## KENYA NATIONAL ARCHIVES

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## COLONY AND PROTECTORATE OF KENYA

## 1 <br> LEGISLATIVE COUNCIL DEBATES

OFFICIAL REPORT

SECOND SERIES

## 1944

Third Session: Both May to 9 th fune, 1944 CHRONOLOCICAL INDEX


1.IST ON MEMDERS OF TIIE LEGISLATIVE COUNCIL-CONTA Arab Elected Afember:
\#ov, Surkitt Andinle Snlim.
Nominated Unoficiol Hembers:
Represenime the Interests of the Africon Compunity-
Hov. H. R Mostmoment, CAIG.
REV Wht How L J Bethes.
Hepresemint the Interestr ol the Arab CommunibVacient.

> Mrime Cler n comnell
> Mr. K. W. Simmonds

Repperier:
Mr. A. H. Edwards. -
(1) 1/e MI, W. G Emeron on rumm Colony:
(2) Abecil Shm Colous.

## ABSENTEES FROM LEGISLATIVE COUNCIL SITTINGS

Loh May
-Hmm-Conmisioner uf Cuboms.
Hon, Member for Nyinza:
Hon: Mcmber for Central Area (Mr. Shamegd Deen).
It Jume
Hon Amenties for Nameza,
Men. Member for Cemiral Aca (Nir Shamsud-Deen).
Rul June-
Hon. C, Tonkinon.
Hon. Member for Uasin Gishi.
Hon, Menber for Nyanza.
Hom. Alemier for Central Area MM. Shamsud-Deen). Gill hunc-

Hon Member for $\mathrm{N} y$ anan.

- Hon Menber Ion Central Ates (MI. Shanisud-Deen).

Bih Junc-
Hon. Nember for Nyania.
Hon. Member for Central Ares (Mr Sthamsud-Den)
Hon Aleniter for Native Interests (Mt. Mentgomery).
9hi June-
Hon, HM, Gardner, OBE:
Hon. Neniber for Nyanza.
Hon. Menuer for Central Area (Mir. Shamsud-Deen)
Hön Member for Arib Ares.

## COLONY AND PROTECTORATE OF KENYA <br> - LEGISLATIVE COUNCIL DEBATES

## $1, \quad$ THIRD SESSION, 1944

Tuesday, 30th May, 1944
Council assembled in the Memorial Hall. Nalrobi, at 10 am. on Tuesday, 30th Nay, 194, His Exeellency the Gethernar (Sir Henty Moore, G.C.NiG.) presiding.

His Excrllency operied the Councit with prayer.
The Proclamation summoning Council nas read.

ADVIINISTRATION OF OA'TH
The Oath of Allegiance was adminis. tered to R, Daubney, Esc. C.M.G. O. QE, Directer of Veterinary Serviese.

## PRESENTATION OF INSIGNIA

By Command of His Majesty the King. His Exceliency presented lhe insignis of! Commander of the Most Excelient Order of the Eritish Empire to V. B. Alkinon, Esq. Oflicer of the Mest Excellent Order of the Britioh Equire 10 K. G. Lindsay, Esq, and Emrs Rachel:Trim and Meinber of the Mrs Rachel:Trim; and Member of he Most Exceltent Order of the Brithe Empire to D. 1. Morgan Esq. G. $C$, Reed, Esp, T, Y, Watson, Esq. W. T. chappel Macintyre.

## MINUTES

The minutes of the meting of 20th April, 1944, were confinped:

## PAPERS LAID

- The following papers were taic on the
table:-

By tie Chief Secretariy (MR Rennie): Labour Departinent Abnual Report, 1943.

Prisons Department Annial, Report, 1943.

BY THE ATIORNEY GTNEML (MIR FOSTER Sutroin):
Seled Commitico Reports on the Bankrupley (Amendment) Bill iand Incrensed Prodution of Crops (Amenument) Bith.
By bile DiaEctort or Auniculiunt (Ma. BLUNT):
Asricultural Depmrment Annual Re. pont 14.43.
Br ane Constrsionen or LaNDs, Mis Sittiemest (Ma. Nontimer);
Lands Grants Return, 14 Jamery 10 11st March, 194.

## BILLS

On the motton of Mr. Foster Sutton the Colfec Indusiry (Amendment) Difle. the Criminal Procedure Code (Amendment bill, and the Water (Amendment) Bill were resd m first lime, and notice given to move the subsequent readtags at a later, stage of the esslon.

## ADIOURNMENT

Council abjourned until 10 a.m. on Thuriday, Ist June, 1944:


IST OF MEABERS OH THE LEGISLATIVE COUNCIL-Contd

## Arob Lircted Alember:

Hov Shmat Andulus Suim.
Nominated Uhoficlal Mrmbers
Representins the Inserests of the Afritan CommundiyHow It R Aowionmey, CMG. Rec. Me Hem. 1, Jterciba.

Representins thr Intersta n/ hie Arab CommuntiyVachwe.

Acting Clerk 10 Councilt
Mr. K, W. Simmonds.
Reporter:
Mr. A. Hi Edwayds.
(1) Vhe Mr. W' G. Enteren m reitun to Colong.
2) Absemt from Colmy.

ABSENTEES FROM LEGISLATIVE COUNCIL SITTINGS

30th Alay-
Hon. Comminioner of Custom:.
Hon. Momber for Nyanza.
Hon. Menter for Central Ared Mr. Shamend-Dent.
In June
How Member lot Nyania,
Hon. Sember for Cemint Area SAt, Shamud.Dern)
2nd June-
Hon. C. Tombinson.
Hon- Member for Usitn Gishu,
Hon Nember for Nyanza.
Hon, Melnber For Central Aica (Mir. Shinmsud.Den).
Glf Junce-
Hon. Member for Nzanza,
Hon Aember for Ceniral Arca (NIr. Shamsud Deen).
Sih June-
Hon. Membr for Nyanza,
Hon, Ntember for Central-Area (Mr. Shamsud-Den).
Hon. Memher for Native lnteresti (Mr. Atontsomery).
9 th June-
Lion HV M. Garther O.BE.
Hon Menter tor Njanza.
Hon, Atenter Cor Centrat Ares (Ntr Shamsud Deen).
-1lon, Mcmber Inr Arab Area.


## COLONY AND PROTECTORÄTE OF KENYA <br> LEGISLATIVE COUNCIL DEBATES

## THIRD SESSION, 1944

Tuesday, 30 th May, 1944
Cotuncitrassembled in the Memorial Hall, Natrobte at 10 a.m. on Tuexday. 30 h Nay, 194), His Excellency the Governor Sir' Henry Moore, GC.Ma. presiding
His Excellency. opened the Council with prayer.
The Proclamalion summoning Council was tead.

ADNINISTRATION OF OATH
The Oath of Allegiance was auminis. teted to R. Daubuey, Eqg. C.M.G:, O.b.E.G Directer of Veterinary Servites.

## PRESENTATION OF INSICNIA

By Command of His Mijesty the King, His Excellency presented If insignia of Commander of the Nort Excellent Order of the British Eimpire to V. B. Aikinson, Esq, OTher of the Most Exellent Order of the British
Empire to K. G. Lindsiy, Exq. and
Mirs Rachel Trime and Member of the Nost Exellent Order of the British Elost Excelent L. Morgain, Esq. Gi C Empire to D. Le Ye Watson, Esq. W. T. Chappel, Eq, and Mrs. N. L. Macintyre.

MINUTES
By tie Atideniy Gengul (Ma. Fosich Sürton:):
Sclect Committec Reports on the Bankrupley (Amentnient) bill and Increased Production of Crops (Amendmentl Bill.
Br The Dinictrar of Agriculture (Mr-Blust):
Asricultural Deparment Antual Report, 1943.
Br hie Commissioner uf Lands and Sertlenirvi (Mr. Mortimer);
Lands Grans Return, Ist Jintiary 10 31 It March, 1944.

## GILLS

On the motion of Mr. Foster Sution the Coife Industry (Anendment) Blit, the Criminat Procedure Code IAntend. menl) Bill, and the Water (Amendment) Dill were ted a firs time sind notice siven to mave the subsequent readings at a latet itage of the sestion.

## ADJOURNMENT

Council adjourned until 10 am . on Thersday, ist June, 1944

The minutes of the metting of 20 h April, 1944; were confirmed.

## PAPERS LAID

The following papers were laid on the table:-
By THE Cher Secietaiy (M/L Renene):
Libour Departrnent Arnual Report. 194).

Prisons. Department Annual Report, T943.

Thursday, 1splune, 1944 Council astembled in the Nemotial Hall, Nairobi, at 10 a.m. on Thuruday, 14 June, 1944 , Hit Excellency the Govennor (Sir Henry Moore, G.C.M.G.) presiding.
Ilis Excelloncy opened the Council wibh prayer.

## MINUTES

The mintutes of the meeting of 30th $\mathrm{May}, 1944$ were conkirmed.

## PAPERS LAID

The following papers were laid on the able:-
Brair Renvit:
Report of the Board of the Lend and: Asticultural Uink of Kenya. 1943. By 7 ur Chitr Nattve. Conmissiomes AR MARcieint):
Intormation in reply to quertion No 23 by the Honi and Rev. Member for Natie-Interesta regarding the comitol of pricts of Affican-grown foodstufs in baslive reserver.

ORAL ANSWERS TO QUESIIONS
Nu. 23-Ai klcandikgwn Foonsitutrs

## Pricts

Ma, Berchicn (Natiye Interesis):
Will Gavernment please state whst steps are being saken by the Adnuints. traton, to control the pilces of Airicangrown foodstuffs whinin the riserves, it beling understood that very larely as a result of the unrestricted movement of lirge quantities of food from ona ditist to snother by Traders poor pouple have suffered and ate still futtering considerable hard. ship at a resulf of uniestricted price Inflation:
Atr. Alanciunt! As the answer. If somewhal long, a writen reply f har been. laile on the lable for the finformation of the Council.
Evperience has shown that any attempt at rigid control of prices of native loodstults in native markels within the reserver lias the eflect of drivith food from the markets and cricouraging largescale sile of foodsuff at ereathy enhisnerd prices in the villages. For this renson it is considered imprac ticable effectively 10 control soles of
fixed prices
locally produced foodstufls between natives in reserves by enforcement of
2 As Alricans grow their own food in the areas chiefy affected, any lise in the price of foodstuff only inflicts seripus bardship on the poorer community when there is a food thortage It order to meel this hardship, atrangementis have been mode for the difect purchase of surptias food in certín producing areas for sale at fair príces to the inhabitants of those ateas when shartage occurs. In time of acute shortage, move ment has been prohibited by Proclamations made under the Native Foodstuits Orditance, apd, in addition, large supplics of imporied foodstufts have been sent to such reserves at subsidized prices. The total number (of bags so supplied this year amounts to 176,000 bags approximatély.
3. In Nyania Province, increste in prices has been controlled by-preventing any large-scale movement of foodstuift under the Defence (Control of Produce) Regulations In the Central Province the situation is more compliculed owing to the dificulty of preventing the mavement of foodstuffs from the reserves due to the complex foud system, the close Juxtaposition of the teserves to the settled areas, sad the proximity of Nairobi.
4 The siturition in Central Province Is being kept constantly under review and contideralion is now being given to the possibility of fightening up the Defence (Control of Produce) Resulalions in this Province in order to prevent latge-scale movement.

## BANKRUPTCY (ANENDNENT) <br> \section*{BILL}

Steect Commitise Report
Mi, Fosite Sution- Yout Excelency 1 bes to move that the majority ieport of the select committec of the Bankruptey (Amendment) Bill be volopted.

When this Bill was debaled on the motion for the second readiag there were a number of points nised by hom. menbers on the other side of Council. and the select comminte very carefully. consideted eath one of them In the reult, we came to the conclusion that the only recommendation thist we could
[Mr. Foster Sutton]
make was the deletion of clause II, which thas reference to the amount of the debtor't property wbich may be excluded from being taken into con sideration upon his banknuptey. Those are sich things as the cools of his trade, the clothing and bedding of himself and his farnily Several hon. mem bers thought that the proposed amend ment in the Bilt, which considerably fimited the value in respect of thase articies that a debtor was allowed to re bin for his own purposet was 100 and commilies fol severe, and the select commilues fel able in their ieport 10 recommend that the provision in the Principal Ordinance should be allowed to stand and thas the court's discretion to allow a larger amount to be retained by the debtor should be kept 1 think that has sibstanially met objections that were rilsed by hon members on the othet side of Council. Other amendments suggested by the select commitiee ate minor ones We sugyest the deletion of clauses 15.16 and to for the reason that the bitt itselt provides a seneral penalty clause; and those clauses were only secklos to impose a similar pensliy 10 that imposed by the seneral pemaliy clause. They oppeared to the selets committec 10 be redundant, and we recommend that they be deleted. The same remarks apply to the suggeted amendment in paragraph 5 of the commitite's repon, which really briact it into line with the general penaly eläuse.
There is altached to the majority report of the stiect commitece $a$ minority report, and I hought it might be convcnient II I dalf briefy with the recommendations contained in that minority report Fist of all, it is sug gested that clauses 3 and 10 of the Bill aire hamh. Well. il I miay be partooned for saing so, think it 1 s an ensy matter to nake the statement that a clause is harsh, but that statemient is not supported by any reisoning. The particular clause 1 wish to refer to is clause 3. whith is a clause that was debated of naurcant if 1 may say so, when the motion for the second reading was tiken, That clause, as hon members will remember, cuts down the period that is to be allowed to $a$ debtor in which to file his statertent of allairs when he has lodged his own petilion in bänk tuptey; or when a petition in bankruptey has
been lodged by his creditars. If he lodges his own pelition, under the recommendation of the majority report he will only be allowed three dayt in which to fle his statement or affairs. which to the his scmement of anairs. We fcle that if a man files his own petition te must know cxacly what his finarieial position is and he should be ready with all the information on the day that Ee files his petition. If the ts out there is something phoney about in, and will that thre days wis ample and er fels Under the princlpal ordinance the is allowed $1+$ day, which is far too lons. Three days tollows the bankruptcy practice which has been in existence in the United Kiogdom for a great number of veare Then in the case of a prite by credtort we recomend petition thed by creditort we recommend that the provision, in the Bill should be allowed to sland. There grath, we think seven days long erought it allows a shorter period in which a dishoness deblor tad make arrangements wherehy. he may defeal hir creditory. Thial again follows the Enilish practice 1 ctono lollows the English pracice., cannot persomally, with all due respect to the. minority repont on that queston, sece, where the tardstif eomes In because if thero is any hardshlp the oprincipal ordinance exptessly providen for such a tituation by makine proviston to the iffect hat the court in case of hardatis effect thal by may extend the patiods, and fitis: case of real hardship all the debtor has got to do is to go 70 the court and explain what the hardship is, and the court will extend the period. So where the hardahip comes in Lfind it diffeult to ree.
The fion, member who fled thle mincrity report also deals with the quetion as to whether debts die to quative should siend over undil all the unal all the othet creditors have been paid; In a way Luppose there is more arsument, in tavour of that than the other proposition, It may crente a certaln amount of hardship, but there is'a smple remedy, as was pointed out on the latt ocention. when thi matter was under disuritoo was under discustion in this Council If a person chooves to take a loan from al relative- It relatlue within the meaning of the ordinance--or to take soods or to employ them, the simple remedy ts if he if takine a loan or coods to tive a chattels mortgare on this soods to the relative. Thit afiords complete protection to that relative. It is a simple procedire, and what the difm-
[Alr, Fonter Sutton]
culyy in t find in dimalt io see if it is a queation of wages, why on carth cannot he pay the wagre ar they become due? That seems to the a simple expedient to get ovet ang dificuly the ordinance may, create ift recarti, to telatives T should tike to noile ti clear that when this motter come up for convideration belore the hill was ever lade on the table If this Councit, it was very carefully considered, and the provitions were formulated tin the light of a number of yenit experience, Lhe has heen shown in the light of expetience that these alleged busincts debts due, and wages due to telailief hai been a fertife field 10 rnable debiors to evade their responsibilites to genuline creditors, thear, hesir) I hope that this Council with teject the proposal that that clause shouild be weakened.

The other nuggestions in paragraph 2 of the minurity report are meraly con: sequential to the fits buggesilion that the chuses relating fo refalives should be amended, 1 do nol think it is nececiary for me to claterate on thoke.

## Mn. llanwi stconded

Mr. Palle (Einteri Atea): Your Excellency, I beg to move an amend. nient to the majority report of the select committee, that paragraph $1(a)$ be added to the mafority report of the select comnittee after paragraph 1 as follows: That clause 10 of the vill be amended by hudling thereto immediattly after the word 'aatified' which appears in the lay line thercot the wonts unkss such ctative in tespect of his or her claim for other them salary of wages proves to the catisfacion of the court that his or har ciaim in bioni nde and tor saluable conideration': I appreciate the experience which the adminitration of the bankruptcy law has shown, and 1 am a ware that distonest claims have been pif fontard by relatives in certain bakkipicy cases in the past. 1 am in full suppori of suppresting any dis honest claims nut forward by relatives of the bontrupt bui si the sime time 1 think wa are adoptire a woins tendency in overlooking the value of the princifics folowed in England in repard 10 legislation. In the British system of law there are two sims which fave been Lent fin vicw when drafting any legisti.
tiont one is the punishmeat of culprits and the other is to sece as far as possible that lntocent persons are not punished. But if on account or the dificulties which we experitnce in this country, we overlook the alms which have always been kept in view of making such provilion as will exclude the punishment of innocent persons, I think we are adopt. Ing the wroug course and vare throwing away the lons experience of steat men in British jurisprudence:
The hon. Attoracy General stated that people should pay salar or wages inmediately, Therefore in my amend ment $t$ am excluding any blaim for salary or wateri. L lay that any claim for salary or wages by relatives should not be paid. They should writ until all the claims of other cteditors have been satisfied I finve made it very clear in my amendment that the relatives should satisly the trutiec or the court that his or ter claim is bons fide and for yaluable consheration; the onus is therefore on the relative, ti will ensure that no dishonest claim is allowed to rank along Whit other creditors. The hon. Attornes, General stated that this uimiculty can be becrome by faking ont a chatels transfer il the relative had any chim agalnt a deblor, I shoutd like to give one in. stance, Say $X$ has a tusiness at Mombaca and he has a cousin who hat a shop in Kinumus if we leave clause 10 of the Bill as it is the couxin in Mombasa will be preverited from supplyins. ant, soods to the cousin in Kisump, It is the siranecr in Nombass who can supply toods to the man in Kisimu but not his cousln, cyen though lie may hayc the soods In the ordinary course of busiarss, If soods are sold one does not expect to have to lake out a chatiels mottese for the day to day or week to wel, supply of goods, I am aware that members of this Council think that clause 10 should sland as in is to dereat the dishonest claims put forward by the relative of the debror, and in itheir zeal they are not prepared to consider the long experience of the-Britidh sylem of Law that innoecnt persons should not be punished, and I am also aware that probstly my anendment will not be accepted, but 1 do submit with all con. hidence that when provision is male so that the orius is on the relative is satisfy the trustec or the court that a

## [Mr. Patel]

claim is bona fide anul for valuable consideration, I do not we any objection to accepting an amendment like that if our aim is to prevent dishonest claims only, But if we want simply to shy that there should be no dealinss with relatives whitsoever, 1 have nothing more to say. In my submistion xe are throwing away the long experience of Eritish jutisprtdence. In drafting the legislation of this country Te get impatient of culpris or dishonest persons to such an extent that we do not realize to what hardshlp we may be pulling thnocent persons.
Mx. Kouli (Wettern Area): Your Excillency, I bes to second that nmend. ment. This amendment coverz the main points raised in my minority report, it only differs in that I excluded under (c) of my minority report certain claims by relatives. What 1 mean is that 1 do tion put the onis' on those clatmants. but under this amendment the onus will be on the relatives in respect of all claims put up in the ordinary course of business of put up in the case of creditors. $t$ am not soing to take up the time of Council by enlarging on this mattere ahout whith I sooke on the second read. ing of the Bill, for the ton maver of the amendment has put the case before Council very exceliently, and I hope the Caunci very will be necepted.

Me Fostes Surton: Your Excellency, I really, whien I heard the amend. ment of the hon. menber. Mid Patel, began to wonder. if he was terious in bome of the staterients made. I am quite sure that he muat have had a wide experience in bankruptey practice, and anybody with any experience of bankrifpey mateen known perfoctly well that it is the eassest thing in the world to defcat creditory by false invoices, by dociments which thow or purport to show that yoods have been transferred from one trader to another Bankruptey. legislation is harsh. Bitter experience has taught the legishatures in various countrics that it is necespary to make it harst If you do not, you can drive a caringe and pair through'it, and liat is whial I am told has been happening in this country I have no personal expericice of trading here, but I am assuredand 1 have taken the trouble to sect the advice of a number of persons who are
compeiens to speak-that this loophole

## that existed in the principal ordinance

 was used to a very considerable extent for the purpose of defeating honest traders If we accopt the amendinent sugetsied by the hen. member, and sugended by the hon. miember Mr . Kohlt, I amsure that if they refiect they will be compelled to agree with me that it would make it a fairly casy matter for a trader to produce such documentary cvidenice to prove that a tmassiction was - Ecnulne ore that a court would be compelled to acoept it if the court tid not, the perion could appeat, and the appeal coutt would say the lower coust appear cone wrong and should have accepted the evidence of proper involecs, properly andifed tecords in the book, and so on. It is so easy 10 fake it The objer of this clause is to try the gap. Normally 1 would respectfully agree whith the hoh, mover and seconier of the amendment, but not th the crse, of bankruptey, Tho fact that the proposed anmenument secks to cast the onts of proof on the person who alleges that a debt is due to hlm is neither here nopthere. You can hardly put it on:tee creditor! I do not think there in much. In that conec sion, for in subntting a chim the onut of proot is on the perion who alleges a debt to cxist, so that ft is really no concestion at all; it kaves the mater exactly where it alway. has been. I surpest that we aubere 10 our recommendation and try to- close this gap.:Mr. Vincent (Nairobl South): Your Excellency, 1 heartily agree with what the hon and leamed Attorney General thes just sald. The view was taken tha anybody who peve credit had under the Liws of the couniry the opportunity to secure himself by a chaltels mortage or a reistered decd of some cort, and I cianol see any hardship, except ito people wbo bitherto haye been eyading paying revenue to the country, in anking them to tate dut proper secutity in the future th order to top the posibibity of the practice which has been polnted out by the hon. Attomey General. There is, however, another point, and, that is, I think, that it is onsy fair to warn thit Council that I do not think, from th commercial polnt of yiew, they have heard the last of amendments to the, Bank ruptey Ordinarice. On going thtoung the
(Mt Fonter Sution)
culty fis 1 find in difacult 10 sec If it is a question of wayes why on enth cirinel he pay the wages as they become due? That uecms to me a ximple expedient to get over any diliculty the ordinange may crate in pegate to felatives I hould the to mike it clear that when thin matter ome up for consideration before the bill was ever thitid on the table ol this Councit, it was very catefully conisidered, and the provisions were formulated in the tight of a number of yeats experience If has been shown in the light of experience that these alleged buiness debrs due and wate due 10 gelatives has been a fertile field 10 cmable ucbiors to erate their reyponsihiltites to senuine creditors. Iterir. tear.) I hope that thit Council will rejecs the proposal that ihat clause whould he weakenci.
The other suggestion in paragraph 2 of the minority teport are merdy con. sequenthil to the first cugpestion that the clauses relating 10 relatives should be amended. I do not think It is necersary for me to clahorate on those

Min. Heown seconded.
Mr. Palil (Eatern Arenl Your Exceilency, 1 beg to nove an amend. ment to the ma/ority report of the select committec, that paragraph 1 (u) be added to the majority report of the select com. mitiee after paragraph I as follows: That clause 10 of the Hill be amended by adding therefo Immediately sfict the word salifificd" which appears in the faxt line thereof the words unless such relalive in respect of his or her claim for other than salary or wages proves to the salifitection of the coutt that his or her claim is bona fide and for valuable considetalion'": 1 appreciate the expericner which the administation of the bsnliruptcy lhw has shown, and 1 am a ware that dishonest clainis have been pul forward by telatives in certain bank ruples cans in the gast, 1 am in tull support of suppessiag any tis: honest clatins pitt forwary by relatives of the bankrupt, bul at the same time I think we are alopting a wrons tendency in overlooking the value of the principles followed in England in regard to Legislation. In the Dritish syiem of fiwt there are two aims which have been Lept in tisw when drafting any legisla.
tion, one is the punishment of culprits and the other is to sec as far as positble that innocent persons are not punithed. But if on acrount of the diffeulites which we experience in this country, we overlook the sims which have always been kept in vitw of maling such pro vision as will exclude the punishiment of innocent persons, I think we are adoptIng the wfong course and are throwing away the long experience of great men in turitih jurisprudence.
The hon. Altorney General stated that people thould pay sulary or wages immediately, Therefore in my amendment 1 am excluding any claim for sulary or wages 1 say that any clain for solary or wages by relaitives should got be psid. They should wals until all the clams of other creditors liave been sotifict 1 have made it very clear in my amendment that the relatives should salisfy the trusice or the court that his or her claim is bonis lide and for viluable consideration: the onasts therefore on the relative, It will ensure that no dishonest claim is allowed to rank along With other creditprs. The han, Attorney General slated that this diffectity can be overcome by laking out a chattels trans. (er if the relative had any claim against $a$ deblor, 1 should like to give one instance Say X has a businest at Mombasa nod he has cousin who has a shop in Kisumu, if we leave clause 10 of the Bill as it is the cousin in Mombasy will be prevenited from supplyiog any coods to the cousin in Kisumu. If is the stranger in Nombasi tho can supplygoods 10 the mon in Kisumu but not his cousin, even chough he may have the soods In the ordinary course of business, if enods are sold one does not expect to have to tate out a chattels mortgase for the day to day or wech to wetk supply of goods I am a ware that members of this Council think are clause 10 should stand as it is to deleat the dishonest elaths put forward by the relative of the debtor, and in, their real the, ste not prepared to consider the long experience of the British system of Law that innocent persons should not be punished, and I am also lware that probibly my anendment will not be accepted, but 1 do submif with alt: confidence that when provision is miade so that the onus is on the relative 10 stifif the Jnitee of the, court lhat a

## Mrr. Patel]

claim is bona fde and for valuable consideration, I do net sec any objection to aceiping an amendment like that if our aim is to prevent dishonesichaitre only. But if we want simply to say that there should be no dealings with relatives whatsoever. 1 have nothing more to say. In my submission we are throwing a way the lons experience of British jurisprsdence In drafung the legislation of this country we get impatieht of culprity or dishonest pertons to weh an extent that we do not realize to what hardship we may be putting lnnocent persons:

Mn. Koili (Werten Area): Your Excelheticy, 1 bes to second that amiendment. This anendment covers the matin points raisedzin my minority report. it only differs in that I cxcluded under (c) of my'rinotily repart certain clalmy by relatives. What 1 mean is that I do not put the onus on those claimants, but under this amendment the onus will be on the relatives in respect of all clatms put up in the ordinary course of bust ness or put up in the case of creditort lam not soing to toke up the time of Council by enlatging on this matter. atout which 1 sote on the second tead. ing of the Bill, for the hon mover of the amendment has put the cate before Council very excellently, and 1 hope the amendment will be recepted.
 kency, 1 rally, when $I$ heard the amend. ment of the hon member hir, began to the tatements miade. 1 am quite some of the the must have had a swide experience in bankruptey praction, and nnybody with any expertence of bank, rifplcy materi know perteetly well that If in the casiest thing in the world to defat citditors by false invoices, by documents which show or purport to show that goods have been transferred from one trader to another. Bankruptey Iegithation is barsh. Bitter experlence his taught the tegislatures in various countries What if is necessary to make it harsh II you do not, you can drive 4 carriage and pair throuph it, ard that is what lan told has been happening in this country, 1 have no persotal experi. ence of trading here, but 12 am assured ad have taten the trouble to seek are advice of a number of persons wha are
competent to speak-thal this loophole that existed in the principal ordibance was uned to a very considerable extent for the purpose of defealing honest traders If we: nesept the amendment sugested by the hon meriber, and suggested by the hon. nember Mr. seconded by the hon. member. Ar,
Kohli, I am sure that if they reflect they Kohin. 1 am sure that if they rellect they it would make it a fairly easy maiter for It woude make it a fairfy easy matter for a trader to produce such cocumentary evidence to prove that a transaction was a genuine one that a coult would be compelled to ascept it: if the court did not, the person covild apical, and the appeat court would say the lower cour had pone wrong and should haye aeerpled the evidence of proper Invoices properily nodited records in the books and so on. It is so easy to take it The objec of this clause is to try and close obe in Normally 1 would respectfully the gap. Normally agree with the hone nove sel sender of the amendurnt, but nol in the ease of bankruptey. The fast that the proposed amendment seeks to cast the onus of proof on the person who alleges that a debt is due to him is neither here nor there. You can hardly put it on the creditor! 1 do not think there is much in that concession, for in submitting a claim the onus of proof is on the perton who alleges i d deth to exit, 10 that it is really no concesiton at all, it leaves the matten exictly where It always hat been. 1 sugerit that we udhere to out recommendation and try to close this gap.

