.

There are one or two other things which I hope Government will not let drop. There are various remarks made in the report of the Select Committee on the draft Estimates as regards the Education Department. This is a young

country and one which feels extremely strongly on this question. We are extremely anxious that the education of European children in this country should be carefully looked after and that facilities should be given after the elementary education stage for going on to secondary education, when the children would have their chances of doing courses in agriculture and other trainings, to which they may go on in later life. I notice that in our report it states that " the Committee was informed that those requiring a secondary education leading up to the University are very few in number, the majority of such going home after the elementary stage, while those who remain at school in Kenya leave school at the age of sixteen or earlier." I think that is probably agreed as it is stated, but the fact remains that there have been no facilities in this country for education after the elementary stage, and that people have had either to take their children away from school or to send them to South Africa, England, or to some other part of the world.

I do trust that Government will push on with this proposed school at Eabete and that this really will be expedited. We have heard so much spoken about this school and there has been money provided in the Estimates for this school for the last two or three years. I hope Government, therefore, will not allow this matter to drop.

I am also very glad that Government have at last taken in hand this question of tackling the East Coast Fever menace. I believe that unless we can get the cattle industry in this country on to a proper basis the advancement of this country will be really very seriously jeopardized. All settlement is bound up with this question. It has been so in every country in the world and we must get the thing right in this country if we are going to get on with the closer settlement scheme. We cannot go on with the one crop system that has been prevailing in this country to a large extent up to date, but until we get on top of the East Coast Fever menace here, closer settlement in so far as it is connected up with dairying—and it is closely connected with dairying—will not flourish.

THE LION. THE COMMISSIONER OF LANDS : Your Excellency, I have a few remarks to make and those are only really in answer to questions or suggestions made by hon. Members opposite.

One of the first questions asked was put in the form of a doubt which came from the Hon. Member for Nairobi South—the question of the possible dislocation resulting from the present proposals of Government towards decentralization. Well, as everybody knows, our present proposal

comes to this—people in Kitale who want to deal with their own affairs in Kitale could as far as possible be saved the trouble of having to come to Nairobi to do so. (Hear, hear.) That is of course the simplest solution, but at the same time everybody knows this is the capital of the country and the important business is and has to be done here. I should like <sup>LI</sup> give hon. Members my assurance that I am taking every possible pains to sift possible causes of delay which may ensue from this new suggested organization. I am at the present moment in consultation with a deputation from Nairobi on the subject and if cases are proved they will be dealt with on their own merits.

The question of settlement has been raised by the Hon. Member for West Kenya. Largely the question is a case of judgment as to what type of settler and what capital we should encourage. Government has already, I think, to a certain extent revealed its general intentions. Those intentions have not yet been put before this Council for definite approval, but I would ask the Hon. Member for West Kenya to remember that such propositions have already been stretched and I would say, for his information, that they are not necessarily a complete programme. We shall always, I may say, welcome the settler with more than the ordinary amount of capital and always give him the consideration to which he is entitled. (Laughter.) I do not think the class of poor settler on moderate capital and the wealthy class here by any means exclusive, and I think our solution is to do our best for both.

I was not quite clear as to what the hon. Member's reference to townships may have meant. His suggestion was, I think, that Government places townships where there are private townships already established, and that the private township should be left. I do not see . . .

CAPT. THE HON. E. M. V. KENEALY : On a point of personal explanation, Your Excellency, I merely suggested that the creation of a new township at Naro Mom was unprincipled after Government—as Government—had recognised a private township and created a State township at Nanyuki.

THE HON. THE COMMISSIONER OF LANDS : I gathered that the pivot of his remarks was the question of railway terminus. That is a matter, Your Excellency, which I am not going to deal with here. I am sure we all agree that we would sooner see it get the longest possible distance, but I do not think I need go into that question here.

Questions have been asked as to whether or not large numbers of applications are already coming into Government for land from persons outside the country. I have not got any figures with me, but I can say that an increasingly large number of enquiries are coming from the United Kingdom, either through the London Information Office or direct to Government here. It is an undoubted fact that a very considerable interest in the prospective settlement scheme here is being aroused at home.

THE HON. THE DIRECTOR OF EDUCATION (MR. ORR) : Your Excellency, I want to draw the attention of hon. Members to the paragraph of the Select Committee's report on page 16—at the bottom of the page the report says :-

" The Committee wishes to record its opinion that the work of the present Headmaster and his staff is being performed in circumstances of great difficulty, and considers that the inspection report which recently came under discussion in Legislative Council is grossly misleading."

The senior officers of my department do feel that that is a very grave public reflection upon their work. The report was made by two very experienced officers of the school, it was examined by myself and the report which was submitted to the Advisory Committee was not the report of the Inspectors, but it was my conclusions based, with their agreement, upon their own report. There is ample evidence, Your Excellency, to show that that report is completely justified. I have myself shown to Your Excellency some of the results of the examinations made not by any biased Inspectors, but made by the Cambridge University Local Examination Syndicate. Everybody to whom I have shown these results considers that they are very serious indeed and it is not only because of certain facts which I have brought before Legislative Council, such as the lateness at which children come into school but owing to the fact that the teaching is not satisfactory. The Headmaster is extremely upset about the matter and wishes me to inform Council that he holds himself entirely responsible for the results. As a matter of fact he submitted his resignation to me and I refused to accept it because I am perfectly sure

His EXCELLENCY : Order, Order, the hon. Member is not entitled to discuss the resignation of any individual officer of Government without leave to do so.

THE HON. THE DIRECTOR OF EDUCATION : But we do, in the Senior Officers' Department, protest against the statements which have been made in Select Committee. I do not want to take up the time of the Council now but I would ask Your Excellency, in fairness to the Department, to appoint a



Committee of the Council, or any other Committee with a knowledge of education, and to lay the whole facts and all correspondence before that Committee in order that justice may be done to the Department. One of the Inspectors informed me this morning—the other one is not here—that he is prepared to stand by his inspection of the school, and both these Inspectors are very experienced men.

The other point, Sir, in the Report of the Select Committee on the Estimates is on page 14 referring to the organization of the Education Department. I do not think, Sir, that it is fair criticism of the Education Department when the Annual Report for 1926 has not yet appeared. A very full report was issued of the work of the Department showing the whole of the organization to serve the whole of the country by Committees on European, Indian and African education—a very careful organization—it showed an enormous volume of work and the tremendous progress that had been made especially in African education. It dwelt largely on improvement in the schools and such was the report that the Government was extremely satisfied with it and made special reference to it in the despatch to the Secretary of State. I want to bring up these two points, Sir, as my Department does feel that the report of the Select Committee in these two respects is most unjust and we do ask you that in all fairness the fullest facts shall be published both in regard to the inspection of the European school and in regard to the organization of the Education Department as shown in the Annual Report for 1926 which has not yet appeared, and finally, Sir, that both these reflections on the Education Department be withdrawn from this Select Committee's report.

THE HON. THE COLONIAL SECRETARY : Your Excellency, in dealing with the points which have been brought up in the course of this debate, I think it will be perhaps best to deal with the last remarks made first because they are the only suggestions that have been made in the course of this debate that any portion of the report of the Select Committee should be expunged.

Now I venture to think that the Director of Education, from the remarks he has made in regard to what is stated in the report on the European School, Nairobi, has looked at it entirely from one point of view. He talks about justice to the Education Department. This Select Committee was concerned with justice to the school as well as justice to the Department (hear, hear) and the view held by the Select Committee was that that report was grossly misleading in view of the fact that it does not give a fair impartial view with regard to the European School (hear, hear). The Committee was not concerned with the report as an educational document, suggesting an entirely different system of work in the school.

This was, I believe, the object of the report—that report as I understand was based on the recommendation that the present staff can be reduced and their places taken by trained teachers of quite a different type, and of a type which it was held by the Inspectors would secure the desired results in that school in examinations. Now this country is concerned with the spirit, the tone, and the influence of the school just as much as it is concerned with the question of examinations passed by the pupils of that school (hear, hear), and the Select Committee were fully satisfied that the Headmaster of that school was doing excellent work and that he had to contend with grave difficulties which had not been brought out in that report and which must have had the effect of reducing the successes in examinations (hear, hear). In fact the Headmaster, when he appeared before the Select Committee, was able to tell the Committee that the results were better last year than they had been in one or two previous years though they may not have reached the standard which had been obtained before, a standard which it is not fair to compare with the present results because we have nothing before us at the moment to show what the ages of those children were or what previous preparation they had had before they went up for these examinations.