Mre Vhecant (Naltobl Soulh): Your Excellency, 1 heartily agree with what the hon. und leamed Attomey Ocneral has just sald. The view was taken that anybody who qave credit had puder the laws of the country the opportunity 10 secure himself by a chattels mortgage of a recisiered deed of some sort, and 1 cannot see any hardahip, except to people who hitherto have been cyading paying revenue to the country, in asking them to take out proper recertity in the future in order to siop the poisibility of the praction which has been pointed out by the hon Attomey General. There 1s, however, another point, and that Is, 1 think, that it is only fair to wam this Council that il do not thind, from a commercial point of view, they have heard the last of emendracnts to the bank: tuptey Ordinanee On going through the
[Mr. Vincett1]
principal ordinance, we came to the com clusion that it had too many loopholes It was folitite ont that the bankruptey Ifwi gre civil law and theie is nothing criminal about them, and I have a very trong unpicion, which I have often Geierted in this Council, that there is a very large percentage of criminal attiliy tunder coyer of our bankruplcy fows ind even the amendments we are now cffectiog ate not lirong cnough. They do not close the door, and people Rte till in a polition to make late Iaw look ridiculots. 1 could not support the amendment on any ground whisoever,

* Tie question of the arbendment was put and negstived

The Jebate on Jta orignal motion was trumied,

Mn Nrcol (Atonbasa) Your Exec EnCy as the hun. Member for Natrobl Soulh has ulleady sid, there are sith many more amendments which ure detiable tit ime to our bankerptes law, ond liere are, unfortunately, cer Iath minendments which we tel in seled commitle were desirable which have on teflection been left out t understand it s the Intentiun of the lions and leatmed Altotney Gencral 10 produce a new Tankruptcy Ordinance, which 1 sincerely frust will not only thghten up the law but be a real endenvotr, to male it Watertgh. The prestat law not onty of Kenya but of East Arries is distinctly ratten. On that dislinci understanding 1 figned the mojority teport, and hope that at an cally date a completely new bit, will be introduced into this Council. Conhas posibly iubssribe in ans, nay o the minorlty report, pnd bef to sup nort the moton.

Nr. FOSIER SUTIONE Yout Exces. ence, I should tike 10 qualify what the litespaker hat sad, I 40 not wish ito ee accised tictafter ol breating my und. 1 sald that an eady opportunity could be tskent to consider the introdusfon ot new lstitation. but did not 80 further hhan that 1 teadiy ogre that our legithion is ont of datesnd ts lesde ing to crasion, and it is worthwitle onb to dackis it Hhen time permits
The questov of the original motion cas put ant coritel

## INCREASED PRODUCTION OF CROPS (AMENDMENT) BILL

## selict Comaitme Repost

Mí Foster Suttont Youf Excelleney, I beg to move that the majority report af the select commitiec on the Incressed Prodiuction of Crops (Ament. ment) Bill be adopted.
Hetore dealing wifh the majority recommendations, 1 think It riight be useful it 1 very briefy recopitulate the objects of the principal Grdinance. As I undersand the position it had as its firit obicct or intention to stimulate the production of crops which were considered necessary and which it was convidered thit the public interest should be prown during the present emergency. That is one of the main objects of the original legislatont Furthermore it was felt that tf you weire going to stimulate production of crops that are needed, you had to have some sanction behind it. and therefore the pinicipal ordinance created 4 Lourd and confered on that board powers to ditect farmers to grow a panicular crop. Then, 1 think quite righly, it was fell that if you directed a min to grow a paticutar crop, which might not be ai cconomic crop aldhough it was necessary, it was right and juit that you should glarantee to the man youl had directed to grow that crop a minimum retum for his labow and for growling it, so the ordinance sonferred pawers on the board to guarantee to those farmers who received directions from the board a suraranteed minimum feiturn in respect of the crops they werc compelled to prow. It went on to provide that the board should be enabled to make advanes to farmers Who were not fin a financial position to carry but, trom their oun resourees, the Jirections of the board, so that it provided that adrances coild be made'in respect of crops for which there was a cliaranted minimum return It further cnabled the boand to make what are referted to in the ordinance as "bresk ing grants., when a farmer was com pelled to die up and plough completely virgin land, Those, very briclly, were the orisinal obiects of the ordinaince.
In practice it has been found that it Was not 3 yery Aexible messure so, wort under, and the amendments suzgested in the original bill here designed to intro

Mr. Foster Sutton
duce a grenter derree of Aexibility. The seleet comarnittec gave this matter, if 1 may sy so. yery carefil consideration. We had the adiantiage of having on that commiture the chaimma of the bond whose experience in the wotking of the measure is tor greater, i venture to think, than that of anybody clse in this country. so that we had the bentfit of tis experinnce when considering our recominendations. The majority repor recommenseveral reoommendations which are metely dratting matters, and I think If might be convenient if 1 point out the purely drafing maters and dispose of them first. The first one is contained of paragraph 2 I refer to the proviso. There is nothing new sbout that proTiso. Origially 11 was to be found as a provision to section 2 (2) of the probicipal ordinance, and when the prinicipal ordinance, consider il we committer came to consider in We decided it was in the wrong place, We found it dificult to underitind how it woild be a provito to section 21 (2), so We put it whete we thousht it ought to 80, 23 a proviso 10 paragraph (a) of section 4 (1). This is the retion which deals with guaranleed minifoum selurns, which the provise does, and there can be very litile, doubl that that is probably the better place to have in. because if is of more assistance when a person is considerins the matier to have it in its proper place. Then we recommend in paragraph 5 of the report that we delete completely bection 21 (2), and the sus. gested amendment be inserted in its stedd. 1 do not think I need 80 into detiils of lt. We took the ddviee of people who have been working under he ordinance, and this sives Effect to he present practice and is exicly the wiy in which the principal ordinance has been construed and woiked.
Coming to the clauses that introditee Cew principle 1 refer to parseraph 2 of the majority report, which. seeks to amend section 15 of the priscipal ordinance Paragrophs (a) and (b) of the sus. gested new section 14 are the same as before but new matter is introduced in (c), which seeks to cinable the board to make advances lor niny purposes which may, on the adrice of the board, be approved by the Governor in Comnel by notice in the Gaicite" Very briefly, our reason for suggeting the amendment and is is a matter the minority
report denls with, was this Under the iw adrances are made on the guaraneed minimum return, and the gumran teed minimum return can only be based on an annual crop. 1 will take the simplest examples Pytethrum ls relerted 0 in the ordinance, and it was intended that growers h hould be, ossisted But pyrethrum, 1 am told, is not an ainual crop and it was found in practict crop, and if was ound in practice, by the board, that legally no auvances could be made to pyrethaim growers for the simple reason that it was fupos. sible to ascertain what the vatue of the annual crop would be because farmers may be picking from two so threc years crops at the same time. Why suget that this new paragiaph. (c) be fdded to in troduce a greater degrec of flexibility which is not to be found In the ordinance now 1 readily agrec, it I may say so with tespect to the hon member who has made the minotity report, that $1 t$ does introduce in a sichisc n new pollcy, Sut the Intention is to give effett to the ald policy, It is not intended to Intro duce anything new, but we suggest thls merdment in the hope that full effect can be giyen to thic polley br tho princinal ordinance. Thestamend oc co pecion is is consequential to sestion isis consequental to the sug gested amendment 1 have just deall with. Then we suggest the Insertion of a aew sub-section to be numbered (3) in ecc. tion 21 of the principal ordinance. The object is this It is to prolect the ponition where the board has madet advances which in the result are ereater than tho guaranteed minimum return. It seeks, to protect the taxpayers by making any surplus a first charic on the farmers crops growing or to tee grown and on any chattels be may possesi. It is really intended to cover u very rare type of cise, besause normally advances, 8 ro limited to the amount of the guaranteed retim, bul 1 underitand there have been one or two cascs where If fixs been exoecied, and we wot 10 ensure hat in such easer the mxpayers, are filly pro lected.

Then there 142 sifigh atnendment suggetted to section 21 (8); there was a mistake in the princlpal ordinance, ato his merely sect to rectify then's pesuliar situstion has ariser under vec ictiar situstion has ariser under sec tion 21 (6) of the principal ordinance. will not weary the Council by givis. 3 long explanation, but In, thent this is the poition. 1 am taking an extremo

## INCREASED PRODUCTION OF CROPS (AMENDMENT) BLLL

SLLrct Committex Repont

Mr Fositen Surron: Your Excel. lency. 1 beg to move that the mijority repert of the select copmutice on the Insreased Production of Crops (Amend. ment) Dill be adoptad.

Belore dealing with the mijority recomenendations, 1 think it might be useful If I very briefl recapitulate the objects of the principal ordinance. As I understind the position, It had as its first object or intention to stimulate the production of crops which were considered necessary and which it was considered in the public interest should be grown duting the present entergencyThat is one of the main objects of the original legislaton. Futthemore, it was fels thy if youl were going to stimulate prodtrition of crop that are neded, you had to have some canction behind it and therefore the principal ordinanes created a boand and conterted on that board powers to direct tarmers to grow a paricular coop. Then, 1 think quite righly, it was fell that if you directed a man to grow 1 particular crop, which might not be an economic crop although it was necessary, it was righ and jutit that you should guarantee to the man you had directed to grow that crop a minimuim return for his habour and for growing it, so the ordinance conferted powers on the boand to gusiantee to those farmers who received directions from the boand a gitarenteed minimum return in respect of the crops they were compelled to grow. 11 went on to provide that the board should be enabled to male suvaness to famers who were not in a financisl podition' to carry out from their own resources, the directions of the board, so that it provided that adrances could be made' in aespect of crops for which there was a gilaranteed minimum relurn. It further cnabled the borrd to male what refertad to in the of what are Ing grants". When a lamer was com pelled to dis up and plouich completely pelire 10 dis up and plough completely yirgin lind Those, very briffly. wert
In prectice it has bein found that it was not a very flexible merfure to worlo under, and the amendmenis suggested in the original bill were designed to intro-

Mr, Vincont)
Windipal drdmance, we came to the con cusion that it had too many loopholes t was pointed out that the bankrupty lam a re civil Liwa and there is nothing ciminal about them, and I have a very strong nuspicion, which 1 have often ancerted in this Council, that there is a very tarese percentage of criminal activily under cover of our bankruptey Lowt and even the amendments we are now effecting are not strong enough. They to not close the door, and people are-sitil th a poxition to make the law look ridiculous $\&$ could not weppory the amendment on any cround whalsoever.

The question of the amendment was pul and negatived.

The debace on llie original motion wis restimed.

Mn Nicol (Mombasa) Your Excel leney, os the hon. Member Ior Nairobi South hat siresdy said. there are siti many moke amendments which are detrable to make to our bankruptey law, and thete are, unfortunately, certain amendments which we felt in select conimitter were vesirable which have on feflection been left out 1 tinderstond it is the intention of the lion and torned Attorney General to produce a new Linkruptes Ordinance, wheh 1 sinterely truit witl not only tghten up the law but be a real endeavour to thake it Watertght: The preent law not only of Kenja but of East Africa Is distinetly totien. On thal distipel undertanding I signed the malority report, pnd hope that at an catly date a completely new bill will be iniroduced Into this Council: I cannol posibly subscribe in any way to the minority report, and beg to sup. port the motion.
Ma fonter SUITon:~ Your Excel. lency, 1 thould ine to qualify what the latt spesker has said. Ido not wish to be accused hereattet of breaking my wond, I sald that an earls oppontunits nould be laken ta consider the introdic: tion of nev leglatition, but 1 did not so Turther than that: I readily arree that our lecislation in out or date and is leading to eyasion, and it is a worthwhile job to lackle it when time pemits
The question of the ofiginal motion wat put and cirfied

## Mr Foster Sutioni

 duce a greater degres of fexibility The elect comminee pave this matter, if 1 may say so, yery careful consideration. We had the adyantage of haviop on that committer the chaiman of the board whose experience in the working of the menture is lat greater, I venture to think than that of anybody else in this countic. So that we had the benefil of hit experience when consictering out recommendations The mizjority report contains several teeommenuations wheh ate merely drafting matters and 1 think it might be concenient if 1 point out the purcly drafling matiers and uispose of themsirst The first one is contained in paragraph 2. 1 refer to the proviso. There is nothigs new about that proviso. Originally it was to be found as a provislon-to section 21 (2) of the priniagal ordinance, and when the committe came 10 consider tt we decided it was in the wrons place. We ound it diffecth to underitand how it would be a proviso to section 21 (2), 50 we put it where we thought it ought to so, as a proviso to paragraph (a) or section 4 (1). This is the section which deals with guaranted minimum returns which the proviso does, and there can be very litte doubt that that is probably the belite place to have it becsure it is of more assistance when a person is considering the matter to have it io its proper place. Then we recommend in paragroph 5 of the report that we delete completely section 21 (2), and the mbs seted amendment be inserted in its lead. 1 do nat think 1 need go fnto details of it We took the odvice of people who have been working under the ondinapec, sad this gives effect to the present practice and is oxsctly the way in which the principal ordinace has been construed and worked.Coming to the chaves that introduce new principle, 1 refer to parasmph 2 of the mijority report, which seeks to anmed section 14 of the principal ordiaance Paragraphs (a) and (b) of the sug. gested new section 14 are the same as before, but new mitter is introduced in ( 0 ) which secks to enable the board to make tadvances for any purposer which may, on the advice of the board, be approved by, he Goyennor in Council by notice in the Gazette- Very briefly our renson for sugsesting the umendment, and it is a matier the minority
report deals with, was this Under the aw, advances art made on the guaranteed minimum return, and the guaranteed minimum return can only be based on an annual cropio $I$ will tare tho simplest example. Pytcthrum is reerred to in the ordinanes, and it was intended that growery should be aststed. Dut pyrethrum, 1 am told, is not an annual crop, and it was found in practice, by the beard. that legaily no adrances could be made to pyrethrum+ ${ }^{\text {browers }}$ for the simple reason that it was impos. sible to ascertain shat the value of the annunl crop would be, because farmers may be pieking from two ge three years crops at the same time. We sugest that this new paragraph (c) be faded to Inroducer pester degres of flexibility robice a cealer doger in te ordit which is not to be cound in the ordin, ance aow. 1 readily agres, if I may any $s 0$ with respect to the hod. member who has made the minorily zeport, that I does Introduce in a sedise a new policy but the intention is to give citcet to the old policy. It is not Intended to latro duce anything new, but we suggest this amendment in the hope that cull eftect can be given to the poliey of the principal ordinance. The amendment to section 15 is consequential to the susgested amendment I have just dealt with. Then we sugget the inserition of a new sub-section to be numbered (3) In tec. tion 21 of the pitacipal ordinance. The object is this. It is to protect thie position where the board lias made, ndyances which in the resuls ate grefter than the suaranted minimum return. It seeks to protect the tixpayers by making any urplus a first charge on the farmer's crops growing or to be grown and on ony chatels he may posecs. It is reaily intended to cover 2 very rase type of casc, bectuse nomally advances are fimited to the amount of the guarinteed return, but 1 undersiand hiere have been one or two enses where it has been cxceeded, and we want to ensure that in such encer the taxpaytr are fully proteeted.

Then there is a slight amendment suggerted to rection 21 (6), there was a mirake in the principal ordinance, ind this merely secks to rectily it. Then a peculliar situation has arisen under see. tion 21 (6) of the principal ordinance. I will not weaty the Council by giving a long explination, but in shor thly is the position. I am taking an extreme
(Min. Foster Sutton)
case, because il if 4 sood example If two tamets have obtaloed on advance against the zuranted minimuth return, and the value of Farmer A's crop: is ore thlling below the mount of the gurantert mipimum return, he evcapes any liability for the miment of Interest on the udance, so that It he hay borrowed $f 1,000$ and the interest is 4 per cent lie gets away whith $\$ 1,000$ fiec of interest, he $K<40$ to the good. The qultue of the crop of Famer $B$ is one shilins in cxects of the puaranted minimum return, he his to pay the full mount of the finterst. In other wods, because of that one shilling. Fatnier 8 In 539.1900 worse of than Farmer A. We rell it was an exiraordinary slluation which should be secined. There the other type of case, where a man may be ordered to grow ciep on a cotati portion of his properix, and he celsan advance against the guntupted minimum return., Then thete is a fallure of the crop, but on the olher portionis of-his farm he has bumper cropis and has made considerable money. So far as the selcet commitiec could see, there is no particular teation why he shoild be allowed to have the athonce fice of inferest, to the detriment of the general taxpiyters. For those reavons we wogest an amendment givine power to the boand to say whit amount of tnterest, If anye should be written off, In other words, what amount of Interet, If any, the farmer should be relieved from paying. That is the only vabject of the amendment. Comine doivn to the susested amendment to section 37 , the exitsing scetion reads, SThe board may, by resolutien, deletate athy of the powers, conferred upon it by this ordinance to the chairman of the board'. The commitiee sug gett that it be deteted and the following sübsituted in its jlace: The board may, by resolution delegate 10 any person any of the powers ronferred upon it by this ordinance' In working under the odtinince the chaliman of tha boatd hat found there are thousinds of documenls, routine matters in the nain, that hive to be tigned, and he is the only person under the cxisting provisions who ts allowed, legally, to sign Them. The select committer felt it was righe and propef that the boatd should be given powers to delegste to other
persons cernain purely routine matiers to relieve the chairman of this enomous smount of purcly routine work. That is the object of that amendment. which does not introduce any new principle. The bourd, we felt, can be trizted to delegnte to fit and proper persons.
1 have dealf with the matiers raised In the minority report, and 1 do not think I can usefully add anything to what I have already said, exeepl to say that it was not the finterion of the select committee in recommending these amendments to introduce nay new nolicy. It was our intention only to make the operation of the ordinance a litile mose fexible, and aflord more protstion to the gencral taxp3sers.

## Ma, Brown sceonded,

Mn. Anin (Crnitnl Area): Your Excellency, If appending the minotity teport to the main report, my only idea was 10 ensure that his new. measure which is being brought in under section 14 of the ordinance that is to syy under new section 14 ( 0 ) is not limited to the objects which the ordinance is intended to cover. If advances in respect of nonannual crops are intended, then 1 am gitite we it is eaty to siy so in the section, itself-advances in respect of non-innual crops for which no glatanteed minimum retum ent be pre-scribed-and then the law with be in conformity with the prastice which is stated to have been eatablished by the bosrd and which has been found necessary. That is the only object that I had in mind in making that particular point th my minority report If the hon, and learned Allomey General or anybody on behalf of Govemment or the boasd can sy that the only infention under ndw setion $14(c)$ is that advances in respect of non-annual crops ate to be covered, then I am satisfied. There is at the moment nothing either in the amend. ing bill or in the select committee report to sursest that the words "advances for any purpose wil only mean advances in respect of non-annual crops for Which no minimum retum can be prescribed. We do not know what advances. ate intended to be covered. There may be a practice established, a necessary practice established, of which we know nothing, and if something more than non-annual crops are to be covtred by this amendment we should be so in.
[Mr. Amin]
formed. That is my contention on that particular polnt and this can be met cither by amendment of the clause by the insertion after "any advance for any purposes of the word ecovered by section \& of section 35 of the ordin. ance". or such words as many advances in retpect of non-annual crops for which no minimum güranteed retum can be piescribed' If only Government could give that zssurance I have nothing more to my.
Mnop Caverolst-Bentisck (Naitobl North) Your Excelletey, there was a special reason for making this amentment to the principal ordinance to which 1 think the hon mover alluded. but perthaps did not explatin fully, 1 may say as a preface that the object of this mendmens far from being to give the farmers more money, is to sateguard the public purie We have had some diffculty in dealing with payments for wofk done on behalt of lanmets by the machinery pool. We have, as you know. a falty large amount of equipmient which goce found the country and has to break land, cultivate land and harvest crops on kehall of famert who have not col sumficient equipment of theit own. ant it way most important that we should make legat provision tor the repayment to Government of the coss of those servicel A, cood deat of such work has been dons in pursuance of the war production, as on example in respect of pyrethrum acrengex Pyrethruim has no minimum guaranied fe. ium, and therefore $A$ farmer growins pyrethnum cañot ask for an idvance in order to repay Government for, work done by the Machinery Poot. In actord. ance, with this amended clause as it now stands, 1 propose in future to make tieh farmers sign a document before the work is done, whereby cither, they undertike to pay within 60 days of we hall automntisily recoup from in advance agalast their pyrethrum erop. which will be paid to the Machinery Fool by the selling asents under the ordinance. At the moment I sm unible to do thal because it woutd not be legat, So in fact the main object of this alterusive clause 14 to which the hon. member bas referred, is not to give the farmer anything extra but to make quite certain the tamer poys baek his jute

Jues to Goverment. 1 Hope the-hon mover, will aceept that explanation.
She Fospe Surion: 1 do not wish to add anything, I though possibly the hon mover of the minority report might be prepared nfter having heand the last hon speaker, to withdraw his mmendment.

His. Excenemcre He has not formally moved un amendment.

The question was put and carried:

## WARTINE CONTINGENCY FUND

Fenacial Sccaetary (Mr. Tester): Your Exceltency, 1 beg 10 move: That This Council epproves of the transfer of a sum of $\$ 500,000$ lrom the 194 revenue balanice of the Colony ind Proectorate of kenyo to the resecve (unts entited AA . Warime Contingeney Fund"

When ific Stindiag Finance $C$ Conmittro was consideting the budgel for 1944 they naturally reviewed the financial portion as ti appeared it migh be at the end of 1943, and they recommended then that 5200,000 should be passed Iroth the 1943 revenues to the Vartime Con fingency Flind. About a month, ago, as the Accountant Gencral was closing his books for 1943 , it was discovered that the surplus would be in the region of hall a million pounds 1 went to see himeover it, and actually the surplush 550000 and is a result of that the Standine Finane Committee recom. Standing Finance. Committee recom. mended that mother: $\$ 300,000$, making half a nillion, should be franiferred from 1943 revenice to the Warime Contingency Fund, Yout Excellency Coning the advice of the Standine accepted the gdvice of the Standing Finance Commitiee; hence this retolu. tion.