Now the Hon. Director of Education in the previous debate on the Estimates in this Council expressed his appreciation of the excellent work being done by this Headmaster in that school. That opinion has been endorsed by Government, and as the question of the resignation of the Headmaster has been mentioned I should like to inform this Council that Government has expressed, through the Director of Education, to the Headmaster of that school, appreciation of the work he has done in the past, satisfaction with the work he is doing now and the desire of Government that he should continue his work in the school (hear, hear). I wish to make this point clear because the report of the Inspectorate should be looked at from the point of view of the effect that it had on the Select Committee and in regard to remarks that had been made by an hon. Member of this House, reflecting upon the European School. I am sorry that the Hon. Member for Plateau South should be absent to-day, because I know that he would be the first member to get up in this House and say how fully he appreciates that those remarks were based on a misapprehension and on lack of full information in regard to all the facts which affect the work of the school (hear, hear). I do not propose to deal with any question with regard to the organization of the Department or any remarks that have been made in respect of it in the report of the Select Committee, because it is quite clear from the first paragraph dealing with

the subject of education that it is proposed that the whole subject should be dealt with when that Department is reorganized.

I will now deal with the various points that have been brought up by hon. Members in debate. Government owes first of all a debt of thanks for the assistance that has been given in the preparation of these estimates, in the first instance by Heads of Departments whose estimates were embodied in the volume of Estimates which was tabled with the original motion for the adoption of the estimates of the Colony. I think that perhaps the country does not fully understand, or appreciate, the amount of sacrifice that is entailed on a Head of a Department in the preparation of his Estimates. There are many schemes which he would be the first to advocate and there are many schemes he would desire to see included in the Estimates of the Colony, schemes he is debarred from including in the Estimates of his Department on account of the state of the finances of the Colony. The Colonial Secretary finds himself very often in a difficult position and he has to sift out from a mass of useful schemes and good suggestions only a certain number of schemes or proposals which can be put before Council which may not give a fair idea of the energies and activities of a Department.

Then Government has to express its indebtedness, and its very great indebtedness too, to the help that has been given by the Unofficial Members in the preparation of the report of this Select Committee. The deliberations over which Your Excellency presided in this Select Committee, I think, showed the keen interest felt in all branches of the work in the country and the sympathy with the task of the officers of Government concerned. If estimates could be published as volumes—as parts of one continuous work, I think they would show the very good work that has been done by most Departments in this Colony and the progress that has been made in the work of Government Departments.

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I am sorry that the Estimates were not tabled earlier and that fuller time was not available for their consideration. I am afraid that complaints of this kind must necessarily arise when Estimates are taken somewhat late in the year and it was necessary that these Estimates should be taken towards the close of the year. Further, we had to consider putting them through Council at this stage in order that they may reach England before the end of the year; it is important that they should be in the hands of the Secretary of State before the end of the current year. I cannot agree that the report of the Select Committee has been hustled through. There has been no attempt to rush these Estimates. Everybody has had plenty of time to study them, and study them carefully, and it must be remembered that the report of the Select Com-

mittee is merely the epitome of the opinions expressed, and a resume of the discussions that took place around the Committee table. There is nothing in the report of that Committee which has not been introduced after discussion ; it embodies only the suggestions that were put forward by individual members and by the Committee generally and the resolutions passed on them.

The Commissioner of Lands has dealt with the points put forward by the Hon. Member for Nairobi South, and I think he has given evidence to the effect that many enquiries have been made as regards settlement in this country both here and in England.

With regard to the point that was raised by the hon. Member for Nairobi South in regard to the posts of Resident Magistrates. I should like to make it quite clear that Government entirely agrees that administrative officers need not necessarily be appointed to these posts because they happen to be barristers, it is important that we should obtain a type of man who is not only a good barrister, but also a good administrative officer and a man that has not only a good knowledge of law but a knowledge of the people with whom he has to deal. These are qualifications which are certainly absolutely essential in selecting members of the administration for the posts of Resident Magistrates.

As regards the question of the land work and its being diverted to outstations. It is essential at the commencement that there should be an office in Nairobi. It will probably be found necessary to maintain something in the nature of a central office, but what is desired is to get rid of the ordinary land application work—enquiries with regard to land in respect of acreage and areas in districts—to the various districts concerned so that enquiries may be made locally instead of having necessarily to be made at headquarters as is the case at present. When the matter concerns the past history of land then of course there must be something in the nature of a record office at headquarters where the records can be traced and full particulars obtained. With regard to payments of stand premia and rent, I believe that the Commissioner of Lands has a suggestion to make so as to secure payments being made to the local boma in respect of land in the districts or alternatively to a central office, to suit the convenience of those who have to make such payments.

With regard to the remarks made by the Hon. Member for Nairobi South in respect of the combined hospital. The question of the site was not dropped on account of opposition in different quarters, it was dropped because of the difficulty of finding a suitable site. It was not a question merely of finding a site to please everybody, which was impossible, but

of finding a site which would be suitable for the patients of all races in the hospital. It is not the people outside the hospital but the people inside the hospital who are primarily concerned and I think everyone who visits Nairobi will realise the difficulty of finding a site which would be in close proximity to the European, Indian and African quarters and yet combine those amenities which Government considers absolutely essential in establishing a combined hospital for Nairobi.

In regard to the consumption tax and the education poll tax. I do not wish to lengthen the long arm of consumption or of coincidence (laughter), but I do not think that the Hon. Member for Nairobi South is correct in stating that the decrease is entirely due to the increase in the amount of the customs duty. There has undoubtedly been a certain wave of temperance and a decrease in the consumption of certain liquors during the past year throughout this Colony. There has been a further reason which has already been mentioned in the course of debate, and that is that considerable quantities of liquor were removed from the Customs before this additional duty was imposed. All these consequences had their effect in the amount that has been collected in respect of this taxation. It is not ideal taxation—it is admitted by Government it is not—but at the present time we have not been able to find any substitute for it and in view of the fact that it is taxation it is really surprising that it should have aroused so little opposition and criticism as a form of taxation. If the Hon. Member for Nairobi South can assist Government by recommending some other substitute for it I can assure him Government will welcome anything that will give the same return as cheaply as regards the cost of collection as the present form of taxation.

In regard to the remarks made by the Hon. Member for Nairobi North I should like to take this opportunity of saying that Government welcomes every possible opportunity of giving the very fullest information with regard to the cost of expenditure in respect of Government Houses or any other works that are undertaken by Government in this Colony. The position at present is that the cost of the work shown against estimate on the 31st October, on the Government House in Nairobi, can be stated to be about £42,857, allowing for a reduction of a little over £1,000 for minor economies which it is proposed to effect. The estimated cost of the building work when completed will be £52,837. From these figures it can be seen that the ratio of expenditure up to date to the total estimate, that is to say £42,857 to £52,837 is very slightly over four-fifths. That is to say that the work done corresponds quite nearly with its estimated cost. The position is that if any additional expenditure is to be incurred by Government—it is not clear that such additional expenditure will have to be

incurred, but it is the nature of all estimates that there is a likelihood of additional expenditure being incurred—such expenditure would be possibly in the neighbourhood of 5 per cent., a percentage which I believe is always allowed for on all public work contracts in England. Anyone who knows anything whatever of building contracts and building works in this Colony will know that from 10 to 25 per cent. is very reasonable calculation in regard to the supplementary expenditure which is likely to be incurred on such work. I am sure that those who have seen the Government House at Mombasa and the buildings now being erected at Nairobi will realise that in these Houses this Colony has obtained valuable properties at a most reasonable rate and of a type and at an expenditure which will be to the credit of the Public Works Department, and the Director of Public Works, and Mr. Stronach, and all those who are concerned in these buildings (hear, hear). Government will be glad to lay an audited statement of accounts in regard to the expenditure on Government House on the table of this Council.

In respect to education in Nairobi, I regret that in my opening remarks when I mentioned the erection of these new schools I did not give the credit that I think is due to the efforts of the parents in the constituency of the hon. Member for Nairobi North and also to the fact that they secured in time an advocate who was able to put their case so clearly before the Select Committee.