1 think perhaps Councl would like a tew more details before making up their minds finally to place this sum to the Warime Contingency. Fund. They would like to know thether we can aflord to lock up another half million knowing fit can only be taken out of the fund by resolution of this Council. 1 think we can well aflord to past this emotint to the Wartime Contiogenty, Fund becnuse at the end of 1943 we athill have, giter hat thas been dope, a general sevenue balance of 51571,000 . The Wartime Conitingenty Fund itself will amount to [800000. We have also a reterve fund

## Mr. Tetter)

as hon members know, Ient to His Majesty's Government free of Interest of ( 500000 , and we have an excess prolits fund, which we-mulf remember may be diminished by withdrawals, but which aniounjed at the end of 1943 to over (1:250,000 That in a total at the end of 1443 cf 44,1210000 As 1 said 1 think it Ir 4 uite safe to lock up another 5500,000 in the Wartime Comingency Fund. I think hon, members of this Council Whe are now coming to the end of theit. ttewardshif would like to know the tewardatif would ine 10 arch, 1238, in Ihe way of reserver and seneral revenue balance when. this Council carne into being The firure was 6000,000 - approxi. mately, all in the seneral revenue balance, to theie hat been an advance of athout Is million in the total teserves of one sort or another during this Councils period of ofice:
Bi. Ifonve seconded.
The quesion was put and cartied.

## AGRICULTURAL ADVANCE

## WAIVED

Mr. Trsick, Your Excellency, beg 10 moves That this Counch approves of recovery being waived of a sum of [6;427.15-1) divanced under the prostistons of the Agricultural Advances Ordinance, 1930.
This particular pecount received an adrance of $\$ 10.017$ during the yeari 1930 to 1935. Capital of some 8,610 was repald, leaving this write-ofi of [ 8,427 odd. In the menntime the deblor had also paid C 2,899 interest so Altosether the Uebior, having been adrance4 some 40.000 , has repild something It the teglon of E6,500. Perhaps Countil would like to know a litte bit nere sbout advances mado under the Agficuilural Adrances Ordinance which conimented to function, in 1930. Altogether roughty 211.000 has been advanced, $\mathrm{f113,100}$ has baen recavered. 535,000 his toet received in the way of interest written off, including whe momoun which is the subject of this revolution, 861,000 , sill outtanding,


Mr. Brawn sceonded.
Mh Coone (Conste. Yoir Erellenct, before we are asked to vote on this motion, vould the bon member give us
linle bit more information as regards the steps taken to foreclose on any sccurity that this particular genteman whe borrowed had? it is notorious, 1 think, in this country that when of old sums were advanced there were oertain sutms which were not spent on purdy agricultural development. One gentfe rian, for instance, is sald to have spent man, for instance, is sate to hase pent horses and, much as Nike attending race mectings 1 do not see why 1 should contribute money so that this genileman may mees, as he obviously did. with litie suiceess on the turf. To-dsy the hon. Attorney General told us about the ddyances that might be made under the Increased Production of Crops Ordinance, and I hope that our heirs and succersors on this side of Cauncil, in 14 years time? will not be told that 665,000, of whintever the sum is, has to be writite off. I know my hon. friend is fust as anxious as 1 am to protect the finances of this countiry, but it is really a queation of supervision, and I should Hike to have an assurance from himIthan he aetually gave an assurance once before, but there is no harm in tepeating it-that no money is advinced at the present time without sufficient securiy and that the ratepayers' in terests are adequately protected.

AR Paroo (Eastern Atea): Your Excellency, 1 think a motion like therits more or less a half-yearly altair beforts this Council. The hon, mover has Just mentioned that since 1931. When the Agricultural Adrances Ordiannee came into force, something like $\mathbf{5 6 1 , 0 0 0}$ bas been written off, including this sim of [6,427, What 1 wilh to know, before I yote for or against the, mation is whether Govemment is really soltsied that, despite the fact that the farmers are etting yery high prices for their crops loday and despite the fact that it has been so much advertised that the farticts are paying very high income tax and exces, profits tax, this debtor is unable to gy lt the preseat time $E 6.427$. Furthemore, for how lous and how freguenty arte we goins to be presented with such a motion in the future, and to what extent is public monty to be written od?

MR TESTER: Your Excellency, I will ake first the point mised by the hon. Aember tor the Coast as to why we did

## [Mr, Tester]

not foreclose in this casc. The answer is quite simplet it is that there was $n$ first quortgage belore the. Advances Board atortgage verore the harianes The firt who held the secand morigage The firis mortgagor thished 10 foreclose and the siluation aricing was gone into very earefully, and it seemed to the members of the Board that if they had fqreclosed probably the net result would kave been that the Government would liave come of worse than aceepling this arrangement. The property has poscel from the debtor so there is no recovery to te got from him.

Ma Coonh: On a point of order, could the hon. genteman tell me why money was advanced on a second mort gase? it does not seem very sood security.

MR. TESTER : 1 an atrald 1 cantoot tell the hon, member in any mitter of detail. It was done in 1930. My impression is that his ordinance was pased for the ascistance of larmers who fixd got Thembelves tate deep water. I think my reply to die hon. Member for the Coast is also the teply to the hon mem. Cer Nr. Paroo. The Board of the Land Bank, who have now tiken on the bust. Bank, whowinding up these advance ness of windias the conclusion that accoutts, came to the conclusiont that they std the best in the inleresis ol Goverinment, The hon. member Mr Paroo asked if Government was goliry Paroo faced every six moriths with trore of thest write-ofic I am quile unable to say 15 as a matter of fect, as the hon. member hos just suggetcd, farmers coninue to make cood profits it seems much lest likely that we thall be ficed much areat many more of these witlewith:
The question was pul and cartied,
WAR LOAN ORDINANCE 1940
Funtiek Issue of borids
Me TESTES: Your Exceltency, 1 beg to move: Be it resolved that, under section 2 of the War Loan Ordinance, 19+0. this Council authorizes the mising of further loans not execeding $51,750,000$ by the lsue, whe ther within or without the Colony, of registred bond:
If this resolution is adopted, the anount which we en issue of registried bonds will be ten million pounds. That 1 think, is if good all round fiture, and if we ratin it Eas Africt could wrll be
proud of to achicvements in this feld. proud of its achicvements an Council whinnot allempt ise is in cuitomary any, figures because, as a culcmary. (and most convenient to mel), the hon. Alember for Atombasa has agreed to second the mation and will give the Council interesting informatlon.
Mri Nicole Your Excellericy In rising - second the motion proposed by my ton, (fiend the Financial Secretary, would say that 1 have gone to a critain amount of troubte 10 ect out some figures which I think should be of interest to hoa, members, and miso, 1 think It is only right that those figures should be on the record As 1 am going to deal with figurcs. I must creive the indulgence of Council if 1 stick somewhit closely to my notes. First of all, 1 should like to give you a bit of the picture of the past. Hon. members will realize that reliable statisties must of necessity be somewhat in arrears, and 1 would therefore deal with the subscripitions as they were at The end of Jonuary this ycer The tofal amount subsatibed to the East Atrican war loin as at 319 January by fhe Icritorict was as follows: Zanzibar. fisio60: Ugands, 165i,210; Tangu: $\pm 48,000$, U 16,340 . Kenys. $5,468,775$;
 making a grand olal of a , he now hon- members are cnitered what we may term, the third atage of the Eot Africsn war loan. The first stage wast the $1945-1947$ loso, and that closed at $12,138,445$. The second that the $1949-1951$ loant which slage was the 14th Aprll of this year closed on thee 459090 and the third with n total of C5,520,930, and the 1952. sage tre have now enlered ir the 1952 1954 loan-at the 30th of May the Last figure 1 got was 2123,315 , In all, therefore to the 30th May this year there has ben subucribed to the East Alrican War loan since the 17 th Decembery 1940 , when the first subscriptions were made, no less a sum than $\mathbf{5 7 7 8 2 , 7 4 0 \text { . Thiat }}$ works out at an average monthly anving of $£ 189823$ I do sugeest that this is $m$ cery ereditable performance bul, having achleved thit figure in war loan, we have no cause to sit back and be complicent. The $* 8^{*}$ bondholders, the milatr-holders, hold in this East Afrien wart laan today 1 wo million pounds rappraximately, an average of $£ 10.000$ a week roughly, which I think hon, member will agree is a pretty cood average to be able to ect up to. To-day we art asking non members to sanetion the fincteasifg

## [Mr. Tester]

## (Ar, Testal)

a) hun. members know, leni to His Majesty's Government free of interent of $\$ 500000$ and we have an excest protis fund, whith we must remeniber may be diminthed by withdrawali, but which amounjed at the end of 1943 to over 61.200,000. That is a total at the end of 1943 of ca, 21,000 As 1 sald. 1 hink 15 If quite safe to los up andiher $\$ 500,000$ in the Wartime Contingency Fund. 1 thint hon mernbers of this Council who ate now coning to the end of thair stewardithip wolld like to know the contrarable figures in March, 1938 , in the way of reserves and general revenue balance when this Council came Info teing The ligure was 6600,000 approximitely, all in the ecneral tevenue bato ance; © © there his becp an advance of ahoul $3 /$ million in the total reserves of one sert or another during this Couricify priod ol offer.

Mr. Anovin seconded.
The questian yay put and carried.

## AGRICULTURAL, ADVANCE <br> WAIVED

Ath. Tesile: Your Excelfency, 1 bes to move That this Connell approves of treovery being waived of at sum of ft,427.15-13 advaned under the pro. thons of the Agricutiunil Advonces. Ordiansos, 1930.
This proticular account recelved an advance d! $£ 10,037$ during the years 1930 to 1936, Captial of some 8,610 war repald leaving this write-or of CK, 427 odd. In the meantime the deblor had also poid $\mathbf{~ 1 , 8 9 9 \text { interest, } t 0 ~}$ altogether the debtor, having been ad vanced some 10,000 , has xepaid some Thing in the rexion of 66,500 , Pechaps Councif would like of tnow a litue bif more about advances mide under the Agriculiural Adiances Ordianace whith. commienced to function ta 1930. Altogetheth roughly L211,000 has been. adraneed $\mathrm{R} 113,000$ hai been recovered, $\mathrm{f} 35,00 \mathrm{O}$ ha been revelied in the way of Inferest, watten off, ineludiag the amount which is the sebject of this. resolution, 561,0004 still outitindiags.

## Mk Urown seconded

Mr, Coone (Cosst), Your Evetlency, before we are asked to voie on this motion rould the hon mernber sive ts.
$a$ fitle bit more information as regards the theps thken to foreclose on any socurity that this particular gentloman who bortowed had 2 I is notorious, I think, in this country that when of old sums were advanced there were certaia sums whieh were net spent on purely agricultural development One gentie. man, for instance, Is said to haye spent his borrowings on purchasing racehorses and, much as 1 like attending rice. meethgs, do not see why 1 should contribute money so that this gentleman may meet. as he obviously did, with litie success on the turf To-day the hon. Attorney General told us about the advances, thist might be made under the Incrasied Production of Crops Ondinance, and I hope that our heirs and successors on this side of Councit in 14 years time, will not be told that 565,000, or whateyer the sum is, Has to bowtiten of Iknow my hon Iriend is just as anxitout as I am to protect the finances of this country, but it is really a queston of supectision, and 1 shouth like to have an assurance from him1 think he actually gave an assurance once before, but there is no ham in repeating fi-that no money is xdvanced at the present time without sufficient sceurity and that the ratepayers interest are adequately protecied.
Atr Paroo (Eastem Area): Your Excellency, 1 think motion He this is more or less a half-yenly affair before this Council. The hom mover has just mentioned that since 1931 , when the Agricultural Adivances Ordinance came Into forec, something tike 561,000 has been written ofl, including this sum of 56,427, What 1 wish to know, befort 1 rote for or againgt the motion, is whether Government is mally setisfied that despite the fact that the famers are getting very hibh ptices for their crop to-day and despite the fact that it has been so much atrertised that the farmers are paying very high income tax and excess profits tex, this debtor is unable to pay st the present time 86.427. Furthemere for how lone and bow frequentyare we bolas to be petsented - with such a motion in the future, and 10 what extent is public money, to be written off?

Mr. Testex, Yóur Excellency, t will Ske first the point raised by the hon. Alember for the Cosst as 10 why we did
[Mr, Nicol]
of the loan to len million pounds, and that is a starting foure, when we remember that, of the lime the fiea of a war loan first started, the sdviers of Covernment at that particular time satd thal Goveinment woild be Jucky if they were able to trise 540,0001
It has been my custoni in the past, When 1 that the privilege of steonding simitar motions to thif, to deal with the question of asvings generally for, speakin of a miember of the War Savings Commiter, we ate not only tinterested In war toan-. Once ngain, fl may, 1 thould like to lake thic opportunity of naying specisl iribute to the honotary tecrefary or tie War Savins Committee. Mr. Vasey. I' am quite convineed personally that were it not for tits eflotts and labout we would nal be asking you to day to foctcate our terget figure to ten-dillions. At the same time, stoutd also ilize to pay a trbute to Mis Vasey's ocerelary, Niss Gent-Wooul, who has shawn contucrable enthusiam and intiative in our dive Tor maings. The figures I beve quoled in regard to war loan are nig the only souree of sivings in East Africi. We have alto got the theditut of the Pos Offiec Savings Danke, which is a 21 per cent investment, and the fundi so collected t under: stand are ten to His Alajesty' Govera. ment for the asilitance of the war cifort. The flgures which I have secured show that at a date somewhere between the Sth and 20h May this year there wis depotited th the savinat binks of Kenya [2,136,607 and la Uganda $£ 309,109$. So Par at Tangailikn is concened, aboul the 22pd May the deposits the the suning bank were $[974,421$ In other words, the buving bink held $52,720,137$ in uepoliss In regard to emburasing depositon to make use of the sinving facilities, I would take the opporiuntry of complimenilne the bon. Postriaster General in inausurating this mobile post amce van service, in other words faciley for saving in being talen to the Alrican in the reserves tather thin the Afrean fiavine to spend some consderable time lo naking a long sofori to get to the Post Ontice $A$ new venture such at that will take time to tistil confl. dence, but 1 am sure the hon, Postmaster Geatral will agee that the cheme, so fat, hat not bcen without suecess and an be conisidered In fact encouraging.

A glance at the figures indicating an increase in the use of savings banks cier a petiod of years is, t think, of considerable interest. In 1928 there were 878 depositörs in 1933, 2,658: in 1938, 12.218. on the 31st December, 1943 . 17,6+8, of whom 21,353 were Arricans. These are Kenya figures. In Uganda there afe 21,000 odd depositors, of whomi 16,000 are Africans. The savings in war loan plus those in the Post Office amount to $610,502,877$, and 1 think that hon members will asree yith me that that is a very sood achievement for the Eist Alrican teritories. There is another method of saving, the savings card, but 1 am afraid that the results have not been particulirly ericouraging. I take the opportunly, however, of once again Itying 10 impress on cmployers the admantage of Ihese savings cirds and to tart savings groups, and 1 hope large employers will continue to try and encourage more savings by this method, The main thing is that everyone in East Africa has got to realize that we have to save and save and still save, and sincerely tuist that by the time the now Council meets it will be necessary once again to seek appraval to raising the target ligure by at least another million prounds
Ithank hon members for beating with me on this and other ocensions in speaking on this subject, and to say how happy 1 tam before we dissolve 10 have a the privilege of seconding the motion raising the target figure for war loan on East Africa to ten million pounds. (Hear, hesar.)
Bhe CoonE: Sir, from line to time we have to lister to these colossal figures being presented 10 us 1 must confess they are absolute Greck to me, not being a higher mathematician. but wotild the hon, Menter for Mombasa who, If 1 may so describe him without offenee. hay rapidly become the unofficial Chancelior of the Exelicquer on this side of Councl (Jughtet), tell us what Froportion of the se vast sufns have been contributed by the banks, companits, and corporations and what proportion has been, contributed by individuals, especially, the individuale living in Kenja?
Atrs, Wations: Your Excelleng: there is one point 1 want to make and, that is that there would be a number

MR TESTLR: Your Excellancy, the

ATrs Wations) of more contributions from the natives if withdrawals were not such $\rightarrow$ very cumbersome bitiness.t I should like to express my admitation of the way the hon. Postmaster Geveral runs his department: it is quite one of the most eflicient departments in Govemment service so far as we are concerded. 1 do want 10 ay that as fat as the native is con cerned, tt is difficuli for him to withdraw any money at all without at leat a three-houg wait in Nairobi and a much anger wait-and a-much-further wall up-country. Thes may walk 20 miles upecountry and then have to wait in a quese until one rather slaw thic mative decided it is time to close, and the nalive walk back again. If some nethod of quick identifitition of natives were In. triduced-not only the kipande. for anybody can produce another kipanitebut some method of identification and quicker withdrawals; 1 am quile Gertafn all these 40 odd employes of mine, as a very mall erample, would become subscribers At present not one of them is a subscriber, for only that reason I feel very strongly on this matter for reasons not entirely connected with wat surings but connected with the alives themselves beeause, when an employer wants to raise a sood boy's pay, if he hatis it - wient into his Polt office savings, he would be much more in* ctined to do so than when he knows the native is onls potige to sel extra digh on Saturday, It doys not help me, 10 increase the boys drinking eppacity or to sive him the wherewithal to oblain it. That is the only result on a farm when a boy has no incentre and have asked rough for his have any sugestions our natives me they haye sugecstions might be brought 10 the notice of the Postmoster General. if you wait over soper cent of the natives of this country to become subseribers you have got to donl with them. One diffeculty probably an be dent with by the Commits soner of Labour, but with easier and quicker dentification: -

His Exctusker, Order, order 1 do ot want to interrupt the fon. meniber. but 1 have already given her consider. inble latitude. The motion before Couns cil is the rifing of Port Office only very The quiredy arises.
hon. Member for the Coast wishes to tnow what proportion of war bonds is held by bie subscribers and by small subseribert think the hon. Mcmber for Mombas told the in ${ }^{+1} \mathrm{~B}^{+}$bonds There i bose lald us 12000000 and There is something like: $2,00,000$ sha that a steady demand was made for them. These "an bonds. are, an the whole, held by small subseribers. On the other hand, I da know that the banks and so on hold substantial amounts. (An Cooke: What proportion7) 1 regret that I am unable to tell the hon member the propontion, but a statement could easily be abtaintd and 1 will get It sind give it to hini.
The quention was put and cirried.

## COURTS (EMIERGENCY POWERS)

## BHLL

SLCOND READINO:
3tr Brown (Sollitor Generab) Yours Exeellency, 1 beg 10 move that the Courts (Emergency Powers) Bill. be read a scoond time.

The second rending o/ thls Bill wis mostponed at the list sestion because. certain tepiesentallons were made by. cer Crimber of Commerce in Momthe and boith my hon. folend the Member for Mombass and 1 thought that they could nore suitably be dealt with by an interchange of correspond ince I believe that courte hast been fully justified, and 1 think a good many nisunderstandings have been removed There is nothing new in the pinciples of The mili The principte of proted Or ail. liers and olter protecting tetving soldits and other pernons who, through no fault of their owner financially hif by the war, the principle of protecting them from the rigotirs of legal procest, was accepted in 1940 when our exisitige Courts (Emergency Poweri) Oidinarice became law. In the carly months of the war the Imperial Government enacted the Coursi (Enci gency Powers) Act. 1939, and we folfowed that Act atmost word for word in out 1940 Ordianane, stince then the Imporial Aet has been amended many umes Aeril at the end of last yerr they, had unciat the end of last year have never consolidating Act: We have neve mended our 1940 ordins inco The reud is that it is very out of dite, and just as in our 1949 ordinance we followed the imperial Ae of 1939, 50 now in this Bill-we are following almost word: for
［Mr．Nicol］
of the loan to ten million pounds，and that if a cariling figure，when ve rementbet that，at the time the ideajof a war loan firt watted，the udvisers of Govertmentiat that particular time said Thit Govirnment would be fucky if they पष⿸丆口广 able to raise 440,0001
It bas been my cusiom in the past， when 1 had the privilege of ceconding simifar motions to this， 10 deal with the qeation of savings generally for，speak－ ing on a member of the war Savings Commitice，we are not only interested In war loan．Once again，if 1 may， 1 should the fo take this opportunity of maving Inectial tribute to the honorary secrefary of the War Savings Committec， Alt．Varey I am quite convinced per－ conaliy that were it notior hin efforts． and labour we woutd not be sking you to－day to tigrence otir larget Agure，$a$ ten nillions At the same time，I should also like to pay a tribute to Mit．Vasey＇s． secretary．Miss Gient Wood，who bas shown considerable enthistam and in－ ithative in our etive for savings．The Dquics 1 have quoted＇in regard to war toan are not the only poutce of savings in East Aftict．We have also got the mediun of the post Onte Sivings Bank，which is a 24 per cent invest． ment，and the funds so colleted I under． stand are lent to Hhe Majesty Govem－ ment for the assisiance of the war efion： The Agures which 1 have，secured show That 1 \＆date somewhere between the 15th and zoth May thil year there was deposited In the saribgy banks of Kenya 22，136，007 and In Uganda $£ 309,109$ ， So far as．Tanganyila is concerned． about the 2nd Mlay the deposits in the savingt bank were \＆2 74,421 ．In other Words the savthos bank held e $2,720,137$ in depoits In recard to encouragits deporitotit 10 make use of the savings facilities 1 would take the opportunity of conimilimenting the hon．Postmater Gencral in inaugurating this mobile poit oflicestan tervies：in other words， facilit）for soving is heing taken to the Aftican in the reserves rather than the Africin having to spend soine consider－ ahic lime in makins a long safori to set to the posit Offec A new venture such as that will take time to inisil conf－ dence，but 1 am sute the han Postmaster Geteral will agree that the scheme， 80 fat，has not been without suceen and cin be considered la lact chpouraging．

A glance at the figures indicating an in－ crease in the use of savings bants ove！ a period of yars is，I think，of con． iderable interest．In 1928 there were 878 defositors in 1933，2，698，in 1938. 12，218；on the 31 December，1943． 47， 648 ，of whom 21,353 were Africans These are Kenya，figures：In Uganda There are 21,000 ould depositors，of whom IG， 000 ate Africans．The savings in war loan plus those in the Post Offe amount to $210,502,877$ ，and I think that hon，mernbers will agree wilh me that that is a very eood achievement for the East African territoties．There is another method of saving，the sivings crad，but 1 em afrid that the reculs have nol been particulatly encouragings t take the opportunity however，of once again trying 10 impress on employers the sdvantuge of these savings eards and to slatt gavings groups，and I hope large cmplayert－wil continue 10 try and encourage mord sivings by this method． The mon thing t that everyone in East Africa has sol to realize that we have to que and cive and sull gave，and 1 sincerely trust that by the time the new Council thets it will be necessary once again to seek approval to taising the target figure F al least another million pounds．

Thank hon members for bearing with me on this and other occasions in spenk－ ing on thls subject，and to say how happy I sm before we disolve to havo the privilege of seconding the motion raising the target flgure for war loan In Eat Africa fo ten miltion pounds．（Hear， hear．）
Mk．Coone：Sir，from lime to time we have to lliten $t$ these colossal figures being prexinted to us 1 must confess they are absolute Greek to me，not being a higher fathematician．but would the hon．Aember for Nlombass who if 1 may to describe bim without offence． has rapidly become the unoflicial Chancellor of the Exchequer on this ade of Council（laugbter）fell us what proportion of these vast＂sums hive been contributed by the banks，companies． and corporations and what proportion his，been comiributed by individuals， especially，the individuals living in Kenya？
Miss Warkins；Your Excellency， there is ope point 11 wint to make and that is．that there would be a number
［Brs Watkins］
of more contributions from the natives if withdrawals were not such a very if witharawhe wherses．I should like to cumbersome bumes．mination of the way the boo．Postmaster General runs his depart－ －ment it is quite one of the most efficient denartments in Government service so far as we are concemed． 140 want 10 ar as we are conceryerestive－is con－ ctened，it is difficut for him to with． draw any money at all without at least a thet－hour wait in Nairobt and a much longer wais and a mireh－further walk up－country．Thicy may walk 20 miles urcoundy and then have to wait in a queue until one rither slow clerk has decided it is time to close，and the native walls back again．If some method of yuick identification of natives were in troduced－not only the ilpande．for anybody cin produce another kipande－－ bit some method of identifertion and quicker withdrawals． 1 am quite certain all these 40 odd employees of mine，as a very small example，would become． wibseribera．At present not one of them is a subzeriber，for only that reasor： I feel very strongly on this matter for teasons not entirely connected with wat avings．but connetted with the naliyes themselves because，when an employer winits to rale 2 sood boys pay，it he． tnew it went into his Post Oflec suings，the would te much mom the clines io do so than when he knows the－ mave is only golna io get exin me，to on saturday increase the boy drinking capacity or incre cive him the wherewlthal to obtain fi． that is the only result on a farm when a boy has no incentive to sive．T have fought for this before，and have saked our natives if they haye siny suggentions to make One or two sussestions might Be broughi to the notice of the Yost－ master General．It you rant over 00 per cent or the natives of this country． to become subscribers you have gat 10 deat with them One diticulty probably can be deall with by the Commissioner or Labour，but with easier and guicker identification．：－