In regard to the remarks made by the Hon. Member for West Kenya, I would say as regards the rebate in respect of kerosene that Government is not concerned with giving preference to any particular form of fuel, but with giving assistance in this case to kerosene in respect of which there was a rate of duty at the Customs, and a rate on the Railway, which could not in any way be compared with the rate of duty on other oils, for in respect to crude oils there is no Customs duty and they are carried at the lowest rate on the Railway. These are points which decided Government to differentiate in this matter and to give the rebate which has been granted in respect of kerosene, apart altogether from the very much greater question of the effect it has on production and general agricultural work throughout the Colony.

Government, I need scarcely say, fully realises the necessity for the provision of suitable quarters both for the Supreme Court and also, I hope, for the Secretariat, but it is all a question of funds. It will be necessary to put before Council complete and detailed estimates and for the Council to consider these estimates and in the first instance to con-

sider also, as the Hon. Member for Nairobi South pointed out, the location of such buildings before they can be erected in Nairobi.

The Hon. Elected Indian Member referred in his speech to a particular appointment. Now, I should like to assure him that the position of Government in this matter is that it is most anxious to meet the wishes of the Indian community in every way, provided that it can secure the greatest efficiency in the Indian schools and the best tuition in these schools for the Indian children who attend them. It is a matter of securing a principal for the school who can give such education and secure it not only from the children but from the staff employed under him. In this matter Government has referred back to the Advisory Committee on Indian Education the question as to whether they desire an Indian headmaster or a European headmaster for the school, but with a very clear proviso that whatever headmaster is appointed should have those qualifications, and those high qualifications, which are going to secure for the Indian children in this school the education which Government desires should be given them.

Your Excellency, I do not think that there are any other points that were raised in this debate which I need answer now and I would merely move the motion which stands in my name before Council.--

"That this Council approves the draft Estimates of Revenue and Expenditure for 1928 with the amendments proposed by the Select Committee."

The question was put and carried.

## BILLS.

### SUSPENSION OF STANDING ORDERS.

THE HON. THE COLONIAL SECRETARY: Your Excellency, I beg to move the Suspension of Standing Orders to enable the Third Readings of the Bills on the Order of the Day to be taken to-day.

THE HON. T. D. H. BRUCE (SOLICITOR GENERAL): I beg to second.

His EXCELLENCY: I will put the motion. If Council is agreed that it comes under Standing Order No. 72 and is a case in connection with which no Certificate of Emergency is required the third readings will be taken to-day.

THE HON. CONWAY HARVEY: Council on this side of the House agrees.

The question was put and carried.

## THIRD READINGS.

## THE WIDOWS' AND ORPHANS' PENSIONS (AMENDMENT) BILL.

On Motion of the Hon. the Treasurer a Bill to Amend the Widows' and Orphans' Pension Ordinance was read a third time and passed.

## THE WIRELESS TELEGRAPHY (AMENDMENT) BILL.

On Motion of the Hon. T. Fitzgerald (Postmaster General) a Bill to Amend the Wireless Telegraphy Ordinance was read a third time and passed.

## THE SUPPLEMENTARY APPROPRIATION (RAILWAY) (AMENDMENT) (No. 2) BILL.

On Motion of the Hon. T. D. H. Bruce (Solicitor General) a Bill to Amend the Supplementary Appropriation (Railway) (Amendment) Ordinance, 1926, was read a third time and passed.

## THE ARMS AND AMMUNITION (AMENDMENT) BILL.

On Motion of the Hon. T. D. H. Bruce, a Bill to Amend the Arms and Ammunition Ordinance, 1925, was read a third time and passed.

## THE LAND TITLES (AMENDMENT) BILL.

On Motion of the Hon. T. D. H. Bruce, a Bill to Amend the Land Titles Ordinance was read a third time and passed.

## THE SUPPLEMENTARY APPROPRIATION (RAILWAY) (AMENDMENT) (No. 3) BILL.

On Motion of the Hon. T. D. H. Bruce, a Bill to Amend the Supplementary Appropriation (Railway) (Amendment) Ordinance, 1927, was read a third time and passed.