His Excelusecy，Ordef order 1 do not sant to tateringt the hon member， not have already given her consider－ but have al The motion befose Coun－ Ible latitude．The motarther loans，and cil is the rating of further loans，ad indirectly arises．

Als．Testen：Your Excellency，the hon．Member tor the Coast wishes to row what propotion of war bonds is held by big subscribers and by small subseribers．I think the hon．Mtmber for Mombisa told us that in ${ }^{*} \mathbf{B}^{\text {a }}$ bonds there is something like $22,000,000$ and that a steady demand was made for them．These ${ }^{*}{ }^{[ }{ }^{\prime}$ bonds are，on the whole，held by small subscribers，On the other hand，I do know that the banks and so on hold substantial amounts． （Aln．Cooke：What proportion？）I Trin．el that I am utiable to tell the hon． regrel that 1 ame uhaber but a tratement member the proportion，but a statemen it and give it to him．
The question was put and cartid．

## COURTS（EMERGENCY POWERS） <br> BILL．

Stconid Readino
An Buown（Solicitor General）：Your Exeellency，I bet to move that the Cours（EmerbencX Powers）Bils be rad a second time．
The second renting of this bil was posponed at the list sexsion because certain repiescnations were made by the Chamber of Commerce in Mom－ the and both my hon．frlend the Atember for Mombisa and I thought that they could more suitably be deall with by an tnterctiange of correspond－ snce，I believe that course hail been Sulty Jutilied，and I think a cood many misunderstandings have been removed． There if nothing new in the prinefples of thit Bill The princtple of piolecins hile ble The pid pres plolectin． serving soldiers mand orner peryoas who， through no faut of their own aro Inancially hit by the war，the principle of protecting them from the figeurs of legal process，was tucepted In 1940 whien our exinting Courts（Emeisency Powers） Ordinance became taw．In the early monith of the war the Imperial Govern－ ment enacted the Colirts（Emergency Powers），Act，1939，and we followed that Act almost word for word in our 1940 Ordianace．Since then the Imperia Aft his been amended many times， until at the end of last year they had consolidating Act，We；tuve never imended our 1940 ordinance．The jesult is that it is very oul of date，and fust as in our 1940 ordinance we foll in our 1940 of 1939 we followed the Implerial Aet of 1939 s 10 now In this
Bill we are followins almont word for
[Mr, Brown]
wort the coniolidating Act whth was enseted in the Uniled Kingdom at the end of lati year.
The obfet of this legivetion is to pro tret people who have become to impoveristed an $\frac{1}{\text { retult of the war hiat, how. }}$ ever much they may desife it, they fitcrally thave not the means to resist legal procest pin in another way, if prolects people from having enforced againt hem certain vested legal tights, by which I men the right of a judgment creditor, who has obtained fitdgment for the payment of money, to enforee, that right by execition, the right of a lestor, whore lesse fias committed a breach of covenati to pay rent to re-enter the premiser without any order of the couts at all, becaise that is a common law tight of the leisor, These are the rights againt the enfortement of which this legklation protects people who have become Impoverished, not through their own foult but as a resuli of the war. One of the misminderstandinss which the cotrenpondence disclosed was the idea that the burden of proof that a debtor could psy was unon the person who was iceking to enforce hic legal fight. Tha if nol so ercent in one case which 1 will deal with in a monent. Except in Hat one case, the burden is always upon the debtor to atifify the court that he cannot pag, and that the reaton why he cannol pay is on mocount of circumIlances which are attributable 10 the war.
Another niliunderitanding which 1 think hat been removed by the correspoindence is the deta that the court, once it is galiffied that 2 personiz inability 10 pay in due to the par, hay neceisarily col to grat relief. That most emphatically ti not wo, First of alt, the defendan: Uebior has got to satitfy the coutt that he is unable immediately 10 pay the deblesecondly he has sot 10 satisfy the cout that his lnability to pay the debt is due to circumslances directly or in. directly atifibitable to the war Unti he sitisfes the courg on these two things the court has no diccretion in the matter. No quttion of spaning any reliel arises It is only, after the debior has sestisfird the court on those two things that a court may, in a proper casc grins Telef to thal deblor elither by refusing leave to the person seeking to enforce his risht, or by giving him lewe subject to
cerlain restrictions' and conditions But Whough the debtor might satisfy the court that the circumstances wert attibutable to the war-atmost invariably they would be-nevertheless, if It whis appatith to the court that the real calle of his misfortune was not so much the war as his own fault, his own bad training tri speculating on a risk which was baid, no court would grant rilief, II is only in genuige coses of hard ship where a person is at much a victim of the war as it he had had his house destroyed by bombs that the count would grant this-relief,
Turnier to the clatses of the Bin, by clause $f$ (2) a time limit is imposed by which the ordinance comes to an end on the official date of the end of the war. Clause 3 (1) deats with judgments and court orders for the recovery of money, and says that before you can enfores thase judgments by execution you have got to get the leave of what is called Throushout this Bill the appropriate court. The proviso to that sub-ciause excludes three cases from the operation of this Bill. The first is a judgment in tort, Say, for example, if a person knocls someone down in a molor car and the vietim of the accident demand danagres the defendant cannot plea that he was so mpoverithed as a result of the wat that he cannot pay, for the try cood reason that the fault is not the watrthe fault is his In knocking down the planifi in his motor car Secondly any judgment or order under which no sum of money is rccoverable otherwise than in respect of conts. That is excluded from the operation of this nill. Thitdly min order made for the payment of penalty in criminal or in quesi-criminal procedings. Dy clause 3 (2) the remedies of whit 1 might call self help, wheres person can enforec his vested legal' righ जithout normally havins recourse to the courts are dealt with, and this sub clause says that before your ein enforce these retredies you have goi first of all to obfiain the teave of the appropitite court Sübchilise (3) desls with court judgments for the recovery of possession of land, and (4) is really the operalfe part which glies power to the appropriate court to refuse leave to a person seek. ing to enforce his legal right or to gran leave subject to conditions and restritions. Clause 4 of the Bill is new. and is the best example of what 1 mear when

Mr. Brown
say that this Bill in ettect only brings our existing law up to date. Under the existing law a juofment deblor under a judgrnent in respect of a contraet could aet no relicf unless the contrac wa made belore the commencement of the ordinance, that is the 24th August, 1940 Under this new claute he can set relief If the contract was made before the is Decermber, 1940 , provided that he can show that his mability 10 pay, atirbuisble to circumstances due to the atiributable to circir to made citer is war, if the contract was made atter in December, 1940, he can get relief if he can show not only that his inability to pay is due to eircumstances attibutable po the war but also that those circumto the war after the contract was stances arose afte, the conire 1 made made. But, overriding atl that, as 1 made clear earlier, it is only in a proper case and only if the court is satisficd that it is rally due to the war and nol to his 0 wn really
Clauses 5 and 6 contain ceriain special provision's in the casc of leases and mortages which are not covered by the Renl Restrictlon Ordinance. No provision is necessary in cases which are so covered because under that ordinance a landlord cinnol fecover possesion without an order of the courh There is one imporsant provision in clause 6 (2). That is the one ciso under this tegislation where the buiden of proor is upon the perion seek. ing to enforce his inght. That is the case of a mortcator who is either a member of a he Forces or is a perion mainly of the Forces or a menter of the dependen! upore mexice he mort Forces, Iti that case, before the morts Forces, can exereise his right to foredose, behat to satisfy the count that the herving soldier or perion dependent on the serving soldier is able to pay on, if The it not able to pay that his inability o pay is not due to cistumstances ouryble to the war Clause 8 em powers in court in exercise of its discrepowes a a courg in ex of all the liabilities of aldebtor both present and funure, and elause 9 deals with the procedure and explins, whas up to now may have neen aysery the expresion ${ }^{2}$ tave oen a mysery, he crprexion a ppro priate couth, it is the court whith is declared to be the appropriate court by fules made by the Chid Jintioc Clause 10 preerve the rules, which have alrendy been made and were made under The 1940 ordinance, It was nid in the cource of the correspondence that the
drafting of this Bill was compticated. With that I am inctined to agree und, as I say, it ls taken word for ward trom the Enclish Act The reason why it is Important that st should follow the English Act is that there is now a good deal of casc la on thi tecislation and it is extrenely important that the cours here should have the decided cases by which to be gulded.

## Mr. TEster seconded,

Mr. Nicol: Your Excellensy, first of all I should like to thank Government for having had this bilt put back to this session from the last sesilon, because I am quite certaln that thate action has been more than fully justified as it has coubted myself and the Mombas nable of Comerce to go Inta this Chamber of Commerse to go inta matter in correspondence with the Soliefor General! thave been aiked by The Mombasa Chanter of Commerce to eonvey their yery stncere thanks to him for the time and trouble he hat taken in tring to explala this extraordinarlly complieared bir Quite trankly t antly do not und Quite ranky. $/$ celly do not underatand it myself: bulcedo on quppose that is an unusual thing for Bu.A. Fiailed!", Anyhow, we have fattenéd out most liningt, but the clause we are frightened of is clause 3 (5). We fear that that woes cut right across the Bankruptcy Ordinarice, and at the atme time, while we eppreciate that a coun has col to be satinfit on various mattert I do submit it is pretty well posibice that anyihing can be altitbutable to the ware l think there is a feeling too that in this country the courti so perhap somewhat lenient, and slithough they have the English Act, as the hon. mover siad, with case law behind it to support their eases, 1 should prefer to tee thit sub-clause, taken outf If if is noltuken out, that some limitation is finered for the guldaine of the courts, or Tid guinal rules $I$ would eits or 2 In additionsi rules. I would ask particularly that if chould come out. Mombas Chamber of Commerce is very anxious that that should be done, as they are really frightened of that sub-etauxe. The other clause which :appears to need amendins is 8 (b), and the sentence thould end with the word "given" on line 70 , and a new paragrdph started. "May take account of ather liabilities". With those renarks I am prepared, to support the Bill. but 1 da bope that Government will be able 10 accede 10
[Mr. Drawn] word the consolldating Adr which wns enacted in the United Kingdom at the end of tas year.

The object of this legilation ts to protect prople who have teconte so inpore. erithed at a result of the war that, however much they may desire it, they fiterally have not the means to resis? legal process. Put in another way, it piolects prople trom haying enforced against them eriaing verted legal rights, by which I mean the fight of a judgment creditor, who has obtained fudgment for the payment of money, to enforce that righ by execulion; the right of a lessor. Whose lesset has committed a breach of covenatit 10 pay rent, to te-cniet the premiles without any onter of the count at all, because that is a common law fight of the lessor. These ate the rithes against the enforecment of which this legistation prolects people wha have become imporerished, not through their own fault but as a tesult of the war. One of the mfiunterstandings which the correspondence disclosed was the idea that the turden of proof that a debtor could pay was upon the person whe was reeking to entoree his legal fight. Thit is not 40, exeept in one cate which 1 will Ueal with in a moment Exetpt in that onc case, the burden is alinzys upon the debtor to salisty the count that he cannot pay, and that the trestion why he Cannot pay is on mceount of circumstancei which are tuributable 10 the whr.
Another mlsunderiandins which think has been removed by the correspendence is the idea that the court, once ith matisfted that a perton's linability to pay is due to the war has nectssarily sot to erant relitl. That most emphaticully is not w. First of all, the defendan: debior has sol to satisfy the coutt that he is unable immediately to pay the debl, tecontly, he has got to satisty the cout that his lnability to pay the debt Is due to circumstance diresily or inthectle attikitable to the, war. Until he satisfies the court on these two thitges the court has no discretion in the matter. No question of granting any relief arises. If is only. aftet the debior has satisfids the court on those two thinge that a count may, in a proper case, grant relief to that uicbtor cither by refusing leave to the ficrion seking to enforpe his right or by siving him teave subject to
certain retrictions and conditions But although the debtor mijht satitify the court that the cincumstances, were attributable to the war-almost invari. abify they would be nevertheles, it It war apparent to the court that the real cause of his misfortune was not 50 much the war as his own fault, his own bad training in speculating on a risk which was bad, no court would grant relief. Is ls only in genuine casse of hardship where a person is as much a vietim of the war at if he had had his house detroyed by bonbs that the court would grant his relief.
Tuming to the clauses of the Bill by clause I (2) a lime limit is imposed by which the ordinance comes to an rid on the official dafe of the end of the war. Clause 3 (i) deals with judgnents and courrorders 1or the recovery of money, and saye that before you can enforce those judements by execution you have got to get the leare of what is colled Dhroughous this Bill the appropriate court. The proviso to that sub-clause excludes three cases from the operation of this Bill The first is a fudgment in lort, Say, for example, if a person nocks someone down in a motor cas and the victim of the accident demands damares, the defendant connoi plea that he was so impoverished as a result of the war that he cannot pay for the very sood reason that the fault is not the war, the falt is his in knockins down the plantifin his motor car Secondly, any judgment or order under which no sum of money is recoverable otherwise than in respect of costs. That is cxcluded from the operation of this Binl. Thirdly, an order made for the paiment of penalty in crininal or in quasi-ctiminal procecdings. By clause 3 (2) the remedies of what 1 might call selfhelp, where a perpon can enforec his yested legal right without normalty having recourse to the courts, are dealt with, and this subclave says that before you can enforce these remedies you bave got litst of all to obiain the leave of the appropriate court Sub-clause (3) deals with court Judgments for the recovery of possestion of land, mad (4) is really the operative part which gives power to the appropitate colurt to refuse leave, to a person seek ing to enforec his legal sight or to grant leave subject to conditions and restrictions Clutse 4 of the Bill is new, and is the bestexample of what I mean when
[Mr: Rrown]
I say that this Bill in effect only briags our existing law up to dale. Under the existing law a judgnent debtor under a existing law a judgment debror anct could judgment in refpest of a contract could tget no relief unless the contmat was made before the commencement of the ordinance, that is the 2sih Augus.. 1940 Under this new clause he can set relief if the conlracl was made before the Ist December, 1940 , provided that he en show that his inibility 10 pay is attributable to circumstances dus to the war If the contract was made:after in December. 1940 he can set relief if he an shave not only that his inability to pay is due to circumatances attributable to the war but also that those circumstances arose alter the contract wn made. Bul overfiding all that, as 1 mace clear earlier it is only in a proper case and only if the courd is tetisfied that in is really due to the war and not to his own fault.

Clauses 5 and 6 contain certain special provisions in the case of leases and mort proses which are not covered by the Rent Restriction Ordinance. No provision is ecessary to easer whith are so covered. vecause undet inat ordinance a landlord cannot tecoyer possession without an arder of the court. There is one tmport ant movision in clause 6 (2). That is the one ease under this legislation whets the burden of prool is upon the person setk ing to culoree bis right. That is the cast of mortgagor who is cither a member of the Fores or is a person mainly dependens upon a member of the Forese In that eate, before the mort bsee can exerise his right to formelots, he hat to satisfy the court that the serving soldier or person dependent on the serving soldier is able 10 pay of. II he is not able 10 paye that his inabilly to pay is not due to cireumstances stributable to the war. Clause 8 em powers a coun in exercise of in diseretion to tale account of all the liabilitits of a debtor, both present and future. and claure 9 deals with the procedure and explians, what op io now may have been a myistry, the exprexion appropriate courn". It is the court which is declared to be the mppropiate court by viles made by the Chief Iustice Clause 10 preserves the roles which hive alrendy beer made and were mide under the 1940 ordinance, If was sid in the course of the correspondence that the
drafing of this Bill, was complicated. With that I minclined to agries and, as 1 sy, it in taken word for word from the English Act. The rensoh why it is important that it should sollow the English Act is that there is now a good deal of case law on this legislation, and it exirmely imporant that the court here should hive, the decided eases by which to be, guided.

## Mr Tester seconded.

Mn Nicol: Yout Excellency, first of alf I thould like to thank Government for having had this Bill put back to this cession from the last sexsion, bectuse I am quite certain that that action has been more than fully justified as it thas enabled myself and the Alomban Chimber of Commerce to 80 Into this thater in correspondence with the Solicitor General 1 thave been aiked by the Nombasa Chamber of Commerse to convey thetr very sincere thank 10 him for the time and trouble he has taken in trying to explain this extraotlinarify rompleated bill. Quite frankly, 1 tally do pot undertan it muelt 10 do not undersiand it mbselt, bus Fot supgese that is in unusunl thing (or a BA . Failedl: Anyhow, we have Gariend oul mast things, but the chatise We are frightered of is clause $3(5)$. We fear that that does cut right across the Eiankiptey. Ordhance, and at ibe ame time, while we apprectate that a court has col to be matisfied on vatious malters. I do sutumit it is pretiy well possible that anything ean be attibutable to the war, 1 think there is in reeling, too, that in this country the courts aro perhipe somewhat Ienient, Eind ajthough they have the Englith Act, as the tion mover ald, with ate lay behind it to suppor their cises I should preter to see this ub-ctause taken out if it is not aken out that come limitation is inserced for the gal bome of cort or some he gulance of the courtis, or somp doditional rules. 1 would ask pariculary that it should come outs Mombasa Chamber of Commerce is very anxious thas that should be done, as they are fally frighieried of that sub-clause. The other clause which, appeare to ntod artending is 8 (b), and the sentence shouldend with the word "given"t on line 70 , and $\mathbf{2}$ new paragraph started May take account of other lisbilites. With those remarks I- am prepared to suppor the Bill, but I do hope-ihat Govenmen will be able to accede to
[Mt. Nieol]
My tequest that clatse 3 (5) may he deleted.

Mth Inown Sif I acree with what the hon member sid about. clause 8 . the non. me opportdity will be thken 10 nobe an amendment in the committe move an amenume vith la phat he has sitd ahout clause 5 (5) a d bankiuptcy, Ido not think he need fear that thit will in dny way at all cut across tice bankriptey. Ieglation. Whether it is a case ot bankruptey or whether if is any uther appliction to enforce $a$ legal right. apiplietion ta enforce tegal rgat
whas explained in moving this thas 1 explained in movere applict Betore a coust has any: "Hacretion whatever a debtor, the defend ant. has sot to prove (a) that he cannot Immediately pay, and - (b) that has inablity is directly or indirently atitibutable to the wer Then, and only WRHTHess the discretion of the const urite, ond no court would srant relief whellier in bank ruptry or in any other tespett unlent was natieffed that he was reilly a genuine victim of the war and nos $n$ victim of ho own folly in business: This subelatise cannot be delcied becaure that woutd frustrate the whole object of thit tegisiailon. $A$ vindictive crtdlior, having failcd 10 gel feave 10 conforce his remedy by other means, woulh say "Righ, let us make fim bank rupl: If this sub-clause were delelea, if n man was made bankrupt. there in no power in the court to give a debtor rellef, under the ordinance. Dut In banifupicy, as in cvety other, one white the court deciues 10 exercise its diacretion and grant neliel, ti may do so for sukh n line end subject to such conLitons a ghe court thinks it I honestly. do not think there is anything whatso. ever 10 apprethend obout this sub-chuse cever lo appretend about has subechuse tainly nothing to spprehend which could not be similarly apprelended from cvery other clause fin the Bill. We have hat this tubecause now in existence tor tout years-it is onken from the existias 1210 ardinance-and I do, not thinh, thite have ben any cases which really give justifable grounds Ior apprehen. son.

The queilon was put and carricd.
THE COFFEE INDUSTRY (AXIEND
MENTI BLLL
DuEETOQ OF AORLCLTURE (MI: (- Blint), Yobr Exceltency 1 beg to move
that the Coffer Industry (Amendment) Bill be read a second time,

This Bill is designed alonost entitely to deal with the quetion of licences for persons dealing in colfec, and its objeci is to try and improve the methods of tradifg and provide more control over trading in coffer, and 10 bring the general trading methods on to a sounder batis. Al the present moment there is only one form of licence which any kind of trader in coffee is required to have. In the ordifiance as it stands at present a colle, dealer melude thany person who buss or sells, hulls, husks of grades commescially in a factory other than on a phantaiton, of otherwise deals in, unroasted coltee", It will be appreciated that that Uefintition covers all large exponting firgs exporting K enya coffers to the markets of the world, and at the same time covers the small Somall rader ln buni coftee in a small area of the Colony, The resulf of lavying that, single definition and single form of. licence has been. in an endenyour. to obtain more control over the trade, sone restriction in the issue of licences in recent years, This Eill now proposes to distinguish between the vatious kinds ol: people who deal in coffee, and various. Linds of licences are siven for various purposes At the present moment liernces 10 deal in coffec are issued in districis by district cormisuioners. $A$ dis- 4 Ifict commissioner is required to consuls the Dirctor of Agriculture on the subject, but the lissue of a lieenee is lit his diserction, and it docs happen that tbis. question of licensing is not dealt with on. qutte the same basis by one district commintioner as by another onc. The Bill proposes to make the Director of Apriculture the central authority for inuing licences, und the licensing fors are tomewhit shered in certain cases Eut sith, as before, are paid to the CoffeLent Fund.
ir tmay turn to the Bill in detail. Clause 2 contains a number of definitions defining the particulter types of people $x$ tro deal in coffec. There are definitions of collet broker, cofle: commission agent coffee dealer, and ooffer warchouseman and in clause 3 it will be went that all these persons are dealt with differenty end, issued wilh specific licences to carry out the specifie type of tiade in coflee that they wish to carty out, In the first part of clause 3
[Mr. Blunt]
the provision ohich exists in the prement ordinance is repented. thit no retail cclict of provisions requives a licence to deal in small quantities and later there is a description of the dillerent types ol licences which it is proposed to isuc. First of all, there is the coffee dealer's ${ }^{-1} A^{\text {r }}$ licenee, which suthorizes the holdet to deal in und export colfee of atiy country of origin. Secondly, a coffe dealer's " $\mathrm{B}^{-6}$ licence, which authorizes the holder to deal in coffec of any country of ortin within the Colony, but pot to export it. Thirdly, a colle dealer's - ${ }^{-}$licence authorizes the dealers to deal in and ciport any coftec bolder te den th Colony. Then we have Ge bunt dealer's coffee bruker's, coltee commission agents colfer miller's, und coffer warthouseman's licences, for each particular iype of dealet. It will be noted that this clause provides for 2 Licensing Advicory Committec No such provision exists in the present ordinance, so that this is new, but it is a fact that for the past two of Itree years we have bech working on this basis with on auvisory panct appointed in the same way at this clutse proposes, und be have found that it works very stisfactotily. In considering the recommendations L should make to district commissioners on the issue of licences, $I$ have consulted that adviory panel, which is made up in the same way as is here proposed in this Bill. In the proposed clouse, te. (1) is a most important provision of the Bill. if is there provided that "no collee deter's 'A' licence shali be fssued to any person who, in the opition of the Advisory Committe, has not sufficient knowiedge or experience properiy to conduct, the business specified in the licence, That is that a icence to export coffer shall be istued only when the Advisory Committer is salisfied that eilher the int dividial himself or. in the case of firmt, somebody on the stalf, has sufficien knowledge ant experience properiy to conduct the business specified in the lience, and the Coftec Board and the trade fell hat ithis is a necestiry proviso. It we are coing to kep up the repitation of Kenya coffer we need exports to be made by people who really know the colfee business and what thes are doins.