## CROWN AGENTS.

CAPT. THE HON. H. E. SCHWARTZE: Your Excellency, beg to ask the leave of Council to move the Suspension of Standing Orders for the purpose of withdrawing the motion, notice of which I gave yesterday, reading :-

" That the Select Committee of this Council be appointed to consider the advisability of future Government purchases being made through the Colony's own Buying Agents instead of through the Crown Agents."

I wish to withdraw this motion because I have an undertaking from Government that they will appoint a Committee



THE HON. THE COLONIAL SECRETARY : *I* am authorised to say that such an undertaking has been given and a Committee will be appointed.

His EXCELLENCY : The hon. Member has the leave of Council to withdraw his motion.

DAYLIGHT SAVING.

CAPT. THE HON. H. E. SCHWARTZE : Your Excellency, before we adjourn to-day I wish to ask whether a certain motion of mine, which I had hoped to see on the Agenda at one of the meetings of this Session, and which is very well known to all hon. Members, and which deals with the advancing of the clock by half-an-hour, will come up at this Session of Council.

THE HON. THE COLONIAL SECRETARY : The motion will be taken at the January Session.

CAPT. THE HON. H. E. SCHWARTZE : I will not be here—I will be in South Africa.

THE HON. THE COLONIAL SECRETARY : There is a play called " Hamlet." (Laughter.)

(Council adjourned *sine die*.)



## WRITTEN ANSWERS TO QUESTIONS.

## JUDGES' TRAVELLING EXPENSES.

BY THE HON. CONWAY HARVEY :

What is the cost of members of the Attorney General's staff in addition to the judicial charges?

REPLY.

Particulars *re* Travelling of Members of the Attorney General's Department in connection with Supreme Court and Court of Appeal work between 1st January, 1926, and 30th June, 1927 (18 months) :-

1. Mileage travelled :-

(a) On Supreme Court work-

5,174 miles by road.

11,284 miles by rail.

(b) On Court of Appeal work-

1,814 miles by rail.

368 miles by lake steamer.

2. Expenditure :-

Transport Allowance, £409.

Travelling Allowance, £208.

## APPEALS FROM DECISIONS OF SUPREME COURT.

BY THE HON. CONWAY HARVEY :-

With reference to Nairobi Criminal Revision Case No 81 of 1927 (Original Case No. 493 of 1927 of the 1st Class Court at I'isumu/Londiani), and section 48 (5) of Ordinance No. 4 of 1910, will Government seriously consider the desirability of making provision for appealing from decisions of the Supreme Court hearing appeals from Magistrates?

REPLY.

It is proposed to consider this matter in connection with the new Criminal Procedure Code which is at present in course of preparation.

## TEMPORARY OCCUPATION LICENCE, SONGHOR-BHANJEE VALJI.

BY THE HON. CONWAY HARVEY :

Will Government be pleased to state the circumstances under which Bhanjee Valji has been granted a Temporary Occupation Licence for a plot of land in the Road Reserve at Songhor?

2. Was the Kisumu District Committee consulted before the Licence was granted?

3. What is the nature of representations to Government in connection with this matter by the Kisumu District Committee?

REPLY.

1. In 1923 a Temporary Occupation Licence was issued to a Mr. R. W. H. Leach at Songhor by the Commissioner of Lands and was transferred by him with the Commissioner of Lands' consent to a Mr. Bhanjee Valji in 1927. It appears that the plot in question is on the Road Reserve and orders have been given by Government that the present Temporary Occupation Licence be terminated and that Mr. Bhanjee Valji be given a Temporary Occupation Licence for a plot in Songhor Township Reserve.

2. The answer is in the negative.

3. The District Committee passed a resolution on the 21st July :-

" That Bhanjee Valji be informed that no licence will be granted, in order to prevent him incurring any expense by improvements to the buildings which would be unfair to him."

The Chairman states that the granting of Temporary Occupation Licences to Asiatics in Songhor was strongly opposed by the Kisumu District Committee.

MACHAKOS TECHNICAL SCHOOL.

BY CAPT. THE HON. F. O'B. WILSON :

(1) How many boys were passed out of the Machakos Technical School in each of the years 1922-1926, inclusive?

(2) What trades had the above boys been trained to?