In (3) of dause te the fess payable for the different types of liesences are se
out, 11 will be seen thal they vary ccording to the type of lience. A coffer dealer's' "A" licence is the same at at present Sh 200 , for the flicence timited to trading within the Colony it is Sh. 150 . and the C the andithe Cucence LES. . Hat may at. first sight secta rather peculiar, bu the "C. licence is for the man or firm who bive thitir places of business in Kenya, but teal only in coftee originat ing outside Kenya. This wras a question which it was leit deyirable to refer to two other countrics concrmed Uoand wo Tanganyika to see what they gande and Kange t and the point was made by Tanganyika that these people probably hat to pay a large licence fee in Tonga. nyike and it would be a bit hard in order ta continue their basinces ind ith coffee that they should be called of that collee. that they shour bo called on to puye hightree in Renya ns well and since they are not denting in Kcnya coflee we propose that the fee for this paricular liefence phould be Sh . 3 Al the,$>$ pame time it is very denirable that they should be licensed we feel. In fate they one particular point on which the board one parkituar poin, on trongly, ince wo/ and trade feel very sthich people, who
have bid cases in which claimed to deal only th colfec from outside Kenya and thereby Jid nol requit a Kenya licence, have in the past deali a keme extent 1 B Kenya coffer. Pro. widon is made in (5) of this some tection that the distritt commisuioner of every disifict shall endore the tisence isured: that in mercty a mean of entuir. ing that he shall know who is licensed In his particulat districi. New clause to repents, tection which was lasested comparatively recently in the pinclpal ordinance, to the eflect that agents of licensed dealers must also obtain and have about then a licence that they can prodice when they wish to trade, to enable the sellat or buycr to make cure they are properly authorized teents of i licened deter. Clause 4 of the Bill 1 welome inus so docy cvery will warne, and so docy averybody who will have to deal with the measure in future At enables a con solidating ording. ance to be printed, to that we shal not be bothered in future with huntigg up a number of otdinances to find out exacdy the position. This Bill was drafted will the assistance of the Coffe Board. It was put forward by the Boatd, and hes beenit to the Coltee Traders Assolation, who tiave been through it, and in the form in which if is now they unant.
[Mr Iluni]
moualy upponi it 11 therefora ias the full support of hoth sides of the coltee indusiry and, t Inus, will have the fult indusiry ofithis Council.
Mn . Trisics seconded.
Mns Wations (Kambu) Your ExcelMis watrins Kify, Kiatibl, which prodices halt of the coffee of this country 1 slould Hite to welcome this Bill, but 1 am not quite cient on one or two points, and the one 1 want to bting up points, and be one the on the abject of licensing. The bon. Dirctor of Asticulture hay fold us that soction 4 of the pincipal ofilinance is colts to be te. placed. There If one word In that pincipal ofdinance that t think thould shay in in the new amendment, and that If in section 4 of the principal ordit. tince: every ticense under this section thif: 6 every istued annually"-annuallymail be istued annally ancellation', ctc.
 not find in the amented version, if is is to remain in-and as has been pointed out on the other side of counct 1 am . not very sood at law-1 should welcome uil sxplanation from the hon. Ditector of Agriculiure that it is so and that the licence wilt be lisued annually, if th has nol been Included I should like to move in amedument that licerices should be un amendment a time Himlt, preferibly danually, 1 diso want to move formatly another veriendment, which if that licences under $4 \mathrm{~A}, 4 \mathrm{~B}, 4 \mathrm{C}$ 40 and 41 c hhiould not be re-isued to persons. whethet prevlous licensees of not, who have been convicten by the coutts of thiscountry for tealing coffec or of employing others, panieulatly natived to $40.80^{\circ}$ We seem to have takera no opportunity in drafting this Bill, which should have been a goluen opportunity, of fither protecting the colfee farme?. The distinction between the difierent Kinds of buyers which the fon Dircetor of A Artattite pointed out ate ali of Agtentare pointed out, are we wislinctions, but 1 also want one furiber distinction, that is berween the people Who have been convicted of being recelvers and those who have not been conviled sidfor who are quite honest tradert An annual lieence should not be reissuad if thappens ithis in the meanwhile the new applicant or a previous licensec has been convicted of such an licenter nis oeer cunfria Ui sung

I have fought for this before all of ou here know that I have spoken on is once or iwlee in this Council. It hat been a lons uphill fight to protect one of the bigget industries in this Colony. I have been advised by a member on the opposite side of Council that 1 ought to kecp the colfee under lock and k cy , and so ough othet farmers. I can only say that that emzinated from the mind of a that that emannted from tom perhaps to man as new to coffee ast am perhaps to Liw. It is almost impostible to get even 10 tons of cofle spread out over 2 ulficitn tockedup area to dry: it takes about a fortigitit to three weeks, The ordinan way of stealing our coftee is to akim a load or two per night off the barbecurs and trays, and perhaps a bag of the lorics. minking from several larms 2 -ton or wo per weck. This happens all over the country, it would not, it could not happen if no ticence for coffee dealing was given to these people who were rectivers. They would gradually be weeded out 1 will remind this Council of an authentic case where. coflec was stolen, two logs it was hidden, it was dipeovered, the recciver gof five months and the natives concerned sot two sears. The receiver was, re. issued or continued with his lisence 1 do not know whether it was e-issued or what happened, but anyway be was dealing in coftee the next season a a soon as he was aut of piscon The position is icrious, because it is almosit impossible for us to dsal with there native gnngs employed by receivers, and as longe as there is the possibility of these rectivers fourifing with the mitnimum penalty. and continuing to do so alfer they have been convisted, there is no hope of our siopping them. Two tons out of 20 tons. all on one lam. Now I want to pring up a most astonishing: tact there, and that is fhat one of the gasier in court on oait said that was our coffec. They were thatienged by the court, and they. proved it up to the lilt by having 10 stmples of coffer before them and pick. ing out which was out coflee. To tme and many of you here that is a miracle. it shows how extriordinarily difficult it is 10 prove the coffec rectiver.

II is almost lmpossible, and when you do catch them they ought to be dealt with with the utiont severity. The first thing we can do hete is ta put an pmendment in this law by which 11 is ilezal, for a proved rectiver to continue
[Mrs: Watkins]
to have a lience It is very difieult for us lamers why tare the losers lacidentally it may be inieresting to know that not only was our cofles involved. but somebody who had never noticed hut comebons soincs and it came out in court that this gang had been continually doing ith boing from one farm to another. It is ${ }^{2}$ widespread ganzorganiza. tion and we hayce got 10 deal with receivers. So far we have failed to ert anything done about it and 1 aní now going to ask the Director of Agrieuliure whether fie would consider an amendment to cover this point, it never seems fust that a man who is stesling, or training natives to steal from all over the. country and to bring the procecds to him should be allowed to continue 10 trade in coflee. I do nol thirk if is very much to ask and 1 do ask it, 1 am not quite cretain whether 1 ought, to put in the fut amendruent that there slootid be I time limit to the licence because 1 am not cetain if h is alteady, in 6 Ma . netwic: Hi is.) Then may task that the second smendment may come in. I will read at again slowly, That hicences under 4 K \& $4 \mathrm{~B}, 4 \mathrm{c}, 4 \mathrm{~b}$ and 4 h shoutd not be re-issued to persons, whether previgua lifensees or not, who have been convicted by the courts of this country or of neighbouring teritories-for, steation coffec or of eniploying others, particularly natives, to do $50^{\circ}$.

## Ma . Cooxe sceonded.

His Exceitinct: 1 gutest 10 the hon. member that the proper place to propose that amendment would be when propose ina committer of the whole Council when she wil hive ppportunity to do so.

Mr. Panoo (Eastern Area): Your Exceltency, if is stated at the foot of the Bith which was circulated 10 members that the object of this Bill is 10 envure that all persons and firms dealing in Kenya with any coffer should be liemsed. In very many countrit it is the practice that various branches of trade or indusiry are licensed seprarately, and if that is the whole object of thir Bill 1 do not think 1 have anything 10 object to. becaure the principle of having separate licences for an important iodustry and trade such as coffee is in Kenyza cimnot be objected to by anybody, Qut reading the sarious clauses of this Rill, it is
abundantly elear that the sole object of this Bitt is not merely ta impose licence fees in my opinion tits more to protect existing traders, and secondly, it is elear from the garioun clause enumeraled in the Eill that a certion section of the community will, be faroured by its gidministration, because the whole ade. ginistrative power ond full discretionary power is vested in one udministalor. Thidly. I leel that it is coine to chuse a more or less monopolistic trade in coffer. A bill such as this $1 /$ know, Your Exceltency, as am ulso $a$ colfee exporter, has been in demand by acer. tain group of traders for a great many years and 1 am rather surprised that Government has been ible to resist it for 50 matiy years.

1 will refer to one or two clauses whith 1 think ate most objectionable. Unuer an ordinary trading licence 4 person is allowed to trade without any person restriction:- It, tie juse laces our a fraing licence, with the exception that for the last couple of years testitition hys been imposed: but previously anybod could trade in ahy eoods or uny commodity by just takine out a trading licence. He by just takins ou a tradims could not be refused, while under this Bilf rutl disertionary power is yented in the Direcior of Agriculture, who can to some refuse and to some grant accortfig to the pressure that is brought on him fiom outside, and, if he, has to refer to his advisory commitee, I consider that would be even worne, becabse it will consist of the friteretied people them. selves, As I tatied, full powers are given to the Director of Aeticullure to refuso or accept any application for a licence withon showing any reason, and a fur ther objectionable clause 1 conider the proviso to $3-4 \mathrm{c}$ (1)-which ays: Provided that no Coffec Dealeris: $\mathbf{A}$ Licence shall be issued to any person who, in the opinion of the Adyifory Commities, has not suffieient knowiedge or experience properly to conduct the busigess specified in the licence. ${ }^{-1}$, should like to know how the hon. Diftector a Agriculture will judge whethef a person has sufficient knowledge and experience properly to conduct his business, For instapes, 1 myself have dore business in yarious types of cifler other that Kenya, I cin recognize types ol Kenya coffec, have sulthient finance 10 export and milker coffec. I wonder how he would judge whether 1 am experienced or not
(Ali, Paroo)
[ar. conduci inat buntinect 1 consider that this claves is sdded for the benefit of this clauce and, as 1 said, 10 create a the ftw ande thade in culfes.
monepolinic
There wre other claucs, 1 would tefer. o slause'), sub clavee Ac (4), which impors licence fees, No. (c). Colfes - Dealert ${ }^{\circ} \mathrm{C}^{\mathrm{H}}$ Licence. The hon mover has eyptalined why such 2 low toe as sh. 5 has been prectibede other than wio wibles 10 expork comise on anomaly ompated with No, (d). Under the ${ }^{\circ} \mathrm{C}$ " type ligence a person can do busines of henurede of thousinds of pounds" and the re' likence is only Sh. 5 , whereas under (d), which is the buni deafer's licence, which thase who know coltec triow in the cleap lype of coffec, phd anybledy desiting lo exporit or deal locally In hund has to pay a licence fee of Sh. 100. 1 think k a-a very tigh anoum for a liecoce lectand-petliaps needs alteration a fice fore bre ton. As cyards the fience that Sh: 300 afe, If has been suggesicd brater to pay,
is rather ot heasy fee for a broce It mitht te divided un into 5 he 100 for thote broker desling in " $A^{\prime}$ type of coltee and Sh, 100 for those who deal in other types of coifee. 1 would further suggest that in claise J. th, where the yathens types or colfer are described, yathas type of con wint will be incioded after the word "eoffecs In type A atier colfer and fo type 1 aluo the: worl "banl' should te lincluded alter the word collec', In ype $D$ also the word "bunt should he included because at the moment the bunt trade is very small. ind if anytody has to take out a arcial lieence of Sh. 100 for It Ithink It lsa very high fec, As regards sub. clatise ta (h) of clause 3,1 wonder why Alombass has been treated with stepmotherly tratinent by the Inclusion of only one member on this advisory comimitice? What 1 would suigest is, altheugh as the hon. mover has ytated the Dill las been unanimously aecepted by the Coffec Board and the cofte traders, ye it should be sent to a select committer for further consideration. I would urge that this gill should not be ruihed but should be sent to a select. commitice.
Sis Butrts Your Execlenes, 1 will deal first with the points raised by the Tran, Member lor Kiambu I should Jike:
to draw her attention to clause 4c (3) of clause 3 . lines 27 to 30 , on the second page of the Bill, wherein it states that page overy lience issued under section 4h of every lience is ordinance shall be issiced annually Itis Ordinance shall, ofe to theat to provisions of section. is of this ordinince, shall remain in force unti the 30 th day of June neat following the dite on a which it was following the dise thercfore are clearly issued tor an annual period running issued Tor an annual poriod rum the lis July to the 30 June.

Mre. Watuns: On a point of cxptanation, I think that is above that paragraph which the hon. Director of Aragricultere has just resd out where it Agricultere has just the principal ordinsays "section 4 of the principse orenIf is propesed to seplace all that. That is why 1 hought the ward "annual" had been left out.
ME BLUNT : 1 am referting to the text Of the Blll which we are considering, on page 2, lines 27 to 30 , which forms jatt of the Bill of whith 1 am moving the scond reading The hon. member referred to the question of theft of colfee. and wuggested that in this bill, there. should be inctuded th clause to the effect that a licence should not be refissued or rentwed in the ease of persons convitied of receiving coffee I liave a good deal of sympathy with the son membt over this particular question. As I sald: the last lime 1 spoke in this Countition the subject of colfee, 1 should lixe to see ecery posible slep taken 10 prevent Wheff which 1 xnow goes on, but 1 do not believe that this is quite, the right place to deal with it, 15 a receiver is ciught and if he is convicted under cxlsting law, presumibly he pays the prinalty provided linder the law for receiving, and 1 should have thought ihat whs the proper place, if it is accessary to amend the haw in regard to receliving to provide for 3 heavier penalty, Neither 1 nor the Advisory Board proposed here. are the proper people to say whether a. penaliy given 10 a receiver convicted. yis adequale or not.
Tuning to the hon member Mr. Paroo's remarks, he suggests that this Dill giver too much power of administration to one official and tends to protect exising traiders 1 suggest to him that the position is really not very much different to what it was when licerices were issued b) distict commissioners In that case
to pay. Finally he sugrested that Alom-
[Mr. Blunt]
the district comatissioner in his district the districe comer of isuing of refusing: tieences.

Mr. Paioo: On a pint of explanafion, at that tine the district commissioner had no power to sive a licence for contee oher than Kensi' coftec.

Min biunt: Up to the present the district commisuoner has issud the colles trict comminalen litence which covers all the actions under the originil definition of coffee dfaler, ti is coriect that there has been in the past no licence required for been in the past ad originating outslde rading in cofec ony litied in my carler temarks to Kenys. I tred in my carlier remaiks od Indicate that the cofter industry regardethis panicular question as one of con: siderible importance. The collee ndusity does not want to hamper the trade in ouside colfecs, ond would, never haye suggested any such action as licensing dealers to deal in coffee ongination outside this country, if it has not been for the fact that we knew that dealing in collee grown elicwhere fias been used as a closk for dealinss In Kenya coffee is weil without gbtaining a licence. The hon member Mit. Paroo then refered to the charges under sith-clause (4) of clause the chargese of the till, and sugessed te of cause was a , great diwirepancy that there was sharge for buni dealer's belween the sharge (or bht 100 , and liecnce, which Ls yhown at Sh is ion, an at that for a ${ }^{\circ} \mathrm{C}^{+}$fleence which in shown ex Sh, 5,1 endeavourd previously 10 ex. plain why Sh. 5 . only was eharged In the case of a ${ }^{-}$- licence It is because those. licenser, If they pre actipe perfecily correctly and hodestly, are not dealing in Kenya colfecs, but we do wish 10 register them in an endeavour 10 prevent the practice which has gone on in the pist when they have dealt with Kenya cofless withput a lience, The hon. member then suggested that Sh . 100 for a buni dealer's licence was 100 high, but I should fite to point out in reply to that that at the present motnent, to deal once buni s dealer has to take out a reduced the costing Sh 200, and wor that particular foe he has to pay for, bat paris fon. liences it is also suggested by the ho is. nember that the fee forent momienta, rither high. At piy Sh 200 for whatever broker has to pay , have neser heard he deals io, and hose in tusiness that complaints from uot thin they are abte.
basa was being treated unfaitly in that they were only soling to elect one of the members to the Advisory Board to revicw/lieenees unider ela use th. Perhips. that is so, bul 1 think he will agree that it would not be reasonable to expect more than one member trom Mombasa more hainenentative from Mombisis 10 or one represenfalie cvery occasion when travel to Nairobi on cyery occasion when the question of the \&sue of a licence or number of licrnces Is under consdera. fion. We have enderivoured to give nom. optesentation, und 1 do not aucquate repece think he can be really serious in suggest ine that additional members should be put on the advivory panel to represent Nombace.

The guestion was put ind carted.
CRIMINAL PROCEDURE CODE (ANENDMENT), HLL

## Skond Rlading

Mr, Browr: Your Excellency 1 bes - move that the Criminal Procedure Code (Aniendinent) Bill the read, a cocond time.
These manendments o the Codare de of at sef swafor character. Climes 2 Bives puacre to lie contlrulas court when a senterice passed by a vubordinate when comes up lor confirmations lo court cones bus 3 setles n Joubt with yrant batit Clause 3 se ot the principal regat 10 . cencetion 28 of the Code orulinance, By section 88 of to atres police ollicer ls glven power. bo alre by without a warrant ln ecrain casc, by wection 29 an officer in charge of a police station is given power to atrest in three further cases st oul; by section 30, when the officer in charge of a police stalion cxercises his pourrs be mily depute his owers in whiling to a subordinate, and thas been stigesested that that fetiers the Chas been suggested mat police oflicer 10 power of the or warrant. The object of arrets withour we ir quite clear that the clatue 3 is 10 make 10 arrest with power of a police omacr. way fetered out a warrant if in no way cetcered. Clause is designed 10 spoce up the Chase of siminonses ite criminal five sevice seby expedite the hearing, At the and thereby expammons ean be served prespiplice oilleer or in oficer of the by a police oncer of pic oficer Under cour or some oher pubic onf thif clause the court may order any per. son to serve a summons. Clause 5 again is designed to remove a doubl. Ey section 337 , where a person of committed 12037 where 0 person

## [Mr, Browa]

to pition for non-payment of a sum of money which : he has been ordered to piy, if the pajs part of the money he has his term of imprisonment reduced by tho number of day which bear the same propartion to the lo4is sentence of impriventient at the amount of money he fax paid to the total sum he feliable 10 pay. As the section if draited, it was anged. that to would only apply to cases where n-person was committed to priten In lieu of a Uhtrexs wartant and na other canc. This claute is designted to zemove thal doubt. Clause 6 refers to people who are subject to police supervision, and nokes fi clear that the court Which hates the order that an accused perton, afier coming out of pison, shall be subject to police supervision, mas sive certain directions whit regard to where lie thall teside and where he shall stportindican give those directions at any lime, not hereig at lie time of raking lie order Clause 7 in designed io ensure that a perton who finds a dead body in certain circimstantes which mate it destrable that an mequest stial lee held ahall netify the authorities tha he has found that dead body:

AR Tisifx seconded
The quetion was put and garied ADIOURNAIENT
Councll adjourned till $10 \mathrm{am} . \mathrm{dm}$. Fiday 2nd June, 1944.

Friday, 2nd June, 1944
Council asembled at the Memorial Hall, Naimble at 10 am. on Friday, 2nd Jinc, 1944, His Excellency the Governo (Sir Henry Moore G.C.MG.) presiding-
His Excellency opened the Council with prayet:

## MINUTES

The minutes of the metting of dit June. 1944, Were confirmed:

## PAPERS LAID

The following paperi were Jaid on the table:-
GY Thi Citre Sccretary (Itr. Revenie): Secretariat Letier No. 44 of 29 h April, 1944, dealing with the preparation of development plans
Ey , ME ATIORNEY GEVERM, (MR Fosicr Surtor):
Select Committee Report on the Land Control Bill.

## ORAL ANSWERS TO QUESTIONS

## Nu. $40-\mathrm{Natuphlizatios}$

Lort Eravels Scort (Rift Valles):
sWil Governtient agree not to naturalize as Britigh subjects any mare Europeans of forcien cxtrection till ufter the war is finished?
ME RoNit: No, sir. The proedede. at present followed by the Government of Kenyeivid in accordance with instric tions recrived from the Secretary of State for the Colonies as to the policy which stiould be pursued in the Colonier in this matter.

1 Can, howser, assure the hon. member that every opplication for naturalization is most carefully scrutiinized -berore it is recommended by the Governor to the Secretary of Sthte.

Lano Fravcis Scotr: Arising out of that answer, is Goveriment aware that there is i y yent feling of perturbation among the people of the Colony st the number of foreigners being naturaligod?
Nis Rrine, The Government is sware that there is a certain amoint of freline on the subject.

## INTERIM PROVISIONAL PENSIONS

 W M. ALENMr. Thster Y Your Excellency, 1 bez to move: That this Councli mpptoves the payment until luther notice of a pros visional interim pension at the rate of 5159-2-6d, $=$ year with effect from 81 h June, 1944, incusive, to Mr. Willian Martin Allen, formerly assistant accountant, Public Works Department, in respect of his service from 1at Alay. 1927, to 7h June, 194, both days inelusive, in lieu of his own and Government contribu. fons to the provident fund plas the interest thereon amounting in all to 5749-10-8d. which reverts to the genemal revenue of the Colony.
This motion is in line with several mptions which bave been before this Council during the last year or 80 to provide interim pensions to those people who are nal entitled to a pension according to the pension lawi and 1 commend It to Council's approval.

Mif. Drown ssconded.
The question was put and carried.

## H. Silis

* Mr Tester: Your Excellency, beg to move; That this Council approves the payment until further notice of a pro visional interim pension at the rate o E $59.150 d^{-}$a - year with ellect from Sh September, 1944 , Inctusive, to Mr. Hatder Shath, formeily operative, Printing and Stationery Department, in respect of his serice rom lis May 1927, to 4th Sep tenber 1944, both days inclusive in lie of his own and Goverament contribulions to the provideni fund plus the interest thercon, amounting in all to C365-0.64 iwhich reverts to the general tevenue or the Colony.

This again is a motion which has precedents in this Council, and 1 tust that Council will approve of th .

Mie Drown seconded.
The question was put and carricd.

## A. K. Giliumi

Mn. Tester: Your Excellenty, I beg o moves That this Council approves thie payment until further notice of a provisional interim pention at the rate of $50^{\circ} 6-3 \mathrm{~d}$ a ter with effect from sth Apri, 1944 , inclusive 10 Mr A. K.

Ghauri. formerly Asian assistant master Education Depmitment in respect of his service from 17 th August. 1929, to 4th Aprili 1944, Both dsy inclusive, in lieu of his own and Government contributions to the provident fliad plus interest thereon amounting in all to E283-9.34 which revertis to the genefal revenue of the Colony
This is again precisely on the same liass as the former resolution, and I trust that Council will also tuprove il.:

Mk. Brown seconded.
The quertioh was put and carried.

## KENYA EUROPEAN CIVIL SERVICE

Mr. Vincent! Your Excellency; 1 beg 10 moves: That the Kenya European Civil Service Commiltee's Report dated Ist December, 1943 , be npproved in principle and that covernment request the Secretary of state to establish one 0 Service unly for all European civil sefvants in Kenya, In acrordane with paragriph 9 thereof, as soon as possible,
It is not my intention, sit, to dras you hhrough this report, which I take if that some members of this Councll have read (laughter), bul fido think if is cesenifal at the outset.' In order 10 give nembers on the other slde who feel they may: bo affeeted by the outcome of this resolution, an titeretation-or $t$-manine of the motion. The firt part of the motion, of courre, is quite cletr, thit the report be adopted in principle. The second pat is the part that 1 want thoroughly ex plained before you get any hazy nolions ar. wht the molion means is this, that we do nol wantitwo Services in this country, one superior and the other initrior. We want a contented in efficient Service, and above all a Ser vice which the country can afford. We want the youth of this country to have the first oppottunity, provided they are qualifits, to secure appointmenti to such a Service and to have nothing to debar them from reaching the hightil office We this want to avoid the youth of the couniry being forced into an inferlor Servie, with posibly some glearm of hope of one day moving up to tho superior Service, but in no circuenstancet do we augest that the terms and conditions of preient hoiders of overical pouts thould in any way be-cocrometied upon or advercly sffected. I hope that

## \{Mr: Vincent

Is fully undertoon, to that any prejudice fowarde whil t may wy may be removed at the outinet.