(3) What was the total cost to the State of each boy passed through the School?

(4) Can Government give some indication of how many of these boys obtained and kept employment in the trades to which they were trained?

REPLY.

(1) The number of boys passed out of the Ukamba Native School in each of the years 1922-1926 is as follows :-

1922	10
1923	15
1924	23
1925	19
1926	38

Total	105
-------	-----

(2) The above boys have been trained as follows :-

Carpentry	56.
Masonry and Bricklaying	35
Tailoring	4
Teaching	10
	105
Total	105

(3) The average cost to the State of each boy passed through the school was £152 2s., but during this period the boys have carried out building works, at the school and for the Local Native Council to the value of £2,500.

(4) From the best information available it appears that 41 boys out of the 105 are working at the trades in which they received instruction. Figures relating to boys casually employed are not available.

ANNUAL REPORTS—AUDIT DEPARTMENT.

BY CAPT. THE HON. F. O'B. WILSON :

Will Government lay on the table or circulate to Members of Council the annual reports for 1924, 1925, and 1926 of the Director of Colonial Audits.

REPLY.

The reports of the Kenya Auditor addressed to the Director of Colonial Audit for the years 1924, 1925 and 1926 are available for inspection by hon. Members at the Secretariat. The report of the Director of Colonial Audit on the Account of the Treasurer of the Colony and Protectorate of Kenya for the year 1924 is similarly available for inspection. No report from the Director of Colonial Audit for 1925 or 1926 has yet been received in this Colony.

OUTBREAK OF PLEURO-PNEUMONIA.—MR. HOPLEY'S FARM  
No. 932 AT NAKURU.

BY THE HON. CONWAY HARVEY :

Has Government instituted an enquiry into the question of the outbreak of pleuro-pneumonia on Mr. Hopley's Farm No. 932 at Nakuru.

REPLY.

A departmental enquiry was carried out into the outbreak of pleuro-pneumonia on Mr. Hopley's farm No. 932, Nakuru. The outbreak was found to exist in bullocks, purchased by Mr. Hopley at a Nakuru sale. These animals were brambad

(2) The above boys have been trained as follows :—

Carpentry	56
Masonry and Bricklaying	35
Tailoring	4
Teaching	10
	105
Total	105

(3) The average cost to the State of each boy passed through the school was £152 2s., but during this period the boys have carried out building works, at the school and for the Local Native Council to the value of £2,500.

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OUTBREAK OF PLEURO-PNEUMONIA.-MR. HOPLEY'S FARM  
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Has Government instituted an enquiry into the question of the outbreak of pleuro-pneumonia on Mr. Hopley's Farm No. 932 at Nakuru.

REPLY.

A departmental enquiry was carried out into the outbreak of pleuro-pneumonia on Mr. Hopley's farm No. 932, Nakuru. The outbreak was found to exist in bullocks purchased by Mr. Ripley at a Nakuru sale. These animals were branded

P.7 before being liberated from the Kibigori Veterinary Station. Allegations have been made which have proved to be unfounded. They were as follows :-

(1) " On May 20th blood samples were taken from the suspected cattle forwarded for test and no reply has been received."—Laboratory Report No. 1285 dated the 30th May, 1927, addressed to Mr. Hopley gave the reply.

(2) " The local Stock Inspector did not know of the outbreak on Mr. Hopley's farm."—The provisional quarantine order placing the farm in quarantine was written out by the  
• local Stock Inspector.

(3) The circular referred to with reference to restrictions on motor-car travelling gives discretionary powers to the officer concerned. It is incorrect to say that district officers may not visit outbreaks of disease—in fact, considerably more than £300 has been spent in local travelling in connection with outbreaks of diseases in the Nakuru district this year.

Kibigori Veterinary Station has functioned for years and liberated thousands of cattle after testing, inoculating and branding. The cattle sold at the auction sale at Nakuru from which Mr. Hopley brought the cattle were submitted to this test, successfully passed clean, double vaccinated and branded before liberating from the Kibigori Quarantine Veterinary Station.

A. further enquiry is being held at the request of the Executive Committee of the Convention.

#### REPORT OF LOCAL GOVERNMENT COMMISSION.

BY CAPT. THE HON. H. E. SCHWARTZE :

(1) Has the attention of Government been drawn to paragraph 9 of Appendix I, page 186, Volume 2, of the Report of the Local Government Commission?

(2) Is Government of opinion that the suggestions therein made with regard to the lack of independence of private auditors are justified?

(3) Will Government, if and when proposing the adoption of the Report, expunge these remarks from the Report?

#### REPLY.

Government's attention has been drawn to this paragraph.

The paragraph appears not in the Report itself but in a Memorandum which was addressed to the Commissioners by the signatory and which is appended to the Report together with other Memoranda. In the opinion of Government it is

clear that the paragraph, when read as a whole, is in no way intended as a reflection on the general integrity or efficiency of private auditors. To anyone who is acquainted with the system of Local Government audit it must in Government's opinion be obvious that such audit can be most advantageously carried out by Government Inspectors who are specialists in Local Government procedure and whose functions, as auditors, go considerably beyond the functions of a private auditor. In these circumstances the reply to the third part of the question is in the negative.

## NATIVE WAR MEMORIAL.

BY CAPT. THE HON. H. E. SCHWARTZE

Is it the intention of Government to allow the Native War Memorial to remain unveiled very much longer? If not, will Government state when it is proposed to arrange an unveiling ceremony?

## REPLY.

The Nairobi Town Planning Authority has recommended that the Native War Memorial be moved to a new pedestal in the vicinity of the Obelisk in Sixth Avenue. This recommendation has been endorsed by Government and steps are being taken in consultation with the Imperial War Graves Commission to carry it into effect at an early date.

EUROPEAN CIVIL SERVANTS' WIDOWS' AND ORPHANS'  
PENSION FUND.

BY LIEUT.-COL. THE HON. C. G. DURHAM :

European Civil Servants' Widows' and Orphans' Pension Fund.

(1) What amount has been collected from Civil Servants since its inception?

(2) Why is the amount put into Revenue and not invested for the benefit of the subscribers?

(3) In view of the fact that Government makes use of the Fund as Revenue, is it prepared to pay interest on the same?

## REPLY.

(1) The amount collected up to the 30th of November, 1927, is £83,000.

(2) When the scheme was started, one of the terms prescribed was that all contributions should be paid to the Colony's revenue, pensions being met from the same source. Investigations are now being made as to the feasibility of having a separate Widows' and Orphans' Pensions' Fund and the Secretary of State has been addressed in the matter.



(3) Pensions which become payable under the scheme are calculated as if contributions could be invested at 8 per cent. compound interest which rate is considerably higher than could actually be obtained.

#### RATES CHARGED FOR EMPIRADIO.

BY MAJOR THE HON. R. W. B. ROBERTSON-EUSTACE

If it is a fact that the rate charged to the public in Kenya for Empiradio is to be Sh. 1/50 per word and *pro rata*, and if the rate asked from Tanganyika will amount to more than this.

Also whether these rates are in accordance with the terminal rates fixed by the International Telegraph Convention.

#### REPLY.

The rate for fully-paid telegrams between Kenya and Great Britain by the proposed new wireless service has been fixed for the present at Sh. 1/50 per word and *pro rata* for other classes of traffic. The rate to and from Tanganyika will be higher than this.

The answer to the latter part of the question is in the affirmative.

#### GRANT OF LAND TO MR. WALICER.-NYERI TOWNSHIP.

BY CAPT. THE HON. E. M. V. KENEALY :

Will Government state under what circumstances Mr. Walker was granted an area of land in Nyeri Township. Its area, purpose, if the application was referred to the District Committee, and if so, its report thereon?

If Government adheres to principle to public tender and public auction of stands or areas in Townships?

#### REPLY.

A grant of land in Nyeri Township was made to Mr. Sherbrooke Walker as the result of his application for a plot on which to erect a good-class residential hotel. The application, being in respect of Township land, was referred to the Nyeri Township Committee and received its strong support. It was not referred to the District Committee.

The plot is 70 acres in extent and the lease restricts its use to an hotel and ancillary purposes.

The reply to the latter portion of the question is in the affirmative, subject to the Governor's powers under section 6 of the Crown Lands Ordinance, Cap. 140 (Revised Edition)


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