Also Ithink it is abwolutely necestity 10 undersiand what paragraph 9 mexns In teme of the motion. Paragraph 9 was the Iesilt of overwhelming evtuence which came before the committec from all porlons of the community- 1 will not ay particutar portion of the communily bit emplatite all portions of the comminity, ARter cireful examination of the cridence, soyl parapraph 9, "we have teached the conclusion that it is desifable diat the terms of service offered to Eutopean officers of the Govermment should the idenifal, Irrespective of the potis which they hold, since any veria. thons ate boind to lad to a greater or. Leis degree of discontent, even thoulgh. nuish disfontent may have no logical foimdalion tit fact, This does net mean thit we pre pirepared to reconamend to Your Excelleney that the two Services Bhuid now be unitiod-melhe terms and. conditions of service at pratent applying to the Overseas Scrike since we consider that those terme thenselver are capable of conslutiable modification, Although we realize that here nie serious dift cultici involved in any attempl to modify overseas terms and conditions of scrvice, we think that the terma which wo intend to recommend for application to the Kenya European Civil Service tre suitable for all Government European employee, and we recommend that the Government would corsider the detira: bility of maxing them of eenerial applica. lion, We recognize, however, that in examining this matter careful thought must be given to the posible elleat on overies: fecruliment which mus ho undertaken In compelition with other Colonies, Now i hope to prove logically nnd sancly to members of the Council ut 11 later stage that contributory pencions un such are not a modification of the tems of service but are indeed the very opposite as compared to tree gentions. - A finther point is ta regard to the terns of relerence As, 1 see many members them the terms of reference were " 10 examine the present terms and conditions Etriched to appolntments in the Kenya European Civil Sévice and to make rerommendations with a view to such.
modifications as may be considered necestary". Those who have read the report will realize that those terms have, been exceoded, and there was a very good reason for 16

On the 3 rd lene, 1943, before the Commitec, of which 1 was a member, gati f wrote to the Chairman the followIng Inter in order to try and clarily the position from the outset:

Dear Mr. Surridge.
Your proposal to hold Mectings con such and such a date), if suitable as Fat as I am concerned, I am very much exercised in my mind, howeyer, as to whether this Commlitee is going to be much use, vile the Resolutipns passed by the Civil Servants, Association. I fed that it is one glieston and not two. and that the questions ufre not separate -i, e the KECS and Overseas, anal I think it would be a waste of timeanyway of my time-if our terms of referener did not inetude the possibility of the umalgamation of the two Servies so that all Invidious comparisons cence. I thould also hate to feel that this Commintec now sitting should in any way, heranse of its tetins of reference, widn the gan belween these two forms of Service and form yel another bartier belweten them Whits being well a ware that 1 have pressed for the conditions of the KECS. 10 be improved wuch Improvement was obviasily not intended to be merely within a watertight compariment, The logical progressive trend of Improveminil ruis be to wards the amalgama. tion of the Serviecs $x$ o that progress is possible in the Service as a whole. treipecive of the point of employ ment. Can you, therefore, get Governments vecision upen it now. because If ersential findings can be briushed aside by Covernment as being higbly lavdable, but outside sour terms of reference, then I shall not be interested in cointinuing ta be a member of the Gommitter so that it is jiss is well to ascertain how we stand from the very commencement 1 would also ask if is vould not be possible to ascertain the Sceretary of State's reaction to the Resolution sent to him by the CSA. which ma, completely alier the whole method of dealing with the discontent prevailins throuchout the servioc at
[MT. Vincent]
the present time, on the much wider issuct ${ }^{\text {+ }}$
The Chaiman happily tepilid as fotlows:

Dear Mr, Vincent,
1 have your letter of the Jrd Junc regarding the Kenya Civil Servies Commitiee, which I have discussed with the Chief Secritary, I suggest that you should raise this question at our first meeting, and if it is then ruled that the question which you wish to raise is out side the tetms of referense, and the mojority of the Commitee consider that the terms of reference should be revised, they are at libsity to ask the Government for revised terms. I may add that the Government is most anxious that every reasonible suggestion should be examined by the Gommittec, and that it will certainly not rule out any suggestion mide by the Commitice merely because it is outstde. theif terms of teference. If the aboye reply is not sitisfaciory to you, would you let the know, and we could then dicuss the matier,
That mas a very satisfictong beginning. It thowed an endeavour on the part of Government to throw this matter open In order to give it an opportunity of really being solved, and at the first meet. ing we were informed hit it the eommission was appointed as migeted or requested by the Civil Servanta Atsocia Hon, Hit Excelency was of opinton that the repori of this Commitee which had been appointed would be of great value to tueh a commistion.
The creation of the Local Ciyil Service as such is very clearly set out in the repori, and is part of the history of the country It was donc at a time of extreme depression, and tit very easy to be sise fifer the event, but the consensus of opinion then was that something had to $b=$ done in order to effect economiss, and now as a rcsult of the passing of time and experitnce it is proved on the evidence which came before us, and 1 think if is gencrally known, that it has not done what was expected of 1 L 1 ent afraid I must refer to the very untappy condition of the Civil Service of this country today, and 1 do it not to attack this Gove crnment, becuse 1 do not think that this partitular Govemment which is now
scrivg is wholly or 10 a grat extent responsible for the present condition. I think hat it is a result of a rollen, antiquated, obsinuctionist syisem, 1 do not think anybody will deny that the Civil Service to day is in a bad slate, 1 might describe it as in a sea of dicountent, distress and almost bitternes, and in order to record the evidence on the other side in substantiation, in cet may be aceused of exageration ancol may will not be l should like, and 1 hope or last paragraph of the resolution which was sent home to the Secritary of State by the Civil Servanus Association last April: "This *Association has no con fidence in Government'sw nilitude in matters affecting its stafl, in as much as the ritiule ated in a prit veriety the atitude adopied in a great yariety of matters over $a$ number of years hig cvidenced a meagre degreo of sympathy, understanding and impartallity, and therefore, appeals to, the Secretasy of State, that His Moksty's Government lo the Unlted Kingdom may be pleaged to sppoint a Royal Commission to enquire. immediately into the state of clisatsfac. tion widespresul thrpughoit all section, of the European Service, and to make recommendations tor removing, the coutes of discontent which are maters of serfous concerm to many senio mem. bers of the Service but to the gravily of which the Kenya Govemment appent to be indifferent.'
We know we have holhends In every walk of life, we know we hive tools in every walk of life, bit 1 mainlain that this resolution wal voted lor by 327 olficists, pémbers of the Association, and even thaugh you msy be prejudiced gaine Government ofliciali, $I$ do not againal Go cin say with ainy degree of believe we can way with any uegree of veracity that there are 527 (ools or dis. honest officials among them, and 1 cannof believe that such a body of men. tinlest they wincercily believed that they hid light entirely on their side, would dare to rend such a resolution to the Secretary of Siate itrough the Govern. ment of this country. $t$ belfeive that this lefing of frustration and bitterness in becaus these men, or their friends they ore supporitig, have been the vicims of cirturistances which 1 have described before and will describe again as deplor. able end antiquated,

When the change was miade if was fir. crinble that somebody had to suffer it

## Ar. Yincent|

is always that way, and certainly 1 am convineed that $s$ number of men did suffer in comparison with others. Although 1 xiso do not want to be accused of quoting the report out of its content, t want you to tralice that in farigraphs 42 and 45 the commitioe did cknowledse that fact, and those para. grapher read at follows: ${ }^{4}+$ We have noed cailler in this Report that the European Civil Servants Association have neter accopted the argument that wholesale dimmissat wat really a setious ulternative, the avoidance of which could be regarded ar mitimating in any way the hardship suftered. On the contrary they contend that, even had wholesale retrenchmen been reworted to, it does nol follow that this pirticuler group of ofliceri would have been the firt to gu. 43. We were not sonvinced, on the informalion teeprited sbove, that the claims mide by the Aisoctiation on behalf of thez ofteres did not merit further consideration she we have, thetefore, proceeded to in examination of the netual eineumstances surroundins the decision finally faken In this thater.: You will find the details of that examins. flon, or a resime of it, in the teport so that, will not worry you with the In commercial practict, when this atimp coctrred we had to mike cuth or the fabrie of organizations coald nol have urviyed. When the depresilon Hfied, we pil those men back, as far is we could, on to reaconable tems to kexp thern satilied, but nol always on the eenerous terms they had recelved before My idea In this mater fs that these Civil Serviee men should have been put bact inlo the position they would have been in if the Local Civil Service had not been crested but on a 11600 th constans and to work up to $\$ 5$ yeart of gee. This also was our rosommendallon, XVI, which has has vantous Intempretations put on hi. We thought. we hoped, that in the absence of defalied figures of each individual case-there were 1601 cares but they are now down to 135 actually serving, the netl are either dead or have retired-w could find 4 formula for handling all theso men, Sinee the repont the been laid itx elfert on individual cases has been ctamined. figures bave been worked out on a basi, but t am not prepared to artue whetret that basis is right or
wrong. but each Individual cave has been worked out on a basis which anyway come people, in this complexity of fayres and fectors, think is equitable.
We find that, due to the alteration or the pension coastant from $1 / 480$ h to $1 / 6001$, 75 ofliceis will setire with less pension, three with the same pension, and 60 with more pension, on retiring at the ase of 55 inslead of 50 and after havins paid contributions thereto, I am uthorized. thetefore, to stre by the ther fhrie members of the comsnitiee. with whose yiews 1 entirely agree, that after having studiad the position further. they feel that in the case of the oflicers ceferred to in paragraphs 27 to 62 inclusive of the report, commonly known as the "press-gang" cach jndividual case be taken on tis ments by the newly constituted European Civil Service Advisory Bosird and bo adjusted in such a way as 0 make their financial postion at least approximately equivaient or favourable to whit it would have been had the Loeal Civil service nol been created, but on 1/600th constant instend of $1 / 480$ th and. where wairanted by circumsances, the equipalent of a free pension on a $1 / 600$ th conslant be grantes on a consibutory basis by the adjustment of the officer: salify perwonsl unto hiniself to cover the whole or part of the officer's contribu lion to the contributory pension furid as may be decided by the board. In this way, and in this way blone, do we feel that these cases can be equitably dealt with, and we believe the opportuntty has arisen whereby those grievances can be renioved entirely, once and for all. In this Eubmission 1 venture two very imi portant faclors do enter into this, One is the newly, constituled Civil Service Adisory Board, and the other is this very haty question of the contribulóry nension.

Although the newly constituted board is very dearly set out in the report, I nake no apology to Council for referring to it in some detail, because in it 1 belicua that Govemment and the country has the means and the machunery to prevent such a feling enteriag into the Civil Servioe of the country bereafter. The objects of this advisory board are as followst "To secire the griates measure of co-operition between the Govemment in is cipacity as emplojer and the staral, body of Civi Servants

## [Mr. Vincent]

in matters affecting the Civi Servies, with a view 10 increased elliciency in the public service cambiped with the well. beine of those employed, to advise on staff problems, and senerally to bring togeither the experience and different polnts of view of representatives of the various branches of the Civil Service' When you read the objects you really wonder why this was not done years ago on the form set out hercunder, The functions of the board are as follows:- "Generaily alt matter affecting the terms and condidons of service of the saff should be included in the sphere of the Board's activities. More preciscly the functions of the Board would bet (I) To provide the best means for utilixing the ideas and experitnce of the stall: (i). To secure that representatives of the staft are futly consulted regarding the conditions under which their daties are carricd out: (ii) To cncourage the further cducation und traning of Civit Servants; (iv) To con sider means for the improvement of offoce mactibery and organization and to provide opportunities tor full consideration of suggetions by the staff on this subject ( 1 ) To consider and advise on proposed legislation in so lar as it has a beating upon ihe positlon of Civil Servants in retation to theit employment; (vi) To considyr and advise on the seneral principles poverning, terms, and conditions of servict, es. recruitment. office hours, pronotion, dikipline, ter. ure, housing. teive, allowances, remuarra: fon superannuation, etc., provided, towever, that the discussion of these and like matters by the Board hhould be ne stricted to gencit! principles, and that individual cases should not be considered unless they can be regarded as test cases involving the consideration of general principles, (vii) Specifically in repard to (vi)-(a) to advise the Governor upon the appoiniment, promotion and transfer of officers within the Colony to posts carry: ing an initial silars of more than 8360 per annum, appointments 10 which do not require the approval of the Secretary of State for the Cofonies; (b) to arrange for the control of the various Civil Ser vice examinations, (c) to advise the Govemor on such matters sifecting the posts or individuals in the service as he my specifically refer for the opinion of the Boart-

1 do implore you, Your Excelietery, That uoder (c) you should nke thote powers und instrict the advizory bourd to go thito these eases of the $X$ and $Y$ oflicery of press-gang. The composition of the bond is extremely importint. $A$ Government official is chairman, to be nominated by the Governor, tho should be independent to tho exteft that the plays litue of no part in dealing with staff matters, Members-Two ofleial member to be nominated by the Governot, preferably one from the idminisoritive tod one from the financial side. rative and one rrom the tall alde one a Two members from the stafl slde, one a sentor and one a junior, oflicer, 10 bo nominated by the General Council of the European Civil Servants' Association, the jumior offeer not to be present durias discuseions on the promotion of officers of equal seniority or senlor to himself or at any other time at the the Chaiman. Two unoflicial meren one, who we sugget should be a merm ther of the Slinding Finance Committee to be noninated by the Governor and one by the Gencral Council. Secretary$\lambda$ Government oflicial to be appoinges hy the Govemor.: Never hive we had the opportunify of appointing a committec or board whove constitution has $b=e n$, if I may say so, so intelligently subsested, II is not sufficient to thave a junior ollicial before you und take his evidence and be stiffled with that, because the resulf is never latisfictory. You must have him there to tiprexent the cate or cases in detall, to listen to the reaction of every argument on tho subject, and to eariy enses, through to the end. I am gtad that this advisory board has been accepted, 1 undertand by Government, and I hope it will perform. We ended up by taying that, we recognize that such a board as this will nocestirily be purely a consultative and advisory body, "We fetl however, that nomatly the unanimovi recommende. nons of the bon id would be scoepted by Government To be perfectly trant if ther 1 . 1 . hourd not then 1 hink the advisory cospointing ber repot exist. if is no conntifte coverite fite various-fleds of yout cm ployen activitic and when they make or recommendation. to turn it down unless there is a very spectal reaion for if. An imporiant addition to the tem is that i"in the event of a decision no being rached, the viewi of the two titat

IMr, Vincent!
repiesenititives should he a vailable for tull consideration by the Goveriment. and we recommend herefore that the constifution of the hoard should contain a provition that in the event of diagreement it shall be the duty of the Secretary to rerord in the minute the view of the dituenting minorily, it they to decires as well th the majority recommendatione" In drawing un the terme of reference of any such body a an odvicory boarid of this mature, it often becomes neesescary in the light of experience to enlarge those terme, enlorge the boards activities, and enlarte fits powen. 1 cannot spesk for the other members- of the committec, tul 1 am trite they sill suppon me in saying that we do not want any frustration 10 recomnitence on the excuse that *we were nol quile certain we conld deal with that matter or mot, If a thing does Smpinge on the nature of the work and entieney end emper of the Serviec, it ghould fe handled by them.
1 would like to-danw-yont atention to subparigraph 3 on puge 14 of the report where it draws attention to mill defined nomendature applied to certain pors for departmentat convenience Whib prechuld the luiters thereof from being convidered for conllmation of appointitients since the posts as designated had not been gaxelted pensionable onlees", When you read that yout wonder what If Is all about, end 1 will tell you bricily, I understand that, gritar to the Introduction of the Local Civil Service, all cterks unt pertons having clerke athached to thetr designa-tion-such as accounts clerk, eudis clets. shores cletk-berame pensionable by Withe of the fact ifiat alt clerical posts were aecepted ar pensionable. Routs such As slock veriller, examiner of ascounts, torekeeper, although actually citical were nol gazeticd as pentionable. Had they been called stock serifytig clerk. nukditelet, stores ceterk, they would have heen pensionable at clerical posts in one departnent an necounts clesk faited to ret promotion to the post of assistant acountant, on he renained an ecrouns clert, a peritionible clericat moki, and wal in time confirmed as penslonable on - $1 / 4$ soith constant, while hir immediate andors remained, nonopensionable and nere, not, cercttel as rencionable 1 cuderstind there are in the Service 10 -
day many cases of junior oflicers who are penionable because, they were recruited from overcas, while their seniars doing the same work are non-perision ablc, havíng been recruited locally. For example, telegraph Inspectori recruited from the Hitish Post Offce are penionable, while sub-enginecrs, a figher rank, are' non-pensionabte, having been re. cruticd locolly. so that if a telegraph enginece pays his own fare out and foint liere he forcils a right to pernsion under the circumstances which exist. No wonder sich caies an these cause agreal deal of dimmay and discetisfaction and the victims are heartily supported by other niembers of the Serviee! Such malters-my thin, tind the board existed, could end should in my opinion have been put right at once.
The contributary pension, scheme, 1 liave to take a litue time to shaw the legal differnce--the correct differencebetween the so-cilled free pensions and contributory pensions. 1 will deal first with the contributory pension scheme. and will take as my guide the present wheme which is in foree in the Railway Administration of thie eountry. "A mems her contributes at the rute of 3 and 5 Gths mer cenl of his enoluments, and cons sinuous services dates troni membership: a man may become a member at 17 years of age and all service from that age counts: a servant has the right to retire on pension on attaining the age of super. annuation provided he has not leas that 10 years memberihip-he can also be requited to retire at that age. Apart from the prensions granted above, a persion is also payable under the following circurnstances: on medical grounds after 10 years membership on reduction of reorganization of staft after 10 years metnberbhip on the ground of ineficiency Jue to changing conditions of sork or regarded is not solety whithin a servants control after 10 ycars membershlp. In these cases a senant has the option of either receiving ar rension or taking a refund equal to 2 f tinites the amount of his contributions accumulated at 3 per cent compound. If a member is tetired before ten jears nembership on grounds of re-organization or inefliciency, or 10 causes not solely within his own control, he receives 21 times the amount of his contributions accumulted at 3 per cent compound In the event of dirmiscal for
sion, his widow receiver the diference
[Mr. Vincent]
misconduct, the member gets his own contributions plus interest If a member sesigns before superahnuation age, he reccives his own contributions plus interet. If a member dies before superannuation, his prescribed dependants receive a sum equal to $2 t$ times the memfer's contributions accumulated at 3 .per cent compoind. On the death of n memcen after retiring on penslon, his depend. ants receive the diference, if any. between 2f times his contributions accumulated at 3 per cent compound. ess any money he has actually drawn from the Fuind by way of pension or commutation. That is the legal right of a contributory pension. There is nothing which you can do to upset it and it is which To me it is a mare honest funded to me the other and I will tell you why.
Under the socalled fres mension scheme (a) The servant docs not can wibure anythitis! but this apparent ad vantage is offset completely if salaries are adjusted by way of increase to cover. the coot of coniuibutions: (b) No kervice under 20 jears of age is taken into arount in assessing pensionable secrice: (c) The servant has no rifht to setire on ataining the age limit, or completins the requisite period of service, but the Government cin require him to retire. This is a very one-sided irrangement from even, point of view, Apart from exireordinaty cakes, such as the grant of a pention 10 n member who had beca seriously injured on duty, the basic principle is that no pension is grated until ten years service have been completed, and it may then be pald if the servant is retired on the ground of ic. organization, or on medical grounds It he is dismissed from the service or resigns before he has done his full period of service. or attias the age limit, he rectyes nothing if he dies before receiving a pension, his legal reprosentative hge a pension, ens's salary, plus house allowance. If he dies the day, after he has gone on persion, his dependants receive nothing: The najor benefits of a contribitory pension scheme 35 com: pared with a free pension scheme are as foliows: $* A$ servant has the right to a pension: Service under the age of 20 years counts as service; If the pensionter dies the day alter te har gone on pen-
sion, his wha receres tha dit times betwer what paid to the, Fund It be what he has paid to the Fund, If he chooses at any time to nesign be soer at lest get a lump sum of money which be has contributed himself, plus 1 per cent"

1 am well nware that under both schemes you ean commute a portion of your pension. The contributory penslon cheme should be guaranted by. Govinnment 1 have heard 1 argued that ctuarially it all works well, that a tot of Government onicials had died soon afier retirement and olthers fad lived for many yeare 1 am not coneerned about the col dibeullies of the tenefils, but actuaria dimeulus o, she ber but the individuat results. 1 consider that any. system which nuakes if posible for 2 man to serve his country and die a fow wecks afier retirins and his dependants get nothing, can only be said to be n vecy bad scheme compared 10 the other Again, the cost of conitibutory penstons are shown in your accounts and esilimates as a definte commitment If there is ony. difilikulty regarding contributory pensions it is becsuse of the war when there ure bound to be delays. What hhould hive trea done, of course; was to have hrid a central perision fund creates for hll schoduted colonies years creates for all scheduled colonies years ago, when we bay 1 xnow exaclly whete we stand to-day. 1 maintuin that in the interests of sanc Inance we shoild know the cost of our pension commitments eacli year. or fur pensis co char y car. In future, i! I am returned to this Council if not I shail ask my tuecessot \& 0 do it-1 shall press for a-tiatement to be put in the budget showing approximately the amount contributory pensions, would have cost the country had contributory pencions been in vogue, and add to it pent pention vote, which amounls to ${ }^{c} 230000$ I think this year, That statement would glie is a lair pleture of ment would give is a commilied to in pensions what we are commilted what they are really costing us. 1 may not be quite aceurate, but near enough 10 satisty most people, but we want to zet somewhere near:il.

Let us come to the merning of one Scrice We are well aware that this teritory, because of its meigre population, at the moment cannot Jymish the personnel for the whole Service, but there pa point that we feel that, as we pay ve. should have the say* that our children and the youth of this country should
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## [Mr, Vincen!

enter a cood Serivice, and thst is why we brought in recomineridalion 42, which diso stands hable to mitincerpretation but which I hope to put tistt now.

The hrit slepl/ that we go forward with the 世heduled Government Colonial Service for the youk of this country until wuch time as the population of this country, and pethsps of neighbouring ferritories, inerester iuftiently to enable is to funith the whole of the perionnel. Then we will have, I hope, an East African Service fumithed completely. from these leritories in exactly the same way is is done in Sowthem Rhodesia 10 day and also South Africa, but that will probibly be after thave reached the age of retirement. Our iecommendation 22 is as follows - Ws tecommend, however, that before the Secretaiy of Stite is infoimed of any vacancy and requested to make in appointment, the clalms of possible locel cendidates. for the pos thould be carctully-examined and that. where a local cand date with the neces. sary gualifications is found to be avail. able, a recommendation should be maile to the Secretiry of State that he should be appointed in preference to a candidate trom elsewheret We are not referring there to oman already in ihe service, we are refering to any one in this country who becomen qualified to do the job, not to have to so home end walt around there until te can sat imto the Serviec and, what is more, I think we are convinced as a mesult of this war that many men who have not had the opportunity of soing home to universifies have proved by the Intrinsic valie of their manhood and their integrily and their capabiltity that they are quite well able to enter the Servie as a valuable niem. ber of il (Applaise) One of the caused of the ureency to get the Secretary of Stale advised that this tis the wish of this Council and this country is that, although we have taken into conilderation in our repott in recomniendation 29 the cm . ploymen of specially qualified staft and of denobilized nembers of the fores, we are equally determined that under no subuerfuge whatsocver, no ghilly-shallying, no excuses, will we allow our children to be planged, jinto an interior Sertre, There is no reason for it,
As regards the eftect on the present holders of overneas posts. 1 made it quite
clear in my opsning reniarks that we do not wans to interfere with conditions as estabtished at alli in fact, there is a recomnxendation, recommendalion ${ }^{14}$. Which statest We therefore recommend that in respect of the first teave ptier the war all officers should be granted free passages for themselves and for their families up to a maximum of four children of sixten years of age or under who are still dependans upon their pirents". Whether or not the overseas olicers accepl. the new lerms of leave. ctc, or remaln on the ofd terins, it was intended by me-anidid om certain by the Commitfe-that sil officers should enioy the bencife of this recommendation in view of the tremendous savings which must have been made in the cost of passages to Government during the war: Paragraph 102 on page 41 is exctedingly important. and if may be, accopd. ing 10 precedenls, quite outragcous for a commitiee to put such a paragraph in their report, but $I$ believe that in these days of multiplyins reports and diminish. ing setion this paragraph is fuly justi-fied:- We with to express our strons conviction that unless effect is given to alf our major recommendations the main purpose for which this Comminte was appolnted toll not have bent served, nor will the conditions of service be sumiciently favourable to attract the best type of recruit and maintain an efticient and contented service in the post-war years. This paragraph is an eamesi statement by members of theCommittee expressing theiristrong conviction that the report will have falled to serve its purpose if only those tecommendations which suit Government at the present time ore acrspted \& ralize that Govermment will find that there are $\boldsymbol{a}$ number of aspects which will cause delay in giving effer to this inevitable unification of the Service, but 1 maintain that there is no trason why a statement cannot be made by the Secretary of State that if is his intention to unify the Service as soon as possible, 1 cannot believe, from my knowled ge of the present Secretary of State, that he findulges in ritgative obstriction. I believe that if we ask him to do something and he cannot do it. he will sive us a reason why the eannot do it, he will nol just sy no, refer to paragriph so-sind-so sub-paregrigh so and-so",

## [Mr, Vincent

The hon. Mermber for Uasin Gishu wished me to express his complete agreement with this motion and with the views l have expressed. 1 have little more to say, but I do feel this, vir, that in times such as these, when 1 know wh are all overworked, that should be no excuse for putilng ofl and delaying a principle It may be, as I sid before quite foreign to precedent, and it may be hortifying to some people who to not inderstand expedition, but a can see nothing in this motion which cuts across anything which is rational and good. 1 can only see gool in it, and as you. sir, at the cutset of this sititing of this Committee showed a very liberal and a very reasonable atlitude lowards the terms of reference of the Committee and the problems which confronted us, only hope that that reasonableness and that sympathy with a great problem will continue to-day and thal yot will be able, in the inierests of the whole community, to give your smation 10 . aceeptance of this motion. (Applavse)

Mr Nicol secońded.
Mik Tester: Yout Excellency, there stems to be a school of thoughi that thinks hat Civil Servants should always proceed by way of precedeni. and, following that school of thought. I will divide the hon. member's mation Inta two parts, as he did himself. Government can readily stree to the motion - That the Kenya European Civil Service Commitice's report dated Ist December 1943, be approved in prinetple", In fact, some 14 recommendations, which, in. clude some of the most important, have altendy been notified to the Service, and the Secretaitat is busy getting ready to inform the Scrite that a great many oither recommendations have been accepied, 1 am sure this Council, will expect me to make some reference to the cost of these iecommendations. By the accepance of the principle of a conttibutory pension scheme we shall have to put down $f 112,000$ as back bonix, By aceepting the report in principle, we shall find ourseives involved in $E 8,000$ tecurrent expenditure, and I Exelode Recommendation XIV about passiget Recommen don members know, we have because, as hon. nem on kissares which Thade a great siving on passages which vill at least oflsel the expenditure of the 4 40,000 as envisaged by the report. The
other recommendations which $t e x$. cluded when mentioning those figures are two, XXXILI and XXXIV, war bonus Hon. members will appteciate That Government is prepared; by accepting the recommendations in painciple, to go quite a long wy in the finnalal field. The hon member spote about anomalies and the diffecuties of the Service arising, for cexmple in connexion with the scheduting of clerks in pensionable posis and the fact that stock verifiers and oihers did not become pensionable, and blamed the Government for the position, 1 think there can be but few members in this Council who do not femember that Government gave sh undertaking. under pressure from tinomeial nembers that no further posts should be shedulad for pensionable purgoses, and that ts the enilre explanation of the fas that those unforiunate fellows to whom the hone nover referred have not been madé penslonable, es far as I am aware.
The second patt of the hon mem. ber's molion reats as follows: that Government request the Secrelary of Stite to ettablish one Service only for ill Eutopear Civil Servants in Kenias in? accondaner, with paragraph 9 lof the reporl) as soon at possible, I think there is quite a 10 to be said for that motion in a broad way, because I would not lite $1 \mathrm{c} 10^{*}$ be thought In any seme not ile 10 be that, if thls molion were not accepted in tolo, there ts the least Idee at the back of anyone's mind thit Kenya youths should not get equal opportunnites as recruils from outside. But I must ask Council to aceep the fact anat there are enormous practical dificulties in setulng enormous prachicat difieulics in wethit Up a walertight, compartment of the Civil Service, without going decply into them, that such action might hare: detrimental effect on the youth's who Join in Kenya. The real crixx of the matier, in connerion with its pricticability is the contributory penstons cheme $1 t$ may contributory pensions schemc. It may well be that, if we set up a coniributory pensions scheme, we may find that people who are brouzht under it who have to foin in it, will find thempelves very much prefudieed If later on they want to so to another colony, and myself do foo see why any Kenya youth myself do not see why any keny yavs as well as any other youth hould not expect to so on promatian to anolher colony, It all depend on the question of scheduling. The hon mover mentioned the idea of a central contributiry

## (Mri, Toute?

pention fund It ise fact that such a fund hal been mooted. The Arit reutt yat that It was demonithedel that $1 t$ wotld be $m$ matter of extretie complica: dion, requiting latal action and agree. ment by mot if the other territories who work win the Colonial Olice, and. In lact it do a thing that could not be tuhteds owing to the waf ection on it hat 10 t large extent been suspenided. There are going to be quextions of that thature which have to be setted before we can copalitute a unifid service, and If ecms to me all these maters should be genc Into, and that the closest por vible attention shauld be given to the effect if a unified service, io sec whether or not it woutd be detrimental to the people jater on whe verve in Kenya, and I certalinly Join with the hon. mover in the hiope thit a creat number of them will be Kenya youth.

That teds ne to think that if we accept this huellun as it stands and eet some' quich dectitoit that a unified service be set up in accordance with path. graph 9 of the report, whether we sha! not be taking a lean in the daik or at fean we shatl he toking a minue into ilue wilight, and Kensa south in a few jears tine will not tegard us as a very farsecing tet of people In these circuinwiances, sfr, 1 shoutd like to move an aniendment io the han. member's mution: that the motion be amended b) the addlion of the sords II after cramination it is contidered that such a cheme in practicable and desirable".

MIn. Fosina Surtor seconided.
His Exchilacy: 10 thot know whether the hon. mover is prepared to ncepe the anendment?

Ma Vincont 1 ant alnid li gannat: It dess not mean antthing. (Lnughter)
Mh. Rengu, Your Excellency, I nise to speak intapport of the amendment. If am In entire sy mpathy with the Jesire of the thon Memiter for Nairobi South, lo have a unified serviee in this country. I sint only two well a ware from reports that conie in from heads of depariments that the present circumsiance in depart. ments are not saliffactory when there are sometimes two men in the samelype of post working on diflerent lembs, We ats all minious it we can 10 get rid of That state of aflairs and 1 fulty $s \mathrm{ympa}$
thize with the desire of the fon member lo prevent that son of thing happening in future. Dut 1 think that we must remember that this proposal to have, 2 unified service has been considered in the past I do not wait to go too far back into past histery, but some hon. members here will remenber that the Enpenditure Adyisory Committee as far. back as 1932 went into the sugecstion, and reportad: We tavour in pinctple the Fint altemative that is, a conmibutory pensions scheme), which has already been recommended by other commiltem, which have inquired into this matler in Keny. but feel that any isolated action on the part of This Colony in adopting a contributory pensions scheme may be found to involve so many difincultics as to render it incapable for application within the period cotered by our tems of reference". That wns in 1932 In 1935 we had another committee called the Selest Committec on Economy which reported as follows: We favour is principle the first alternative (again the contributory pensions sctieme), which has alrexly recommended by other committers which have inquired tuto this matter in Kenya, hut (eel that an): isolated action on the part of the Colony in-adopting $n$ contribulory pensions sheme may be found to livolve miny diffculties", This was more or zlest 2 topettion of what had already beet said. Then we come to the Harragin Committee report, and paragraph 9 of that report-said: NWe tave rectived one sugestion that the Loenl Servite should. berpollished anit that in its stead stioutu be created a new Serviec providing for a sulticienily large quote of permanent posis th which, existiag members of the Local Service should be absorbed. We are hol able to parse that any case exists for the abolition of a Service which. whalever may be its shortcomings, was created as a result or mast crreful in quiry and does olfer a settled career to those who enter its ranks'.
1 have quoted from only thice committecs which have gone into this matter in the past 12 yars or so and 100 so 10 sound a note of waming that this propesal for a unified service, is not so stiractive as it appears at first sight and. inderd, as I will point out in a moment it may not succeed in removing some of the difficulties which exist at the present tine, The hon, Financial Socretury has
[Mr. Rennie]
referred to the danger of making servie in Kenja less attractive to men in ofher colonies than it is at present. The hon. mover has stressed the point that we in Fienya cannol in present circunistances fill all our posts ourselves, much though we would like to do so. Take the case of Kenya working on a contributory peasion basis and other colonies on a free pension basis. If we nsstme that the tetmis of service that at present exist are sulficienty attractive to bring men from the outsidd into the Kenya Service, 1 think we milist atso assume that, if we are going to take away from the outside men the possibility of free pensions when they come here, some compensation must be paid therefor. Thit compenal ion, it hat been surgested, should take the torm of on adjustment of salary Well, if the outside man's salary is going to be adjusted we get into a somewhat similar position to that which obtains at the present tinc, nimely a local man is on his local terms of service and contibutory penslon, the new mant comes along and also goes on to, the contributors penision but has his salary adjusted. on olher wouls he gets more silary than. the local man to compensite him for the fat that he is going from the fres pension to the contributory pention. That is $h$ posible satg and it is becouse of that may and a good many others that the Government has felt it necertary to 308 , Eti, the zmendment to this motion. I need nol go into many of the other difieculiers I haye already diseussed some of them with the hon mover, and indeed, as a sexult of our converiation, I rather hoped he would deal with wome of the diffeulties and show me how they could be removed 1 That has not been donc, and I mercly emphasize the fact that this questicri of 2 unified Service on a contributory pension basis will present many practleal difficulties. If 1 may quote the Kenya pnd Ugander Railways Administration in this connexion. tmas, say these practical difficulties bave been found to be wery real indeed within the past three yeirs in the attempt that the Administration made as a result of a recommendation by the Railway Ad sisory Council'a few sears ago to work in fuiture on a superanuation fund.
The first part of the report 1 do not intend to allude to at this stige except to sty that Recommendation 1 liercin,
the one on which the second part of this motion is bssed, merely recommends that Government should consider the defir: ability of making these terms of eseneral application. As the hon. Member for the Coast has pointed ont more than once. consideration is raiher a differemt thing from action, and what we fite hein asked to do this mioning is for Govern-ment to commit itself stenighisway: 10. requesting the Secretary of state to establish a unified Servilec furthivilh. 1 think in view of the tret that we have not hidu a geeat deal of time lo consider a matter which is of the greatest limportnace to this country, not only to the young men in the Schice thit to the couniry as a whole, having regatd to the necessity of getting hem from outide into Kenya, 1 think it is only reasonable to expect that . We Govermatent should have a litule time to colisider thit matter and consult the Sceretary of state, since as far hack or 1934 and 14 t1 the Colonial omles was liselt inverigating the question of a contributory pension seherve for the Culonial Service It te one thitg for kenya to ndopr this scheme while others are on a fres? pengion besic 11 is an entirely diferent matier for Kengu to be une of siany colunies wúking on a contributor perion basis. If we arrived at that slate of allairs, and there is a good deal ta be sald for it is the hun. mover petinted out we should be on a nutel theled wicket in working, towards a unifled Scrvice So 1 support the amendruent in order that we may have i chine of soins thet this matter thoroushly and not take another loap in the dark or -plunge into the iwilight" 1 theretore support the ameridment.
Mr. Nicol: On a point of order, Youf Excellency, if, 1 spent to the amendment, have I got an opportunify, If the amendment becomes the main motion, of speaking again?

## His Excellency: Yes.

Mr Nicot, Your Excellency, 1 an atraid that 1 cannot accept the omend. ment because, as the hon. Member for Nairobi south side it really means noith Ing. I am, however, glad that the Govern ment can accept anyway the first part of the motion, and I hope after 1 haye spoken and pertaps the hon mover. thit : Government will be bble to wilh draw their anfeodment. $I$ am very glad

## ( $\mathrm{H}_{\mathrm{t}}$ Nicol)

to hear ihat 14 rtcommendations of the reporl have already been accepted, bul I would like to emphasixe otese agitn parauraph 102 of the teport, which is a yery definite and emphatic paragraph It hat betn reid once, but 1 will read it again, bectuse we want it on recordt We with ta cxpress our strons convicion that unless effeer is giveft to ail our major recommendations the main purpooc for which this Commiltee wat appointed will not have been served, not will the cunditons of service be unfleiently favourable 10 attract the best tye of recruif and maintaln an eflicient and contented Service th the poltwetr year"* The hon. Financial Sectetary told us that leaving oul-the question of passages and also war bonus. the recommendations in this teport, are soing torevt the country about $K 140,000$ the contribulay y pension scheme would he fil2,000. Surcly that is nol 100 muth to-ask to secuice a contented Servise? Widespread discontent through out the Kenya Civil Service at the present moment is most damagine to the country. to the Individuals themselves and 1 abmilt 10 the best interesti of the filure of the cointry, In tegard to the quation talted on the scheduting of there various teritories, surcly that is a matier which, if Government aceepts the main motion, and refera the matter to the Sectetsry of State, the Secretary of Siate could so into. 1 do not think that anybody expects Governiment to sil Jown and drafi a short telegram to the Secretary of Sules apleaze Impoduce unfied Service at once", and that he will wire beck: "Go ahed" Of come the matter has sol to be"examind, Govetnment must put up theit point of view to the Secrelaty of State, and the Secretary of State must have ar oppoitintity of going Into the matter and secing how if eflects the Civil Service as a whole. But the point we want to emphatize is that we do not want any hesitation or delay in examining this problem to see whether we dan get a unilied Service established here, beause until we do we thall not cecepe the discontent abrond in the Service 10 day Naturally none of us want to be untair to the staff if thes come into the Kenjy Scrvice from outside at go from the Kenja Service on promotion elsewhere. Those ate points focke talen into cor vderation.

We have gone into the question that there hs strong dissatisfaction throughout the Senvice and the repont thas made recommendatons-and it is a unanimots report too-and in view of that and also the excetdingly clear speech of the hon mover this morning when speaking to the main moion, surdy Government can aceept this motion, We are nol II) ing to put a last one across Govern: ment or the Secretary of State, Coming now to the question of persions, the hon Chief Secrelary bave us a very clear exposition of the position, but it, is on examination that the obstactes may be overcome, After all, diffeulties are not insurmounembe, -thd difficulties are there to be overcome, and we can overcome them I sm quite certain that it is also necessary to have a retision of salaries. I am gulte sure on that poink. If you turn to Recommendation No. XXXVII of the report, the salary scales were examined by heads of departments and we reported, as per the appendix, accordingly, but 1 understand that since the report has been published and each thead of a department has seen what the olhers have got for their peoples they say they ate nol satisfied That is what 1 have ben informed. The whole point is that we want this recommendation 10 go home to the Secretary of State and to ask him to do it, and if he cannet do it to tet us know the actual ressons, and see whether we cannot find a solution to et around the dificulty. We do not want to make this an unattractive colony for men to serve fn. As far as we areconecmed, we want and must have the best, and only the hest is good enough for Keny, and it is the future we are looking to, a future for our young men and the young men who will come out and join us and make theit homes here. We therefore request that the amendment be withdruwn and proceed with the debate on the main molion.
His Excelurivcy, 10 no other membet wishes to speak to the amendment 1 thil put the question, but before doing so 1 should just like to make this clear. The antion of Government in proposing the amendmient is not because we wish in any way to burke the issue or not to examine most carcfully the possibitity of sucti n general Serwice. 1 can assure bon. nembers that there are very gteal diffisulties which it is sussented could be
(Hif Exceliencyl avercome here, but under the pension scheduling organization of the colonke it will be the other colonies which have got to agree to come in Such agree ment is not povemed by an action that we can take locally. We want 10 be sure that our officers on promotion trom here to another colony do nöt suffer. Here they would be on a contributory pen sion, whereas in another colony they would yo on to a free pension basis. $A$ further resison why we thought fi desimble to miove this a mendment today Is for the sery reaton that 1 am most anxious that we should give no wrong impression to the Local Civi Service tha hings may happen imnediately, quickef Than in fact they may do, because quite frankly, the only way 1 can see in which there could be an immediate fusion of the Lecal. Service and the Overseas Service would be to put all local oflicers on overscas terms giving them frec pensions and all the other privileges that are attached to that Service. That, It do not think, is either the intention of the hon mover or of the signatories to this eport, and 1 feel it is inportant that the Local Civil Service should tealize hat, on the one hand, Goveriment is most sympathetis towidy the recommendations in the repont but, on the other, does not want to create the impression that they are all going to st overseas terms tomorrow.
CoL Grogin: Your Excellency, if the Cnendment ls going to be pul, may we ask whether the gramoptione will come into operation, because that will ultomatically determine this debate and there is nothing more to be snid?
His Exceirency: If the mendment is cartied, the motion as amended will then be before Council for debate.
CO GRAON: 1 beb your pardon.
The quetion of the amendment was put and carried: Ayes-Messis. Blunt. Brown, Daubney, Donovan, Foster Suto Cur Hobden Hoder Hut Sumon, Cardacr, Heale Hodge, Mor ier, tzard yohnstone, Naw, timet, Northrop,,$C$ Pedrax. , Nenine, Robins, Stronach, Tetter, 19 , Noer. Mesish. Beecher, Cooke, Cal. Grozan Major Keyser, Mr. Nicol, Lord' Francis Scott, Messrs, Vincent, Wright, Mrs. Wakins, 9. Did not vote-Metirs Kohli, Paroo, Patel, Sheriff Abdulla Salim, 4.

The debate on the motion as amended. was resumed.
Mis Cooke: Your Excellency, I sup pose I should feel somewhat hurt that the hon mover took exception to wha he described hs the meaniaglest word which the amendment pitit into the sub stantive motion because, of course, the more obsecjant hon. members who have read the orider paper will have noticed that they are precisely, or almos precisely, the words which I have pu fidd the motion which 1 em moving nex week I I am sure thic hon. mover could not associate hinself with that motion which uses the words practicable" and "possible": Actually, 1 do not think it matiers luppence sithough 1 did vole agaloss the amendment, whether the Words yre pat in or nol, because whate ever happens we cannot do what Is not practicable and possible and desirable: What I have sald about the hon, mover rring to twlt me fit no way debars me from associating myself wholefiearledly with the points he so persuasively and so, pungently made 1 personally am bound/ however, to agees with the hon-Chite? scerelary that these dificultes do exist. but as iny hon: friend the Member for Arombas: baid, dimeutites are unly made to be'overcome, and lhope that Gavernment will use every effort, if I may use that cliche, 10 explore every avenite" to se that dimiculties are overcome, becaute It is a matter upon which Civil Servants in this country fel very strongly. 1 personally could never be an assenter, ar an old Civil Servant, to any alteration in the terms of service which would lower the present stafur of the Kenya Civit Service, because it has had a grent and honourable tradition, but there may be ways of overconing the difleulties which exist.

The hon mover has made his points, If I may sy so, to clearly that I an not going to waste the time of this Council by coine over what he himself has sild, but I would merely like to support what he the said when referting to the unhappy conditions which prevail in the Civil Service, to-day, As be rishil soid 600 cate poople are not toing said 600 reasonable people are nor going to lake up that attitude without a prety sound reason, and when we consider that the Artican Civil Service are also dit contented there must be some pietly good reason for this widespread ulscontent, and no amount of regulations

## [ Ni . Cooke)

will overome dicontent ynless the Civil Service is adminiticied in $\alpha$ sjmpathatic as well as an ellicient manner. One of the great reatons for the dicoonent-and I hupe Your Exceltency will bear with me ft ant a litle bit on the subjectts the teasoth that when $a$ jupter Civil serving fringt an his point of view the e ere not often listened to with the simprity, which bhould be expectel. If I may füt give one instance of what hapenel ar an ficeriew which was recounted to ne affer the friervien took place-actually it was not Europeants it wis Africant-and liey said that they had heen recelved in an unssmpathetic and uncemptiving mantact. When t took that nather up with the eetion functionary in question, he this his impestion Wacthat the African has left him eery thappy, and very contenied with the reception that they had tecefiedt If thaws that the genikman was cither very ignurant of"Alticath psyciology orwell l will not putany pherderm to il! This is the point $t$ mant to make, that no amount of regulations and no amutint of. altesution th terms of scrvice with have ani) elfoct unles the jitnor people are allourd to exprev their grievances. And that a meve of the reawos why 1 atwo wekone this boati, befori which junior oflicers should not only be permitice but even encotiaged to mit their point of view, thope, sir, that you will permit. as to-day prevail in the armed services. to happen in the Clvil Servies of this cotitity, that is that ofloess are encotraged to expres their siews. With those few mards heattity support the inntion.
Leind Ingecs Sromt Your Excel. lency ax this Gavernment has noved an ankendment whiclt has now been passed. and us It hat now become the substanthe motion and is therefore incritably going to te pased by this Counci, 1 to hot wish to waste the time of Council by adding angiting to the arguments which have teen pill forward, All l want to USh is this. What steps are Govemment mponing To tale nove 10 put this into clfet? (Heaf, hicar) It wither words how are they goling to hold this eximination fo see whether the seheme is practicable and destrable? 1 sugert that this ex.
the pros and cons of this thing should be reasembled and given the job of proJucing a scheme that is practienbte and reatonable (Laughtera)
GEnERIT MANACER, KU.R \& H. (Ar, Robini): Your Excellency, it was not my fintention to intersene in this debate which I have listened to with very great interest, but 1 do not think It has been realized some of the difficulties Which do arise out of the specific pro posal that was made. nor do I think it has been realized that swift action on the liner of the ofiginal amendenent might have been to the decriment of the very pople whove interest we are all on both vides of this Council, concerned with. There are few people I imagine in this cotniry who have had the sime experience that I have had with a contritutory pension fund, a superanmation fund. and free pensions $1 /$ have been the victim of an unsound superannuation schente; 1 have also ben the victime of $\rightarrow$ contributury pension scheme It does not niean, however that I am opposed to the general prinetple of a contributory pention-there is a fine distinction helween funds and schemes und so onbit 1 en assure bon nembers who are annjous to unify the Service in Enst Afries that very careful consideration is necessary if unificition, is to take place under the stispices of a contributary pension or superamuation fund. As the hon Chier Secretary has polnted out It is not the dillicullies which, arise within Kenya jiself, it is the dificulties whitch arise from, outside Keny, from other colonies and bither public services, and whaieyer we may do in Kenya-ind we may have, dery mone persusive powers-I am very:ubious as to whether ouf persibisive powers are such as to bring othr countries readily and rapilly into line Therefore 1 think this requires very fult and very carelul examination, not only in Kenga iscelf but in consultation with the Secretary of State, In order to see how these difficulties can be overcome Dilliculties do exist. We, the Railway Administration, has, in, the Interests of ins staf, introduced-a superannuation scheme in place of what was 3 provident fund, but that supernpnuation scheme does not apply to the whole staff of the Railway Administration. Con
[Mr. Robins]
highest to the lowest, and the rason why that has not been introduced is beause of the very difliaulties I have mentioned. It is a question of scheduling and interchange between other railway and other territories, and 1 am quite sute that those who are advecatitis on improvement in the conditions of the Kenys Local Cibl Service have no in tention of restricting the Kenya lad from taking up appointments in other countries where he would widen his tx nerience and noldoubt return to Kenja as in more experienced officer, and therefore before you can do that you have gol to overcome there dificulties belveen other teritories and that is: matter which eannot be overcome int. (er) short time.
Mr. Revine: Yout Excellency, 1 do not propose to refer, unless in pussing. to the question of the contributory pensions proposal, since 1 have deaft with that in try earlier spetch 1 will take up now the question of the recommenda tions in the report and deal with the firse hatf of the motion in that way.As has already been indiented, the GovernDient hat tucepted a number of the tcommendations in the tefort, wos cocommeridations which it felt could be imptemented straightaway, and 1 refer in maticular to Recommendations VII 10 IX dealing with hoiusing which shoild so a long way, I think, to remove any sense of grievance thint may exist as ceards housing conditions. A number of other reconmendations have been notified to the Service as acerpted. namely Recommendations, $\mathbf{V}_{6}$ XVI. XVII, XIX, XX, XXI, XXI, XXV. XXVIII, and XXXVI, Hon, members will observe that Recommendations XVI and XVII are among those recomméndations 1 thave mentioned and it is to those two that the hon, mover referred in considerable detail in his speech. The position so far as these ccommendations are concerned is this, that the European Civil Servants Associntion appented to the Secretiry of State tone considerable time ago in respect of the entegories of officers who are called $X$ and $Y$ in the Surridge Report, and when the Surridge Report had been ifsued the Associstion aded for an early decision on the matter, The Secre-
when the matiet was considered in Executione Coutcil, Council telt that Recomgendations XVI and XVII in the Surridge Report were fair and reason. able and its advice has been necented by the searetiry of State The Colonial The Cononal Office is well awate of the pist history of this question-1 neal not so into that unntecsiatily at this stage-the Secretary of State and his advisers are well aware of the past history, and one can only suppose that in approving Recommendations XVI and XVII the Serretary of Stale considered, m, hils Government docs, that those two Iccommendations art fait and reasonable My own opinion ls, and lhave been into this matter at considerable length and in some detail, that so far as the $Y$ olticen are concerned the recommendations ate not only fait and reasomable but ithey ate distinctiy generous and, as regards the $X$ oflicer, they meet the complaints cumnitecty on* the crounds of legality, and ga a long way to meeting the repre gentations on the pround of eqully.

The point I am coming to is thls tiat although the first pati of the molto speak or sugests that this Counci thould apreove the reponf in principle in effect the sulgestion that las then inade in tespect of Reconmendations XVI and XVII is other than the acceps ance of those recommentations, it is :o seopen the whole quellion once more and Grow the whole thing firlo the meting o 1 thine thing mio the meting bal yon the han Member Jor Ril Valley, ins may say, returned the ball rather neally into the court of the Surfidse Committer by suggesing that he Suridge Commitlec should be tre constituted and sed down to this work revin, Wht ull Jue exmphation, what a hat committee, I lcel that ir hat un opportinity of soing into these cases individually, and it is going to be a lithe hard on he Civil Service Advisory Board ben it constituted to be piven such a very dificult tak in its early stages Quite frankly, I Icit That when the Govemment accepted Recommendations XVI and XVIL, put forward as ticy have been as part of a unanimois report, we should have an end to the matter and to serest now that thone recominendions trould be vetind to the mendations should be traleds extent of having a surber exuminauion made of the 161 case sems, If 1 may








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## (Mr. Mennie)

matitre referred to in Recommendation $\mathrm{XXtt}, 1$ haye detempted it various limes to so. inte these caics indivilually, and I foind, as the surridge Commites apporently found, that to deal with those rake individutilly and ry to make fidfuntment in such $a$ way as to make the position of the officers concerned approsimatety cqual to what it woutd: have been it the) had not poined the Lucil Civil Service ly coing to be a yery dimecul, and indeed. an mimost tinpos.iible taik. One point thit is often dible task One point that is oten, There was tot only at that lime a desire: to woik from a free pension basis to a piovident fund badis w far as the Local Civil Service wal concemed, there wäs alo a very genutre desire on the part of the uniflicial members and of the Guvemment to ensure that the personal chalument till and the pensions bill of this Colong were not going to reach. suth u high percedare of the revenue as 10 make the funtias of ithe Colony as to maxe the unniac of ing cof the tarious combitices that wrat inic this matter froni, roushly, 1929 10 1934 , there was a yers Uefinte regrading of posts and if the comnitter at that lime hat sorked on the hash of comituing fere provions but conomizlas by adjust. menth of salary 1 thlak 1 r reasonable to shy the regrading of the salary scale of a good ming posis in o dowiswird ditrection, as bas happened, vould have gone stil furiber down, so that in lact mithough coniltnulin the fre pension basis the would have given a man less salary to make up for 1 L ( emphavize that point strongly, because it is a point that is for onten notonly by members of the Europsan Civil Servants Association Themsiles thut by uther people who have tren fino this mater.

Since the ton mover veferred to a latement that had been diawn up indicalling in exact detail what milgh be. done to restore to these $X$ and $Y$ officers their ofd porition. I may soy that 1 have ctamined that statement in some detait. I have th here 14 is based on the axumation fint of oll that 1 have jush fientioned, that there would he no quetion of reyrading-which would be a teveral of the polle, then adopitedfiut it is alou based ones pood miany aivimptions whith are not thir ossump tions, and, when it if stated, as hey have
stated in this document, that 80 per cent of the omeers have loss through their conversion to Local Civil Serviee terms, they have based their calculation on the asumption that those officers would noi in any case have had noy adjustment made in their salary scales. 1 suggest that that is not a reasonable astumption not. only In view of the circumstances that then preyailed and the need for ecenomy. but also in view of the fact that the reommiendations made by the Surridge. Committee in the apperidix to their. report in repect of Recommendation XXVJI indicate that the Comimitter have come to some what similar conclusions in the majority of cases concerning salaries. that were then lixed after regrading down in a great many cases, 1 think it is inportani to stress this point, and if i ma) again tefer to the question of the Jifliculty that any Civil Scrivice Advisory, Haard or committec is going to have in trying of adfust the cases of there different officers, 1 would mereiy mention a few points without going intos 800 mach detail.

Trsi of all, before the Lucal Civi Service was established in 1935 , promotion in the clerical grades was on a depatmental basis There were three grades, $A, B$ ned $C$, and oficers worked within each deparment for promotion purposes. 11 might happen that a new post was put in the estimates to allow for promotion if there was a good case for a new post It might be liat someone retired; but promotion wifhin the department was limitied to the promotion posts in that depirtment In the new Service there was at general rotter for promotion. and the result was that a good many prople who had had no prospect, or litite, of promotion in their own depart ment immediately come on to a much belter wicketas ragards promotion on a eneral roster, and as a result gained considerably. 1 do not know haw any commilifee is boins bact inio past hissory to the extent of arriving at what would have happened it the old departnuental roster had betn continued. That is one dilicutty. 1 also think th would be vers diflicult indert for any commitice in respect of, those posts which had the salaries sraúd down to 60 back now and sy, Al tigbt, we gre soing to put You on a free pansion basis as the Civil Servants Association have suggested, but in view of that anit in riew of the grading
(Mr. Rennie)
down that occurred in 1933 we shall have to grade you down still futher because you are no longer on a provident fund basis but ste coing von 10 a free pension basis'. That is another difficulty. for the board. The question of housing allowance is not soing to be eayy. As bon mernbers are aware cond.tions th respect of housting have changed, and in some cases it woutd be necessary to so into the history of each individual 10 find out whet her the was in ocrupation of Government quarters during the 10 jears that elapsed since 1934 and what he paid shen in occupation and what his circumstances were at other times. We have found other diffcultics, I think the hon mover referred to one of them. which is in a sense typical. We have an officer who came out and was serving on agreement terns in a persionable post. We have anoither oflice who came out two years earliter and was servins on agreement termis in a non pensionatle post. The first ofticer, after a few weeks. post, The pensipnable post, we moved into a non penslonable post, but he is put among the X officers who should zet. gocording to the Association's eatliet representations, better treatment than the $\mathbf{Y}$ oflicers. In some cases officers on promotion have been moved froma pensionable to a non pensionable pont. and in other cakes an oflicer has been promoted from 10 , ant, and some of those to a pensionable post, and some of ase
promotions liave occutrd as a trying to give better promotion ports to the Loeal Civil Service, Would those promotion posts have been created if there had been no Local Civil Service? We have pople on old-tims of a fixed salary of say E 300 , who when they were moved into the Local Civil Service were put on an incremental basls. Thase officers have been drawing thigher pensionable erioluments than would have resulted on the old terms How دre we: soing to deal with caser of that sort? I mention 3 , few of the diflicultiex in respect of this question of going into 161 cases, and trying to put back the cloctIn the words of the hon mover to adjurt salaries in such a way as to make their financial position a least appraximately equivalent at far as possible to what it would fave been if the Locil Civil Scrviec had not been created" -

Is not the least of. hem. The honit member goes on to the question of the $1 / 600$ th consiant, and where warranted by circumstances, the equivalent of a free pension on a $1 / 600$ th constant bo cranted on a contributory badis by the adiustarent of the officer's satary. His adjustatent of the offeres should wotk in respect of the $X$ and $Y$ olicers on a 1/600:h constani, go back nud try to adjust their circumstances as far as possible. What the Aspociation:ss asking for it not a 1600 hh constant but $1 / 480$ hh. and if the bon. member is anxious to remove discontent, I submit that he ts not likely to be very successlul it he restores a $1 / 600 \mathrm{hh}$ constant Instead of $1 / 480$ th constant for which the Association has asked. I think that witt be a cause of further disconent, ard wo muist go into things with our cyes open As 1 emphasized earlier, zuch an adjusiment is not part of Recomimendations XV1 and XVIl at the present time-these gre recommendations put un by the Surritide Committee, of which the hone mover was a member-and I maigtain that if we ore going to go into these cases individually te is goling to be a task of the greateit diticulty, and 1 myself feel if th a lask that thoutd have been carried out by the Surtidge Commitice Instead of leaving it to uny other body. Dut the position is that this susestition has been post forward, ane t think that, In vew of the faci that it is the Advisory Board shorly to be tormed that will be given the task of looking Into any erteyances of adjuifinctit of salary that may be necessary it will be rea sonable to consult that board es goon as it is Initituted and that board as soon as In Inimated and submit to the members the uugestion that they should go into thee 161 caics. Opportuntiy would be taken, of course, by those members of the board representing the Government to explain wome of the diffucultics, and I have mentioned ony a sew of the dimeulies, and if the board thought that would serve a niseful purpose to undertake that latk then think it could go ahead with ha Hut I emphatize that the diffecutice are very great indeed, and allhough lhe honMember for the Coast tells us that diflcultice are there to be overcome, Ithink his experiences of the last 18 month have shown him that certain difficullies take $I$ bil of overcoming 1 MR Cooxe: Hear, hear.)
[MIT. Remnie)
If 1 may deal with 1 fow points in gricater detail in the hon. movers temaila. He referted 10 the unhappy condition of the Civil Service al the present time and 1 think it only tight io Ay y hat, of fur as 1 am concemed, 1 cams to dilis Colont in 1939 and worked on the sisumption that in view of the fact that there conditiont had been hammeried onit over 2 petiod of yeits, had bren erigurd from beginning to end by committee afler commitior, hat come hefore thls Council th 1994 and had been accepted by this Counelf, and that we were then at the beginning of what might be a very long und cxpentive wit in which it was quite tmposstible ta see how the fnanese of the Colony were going to run, $t$ was reasonatile to sippore ithat the condithor now existing were fait and rcasonable I worked on that asumpion for 18 , months and heard hardly a murmir as gesagds contilion of srvice for the firsi 18 monith 1 was here. Ooly Crom she midtle of 1941 onwarts thad we sugestons thai fonimions of vervice wore not fair and reatonible In the meantime. beween 1939 and 1941 , the Hartagia Commitice had reviewed the terms of servite of the foral Civil Servire sud they had made certain secome mendations which nere ucrepted hy the Gdivetninent almost mitheir entirety, and If It important to note that, to far as the $X$ and $Y$ ufferer are concemed. they made their recommendations to the Harragin Committec, and the Harrugin Committee did not find them sumbicntly convincing That If the position of Govemment, and If if is held that the Government has not heen suticiently syppathetic l-da not thins that the Govermment is ahogether to blame. In view of the fact that it ras proceecting on what it considered to be the conslacted opinton or this Counsil right from 1935 to 1940. It is perfectly true that, there it discontent in certain branctits of the Service al the present time, anit for that reson 1 hope it will te posisite to find a sofution that will rembe the dicoontent, but 1 frankly fert that the solution proposid by the hon member, namely persions on 1 $1 / 600$ th constant and retirment at 55 . will not remoye it but hat is a matier the Civil Service Advisory Roard can so Into if iffiakes upon itself this las.

Without going too lar back into history. $I$ would deal itifi the argument in para. graph 42 to which the hon mover geferred the fact that the European Civil Service Ascociation have never acoepied. the argument that wholesale dismissil wis seally the alternative. The point was made by the, then Colonial Secretary in reply to a deputation that there' had been inistent demands for caricellation of the 30 monits' ngreement on the ground that this was a common practice amoot commercial firms It might have becin the case that if there had been retremshment on a sery wide scale in 1932. 1933 or 1934. the junior ranks of the-Service would not have siffered out of proportion, but the fact remaint that if there had been retrenchment-and the atternative to retrenchment apparentlyas considered by the committer which Gent into the mattcr, 4 is an aljusument of the salary scale-if there had been setrenchument 1 can only think that the rexult would have beet most unfortinate and indeed disastrois-

Me Vincent: On a point of order, should like to explain to the speaker that magrahh 42 wis a finding of the com. mitter it was not niy argemient.
Mr. REvire, 1 am under nomms. appechension about that In a colony in which 1 have sericil, wholesale retrenchment was indulged in, and the hardstitps that were inflicted on the officers in question were, I consider, out, of all proportion to the adjustrients that were mate in the terms of seryice in Kenya in respect of the $X$ and $Y$ olficers, ind 1 think ihat that point should be borne in mind when dealing wilh those officers. The hon. mover feferted to Recom. mendation XIV dealing with free passages ond t would hike to explain, in case there is any misappretension on the maties that the Government has acoepted that recommendition, not only in respect of the Kenya European Civil Service officers but in respect of oversess officers as well. It is quite impassible to apply it to one branch of the Scrvice and not give it to the other. The hon member also referred, as did the hon. Member for Mombaso, to paragraph 102 . The hon. Member for Mombasa gave me the impression that he considered that by amending the motion as has been done. the Government was departios from the

IMir Rennie]
expresion of opinion in piragraph 102, but I would like to point out in that connexion that the Government has secepted the report in pringiple. There are a number of adjustment that may be requited here and there, but they are all within the spirit of the recomsiendations made and, In some cascs indeed, they go rathey futher than the recommendations in important matierts 50 dir as Recom mendations 1 is conecrned, hon members should realize that there is no question of the Govgrment nol giving eflect to one of the maior tecommendations; so lar as the first fecommendation is concerned, if merely recominends the Government to convider the desirability of making them of general npplication" I wish to nibke it clear that in suggest ing the amendment this moring the Oovernment has in no way departed from Reconmendation f, lt is in lac going considetably further Shan Recommendation 1 stegest.

1 would make a (unther point which should be lept in mind in dealing wifh Recommenditions XVI and XYII and the $X$ and $Y$ ollicers, and it is thes, that the representatione made to the llarragin Conmitice in 1939 rell fur short of what that heen pui up to the Secretary of Siate recently, and the recommendations contained in Recommendations XVI and XVII, when implemented, would cover: and more than cover, the representations put up by the Ascociation to the Harrae. gin Commitice. 50 that, If what the Association usked for from the Harragin Committer in 1939 thad been agreed to, presmably what they are anking for now would not have been submitted. I wish to nale to cteri that the requests of the Associntion seem to have brown with the years, and whether it is bectuse of the fact phat our recerve have also grown duting the war or nol I do tiol know, but I should like to ofler this word of waming and 1 am sure the hon. Member for Ulambs will join wiff me in this. becatse it is a matter we have discussed on more than one octuion. Although, at the present time the Colony's finances are fourishing and we are in poscession of greater reserves than we have ever had belore, ift 35 is not improbable, we have a malyear so far as guaranites tander the Increased Production of Crops Ordinance is con cerned, that will take away, at one stroke
quite a considerable pricenlage of outr reserves and if, as ggain is got improbable, we have 10 continue to give tamine relief to the extent that is necessury at the present time, that again will make a large hole in our rescrves We have also to look a little furtier tonward. We are now faced is a Council with the fuct that in the opinion of several members here the stept which were laken by the then Council went too tar and were too drasić Let us watch our own step: let us remember that in a few years time we may be scratching around" for money, cur reserves may lave disappeared, as can happen to catily. Do not let us make tive mintale now of being uniduly sencrous. iby all means give Govemment servanis a tair deal. (Ma. Cuoxt: We take the rist of being told aflerpards that we are 100 genetous The point 1 was feading up to before the infectuplion, sir (laugher)-and I would ask the hon, member not to Interrupt fitein the full food of my, cloquence-ithe point 1 was leading un to wat that we
 finances are coperned, and white taking every prectution to ensure that the Gove emment servant ects a Pifi deal-and anyene who known the work of the Slandine Financr Committec, of which 1 an Chaifman, will know that rye attempt at ifl times io pive the Govern. menticervant a falr deal-we should not go too far the other way We should look a litile abead and ensure that the cerm fhat are now seltled-and la my opinion the ternis put forward by the Sutridge Commitite Repori are the type of termi That con be considered fair and reason. able-ensure that the terms now setted are of the type that will sand critcism in 10 years from now.
There $\mid$ only one curther point I would make. 1 mm not sure whether the temarks of the hon, Member for the Coast Were dirceted aphinst me of against one of my oflicert, but he save the imprestion that the representations of junior officeri are not received sympathelically and do not get afl the atertion they deserve. Well. sir, I with he would work in the Establishment Section of the Secretarat Oo a month or so. 1 had an efficer fron another department working in the Estabithiment Section for a shont time. and before lenving theda word with him He said , my eyes fiave been opened-these mar not be his exnet
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Mir, Rennicl words II am not one of hose people who can remember exact wordo, but I ean give you substaptially what he sald ain eyer have been opened. The mprestion in abroat that thinge are dealt with in such and gich a way in the Setretniat, and hat you do such and swh 1 thing and that so-andso acts in such and such ot way, 1 am now in a positian tu tell prople that a sood thany of their apprehensions are mitappreheri. tions" 1 am quile kure that If ny hon friend the Mlember for the Coast could aitent some of the many interviews that the seplof officen in the Secretatiat sive to itnion oflicers who cone along with tricvaices, the would realize that a con sTuerable amount-pution it as little as that-a coniderable armount of sympalhy s shown in that connexion, and they are not merely brished out of the door after ulcrint a woid or twos 1 ghould hate bim to think that we in the Secretariat deal will tepretentation in a cavalier aution. If tie were jo giend as miuch ime si the Secfelatiat ollieers spend on stime of the establishment natiers tha come before is I think be would realize the tremendous anount of time wiven to hem and-to antiepate hls point-the lares amount of sympathy-

Mr. Cookt: On a point of explans. ton. I should like to make it clear that a was not referring specifically to my hon. fricnd the Chlef Sectemry. The complaint very often is not that they ore rushed opt of the door but that they are not phlowed to get inside the door. (taughter)

Me Renvir, Well, sit, 1 have made it clear to heads of tepartments and to the Ascociation that lf ulfeers have any parlicular grievange at any time about which they think 2 discussion with me per. sonally would be hielpful, they have only to II) to fix atime Hon members will realize only too clearly that my lime is not my own. that in is diffeuth to the in all The people who wish to see ne. To the one example. I fimisied á discussion whit $x$ depulation from, the Cliil Servants Association a 6 oclook a rew necks a 50 , and. 1 make it a point whenerer C thin an intervicw would achicie ads useful purpose 10 give thal interiew. however junior the officer may be (Applause)

Ma Mortimen: Your Excellency, 1 trust 1 may be pardoned for intervening. In the debate in order to make one point of explanation which, if not placed on record, may lead to misundersandine The hon Chief Secretary has just referred to the fact that belore the Harragin Committee the Civil Servants Association made representations and requests which differed from the representations which they subsequenily made The reason for that has never hitherto been publicly stated, and I fect that it ought to be exphaines now. The Civil Servants Association has consistently maintained the views which they thave recently expressed; but His Excellency the Governor, ${ }^{-}$Sir Hobert Brooke-Popham, when he ayred to the appolntment of the Harrag in Commitiee, made it Elear to me in an interview-I was then President of the Civil Servant's Association-that the would not agree to the appointment of that committec of inquiry unless an assurance was given in advance that the Asocistion would not raise before the commillee the question of free pensions for any tection of the then Local Civit Service, and that is why the representations made to the Harragin Committee were considerably modifed from what had been said before and what has subsequently been stid. (Applause.)

Mr. Nicol. Your Excellency, first of all 1 would refer to Your Excellency's remarks fuist a (ew minutes aso at the time when we had just pased the gmendment, and to say that 1 know full well, and 1 think we all do and we appreciate it, that you are sympathelically minded towards the Civil Serviec and the Civil Servants, and I should like that to be on the record because t think is is only fatr, 1 should like to Ueal with the suggestions put forward that the Surridge Comintite should be re-appointed to go into the questlon of the $X$ and $Y$ officers. 1 think the Surridge Committer would be an entirely wrotg body:
Lond Funcas, Scort, If the hon. nitmber is referring to me, that was not my proposal.
$\mathbf{M R}$ Nicot: $\mathrm{No}_{1} 1$ was refering to the hon. Chief Secretars, whe suggeteí that the Surridge Commitere should examine the coses of the $\mathbf{X}$ and $\mathbf{Y}$ oficers. My resson for that is that the Sumide Cominttee is a Government
[Mr. Nicoll
appointed committe, and the whole object of the composition of this board. as set out on page 25 of the report, is to enable the Civil Servanfs Association to have their own representatives on any wich board which is examining their cases. Again, with regard to Recom mendations XVI and XVII, th the time the Surridge Committe sat we were informed in no uncertain terms that it would be impossible to get out any ligures which would cover the $X$ and $Y$ cases, but since the committer sat figures have been produced to us, Admittedly they will have to be chected and pos. sibly rechecked, but, sondeody has got down to it and got out some figures, and If they tiad been avalfable to us they would have been vers usflul, and it is in view of the fact that these figures have come to light since then that we do rconmend for Golicmment's earnest consideration that it chould te one of the first things that this nev board should do to examine cach cuse individually. With regard to my hen. friend's remorks on the question of cost, I entirely agtec. we must do all we can to keep cotts down hif 1 do sugget it is very fake cronomy to pas people or to pult people on such terms of service that they get discontented, and I do hope that when any consideration at all is being given to this matter, that inefisiency by engendering diseontent will not be tricouraged. Admittedly the hon. Chier Secretiry produced a lot of hesdingt-I prefer to call them headaches-for anybody who is going to investigate all these vanous ouses and the question of terms of serviet At the same time 1 think they should be examined and the whole question should be sone into. 1 should like to say that I entirely agree wilh every word my hon friend the Membe for Nairobi South sald in his opening address to Council.

Mr Vincent: Your Exeeleng, perhapi I was a linte quick in saying that the words alf after examination such scheme is practicable and desirable" mean nothing, but they make the motion mean noith. ing It means that you have a mens of geiting ouk of doing the yery thing which we are requeting you so do. We have asked Government to exprest to the Secretary of State in fact that the Lecal Civil Service should be abolished. That
is ohat it really means when one comes down to tin-tacks. The reason why 1 continue to oppose the amendment is thit it is a loophole to say Well, we have examined it and nothing doing', wheress we as elected members are delermined it shall be done That is the dilterence. But sics 1 should be ungrateful indeed 1 did not thank you most sincerely for your remarks_covering the amiendinent and the reason for hi, frmly believe what you say, sif, 1 firmly believe what the hon. Chitf Secretary says, but 1 cant not undertake to belleve your successors. and that is why one has to be so spectic. in order to tris and get things done it 1 were the Secretary or State-and 1 often wonder if he does ever read any of our debates-1 should rather feel that the vite words which have been added to the original motion were rather, an indictment of my sinecrity, betause ir 1 an asked this question and could nal agree to it in the form presented 1 should not merely nexative it bit be constructive. I should eertainly soy ${ }^{2}$ Well. es. 1 think it should be done, but it cannot be done that tay, it should be Sone in thts way, and if you will form vour fiais on thits understanding 1 cain accept it. 1 think there is tar less danger of delay in doing it that way, than in the way in which Government have sug. sested, I know it is late, but 1 do not want to tush the few words 1 have 10 say, and 1 hope hon. members will bear with me as patiently as usial I was reilly difiturbed when the hon. Financia Secretary made the amazing statement that becuuse the unomitial sembers asked that no more persionable pont should be created, therefore upon their heads lay the blood of these people who have been crucilfed on the altar of sicrifice 1 do not think that is sincere. $I$ believe hie sild that with both tonguts in both cheeks. The thing If laticrous; I lo not think any sane elected memberand I take it most of them are sanewould tver have'conisidered such a thing. 1 listened with rapt aitention to the cloquence of the hon. Chiel Secretaryand there is no greater admirer than I am of his wonderful serise of detail and hit grasp of detail-but 1 do feel that with Government training one is apt to piek out extieme examples which only affect one or two ciles and delires equity" 0 the majority, 1 am not sugesting he has done that in this case, bit I will upgest

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that it might be found sonsible tit one tranined the individunl cases, 1 under. thood from him lhat the newly, consti tured board ate galng to be anked if they would cxamine these cases. If that is the cse 1 ame sery wry plad frideed becutis, despite the dillicultier 1 believe the toaid can do it and it can be done ond flat the men will be salisfied.
Thite ls one other point 1 entitely diwariee with in the Chief Secretarys specsh. Ido not think Govesimen should tum up haek regors and regard Then as the back bround of logit, reason at rquily in the light of changed circum. shanets If the thon. Altorney General fiad risen and teferred me to the law. as they sometimes do, of 800 years ago then I might have sccepied lic hut The trouble with, the Government menulith in these thinss is that they get Trod of old feperty and slick to them and look upon them ka their bible, but thete It no warrant for in no warant in cquity or tith, and 1 noffer thitif hir reply 10 me, in regatd to the $X$ and $Y$ people. he forgot to mention that it was not only my opiaion hit the oplnion of thre other thembers of the Commities and they Telf with ma, aflef fiuther evidence had been produced, that the report wat not a clowed book: they were not in a position to perpelutie an injusilice, and they decided to take the opporituify of puting th right.

The lion. Chiet Secrelary also felerred to an injuitice, with which $I$ hope he was not asociated, In another colony where Lalariet were reduced and a grest deal of disiress was eiused Two wrongs do not make a'right,
SIn. Revine, On a point or explana tion, 1 thid not are us inititues did.
Min. Viscent: 1 am irying to cmpha. siec that they to not The hon Com mifsioner of Lands and Settiement has made clear the point very cffectively teraruing the past tequest of the Civil Servants Association in his closing words he uarned us of the conalng deprestion Thay li a shidow which hangs over comntifre, Lasure you, as well ns over goyemmental tircles, but bersuse of it cannot assume that we should continut ma injustice io any mian or men in the smploy of Government if we mn pos sibly put it righ, and that is the Eeypote
of the altemint to get this put right 1 am clad to interpet the amendment of Goy conment to this motion as meaning that you want to do it if you can and wast to do it 11 soon as your ein. The hon Chiel Secretary (witied me bectule 1 did not offer a solution, I era assure him that I believe, $f$ could even convince him in half an haur that the solution is thete but I how that would ake many houn of Council, 1 Chank sou for your in dulgence, siry in the debale on the original motion, and although 1 am sorry Government lacked the tact or probably the courage to accept the original motion, I am very grateful for what they tave been willing to nccept
The question was put and carried

## ADIOURNMENT

Councll adjoumed tilf 10 am on Tuesday, 6th Jine, 1944.

## Tuerday, 6 th June, 1944

Council asxembled in the Memotial Hall. Nairobi, at 10 am on Tuesday, Gith Junc, 194 , Hix. Excellency the Govenor (Sir Heniry Moore, G.C.M.G.) presiding.
His Excellency opened the Councit with prayer.

## AIINUTES

The minutes of the meeting of 3nd Junc, 1944, were conflrmed.

## PAPERS LAID

Mr. Fostin Sutroer hide on the uble:-

Select Committer Report on the Crown Lands (Amendment) Bill.

ORAL ANSWERS TO QUESTIONS No. $41-$ Crown Rigit of Aprlat

## Mr Vincerrs:

In view of the seting saide by the Supreme Court of Kenya of convis. tions by the subordinate courts in refation to criminal offerices committeil against the Defence (Contol ol Prices) Regulations and the recent decition of the Coutt of Appeal for Eastern Afrien by a majority that the Crown had no right of appeal against a decision of the Supreme Court of Kenya in its appellate jurisdiction, will the Government sive this Councll an assurnice that measures will be laken immediately to pasi such logialation sy may be necessary or expedient in order to conter on the Crawn tuch right of appent in criminal cases?
Min Fostm Sutron: This Govem meat proposes to consult the Govem ments of the othet East Arrien sern torise over which the Enit African Court of Appeol has firidicition trith a view to the dractimeng eg egislation to cgnter on the fowngeright of que it to tha
(di. 43-Inotan Enucation at Elchare

- PATEL

Is the Government a ware ghivitou 1S Indian students at Eldoral awaite the commencemen of $a$ class higtier than the present standard available in the Eldoret, Government. India School, and after waiting for the first
four months of the current year thoy dispersed, dimppoinled at the failure of the Goveniment to take the necessury aten to open that class? Will the Govermment plesse state why the proposel class was not cominenced.
Tie Acino Diricton of Ebecation (Mr-Donovan):-The proposed new clas at the Govenment Indian School: Eldoret, could not be opened unlit certain addfitional accommodation thad been erected. This opcommodation was no completed untit towards the end of the firs lem ifls year. The Deparmient selected and oftered an aproininient'to a suitable tectier who was expected to take up duly vi the school at the leginning of May, Unfortumately at the list moment this teacher aceepted an appoint. ment in another territory, Every en deavour has been made to ©nd a suitable teacher, pind it is now hoped to post one to the sehool in the near future.

No. 44-Adnission ol Mate liasons Regulations, 194

## Mr. Patri:

Will the Governmerit please state in clear terms if the food and hotising thortage was the only reason tor the promulgation of the Derence (Admission of Male Persons) Regulations. $1942^{2}$ If the reply is in the amtimetive, will the Government pleaso atate in unambiguous terms that these Regulations will be repealed as soor as the food and housing position improves?
Mr. Revinit: The attenilon of the hon member is Invited to the terms of the communique on the subject which was published in February laip and also to the statement mide by the hon, the Atomasy General in the debate on this subject in this Councit on the 181 h of April They wen quile unambiguors boith as to the teimporary natuse of these Requlations and the reasoni for thei enaetmentand the Govertiment has noth ing to add 16 them.
,
$4 \mathrm{~s}-\mathrm{NA}$
tive Civic Hospital. Ma Patel:
(a) Did the Director of Medical Servics receive $a$ complaint in writins dated 13 ih May, 1944, from the Siri Cury Singh: Sabha, Mombaia, about the hegligence of the siaft of the
sate (i) whether hat relund tepre. sents an overcharge or what (ii) whether some refund will be made to purchasers of Chevrolet tucks in well?
MR TETEA: (n) Yes, sit.
(b) (i) This refund, wis made posible by advise from overseas of teviced To. b, casts. Iti) No refund will be made in respect of Chevrolet trucks ns 1hres liss becn no revifion of cosis)

## coffee industry (andend. MENT) BILL <br> SLLLCE COMAHITFE APPOINTED

His Excuiever: Hon members will remember that, at the conclusion of ihe second rending of the Coffee Industry (Amendiment) Bill 1 sald that Govern. ment would give tonsideration 10 the question of the appointment of a select cominitiec 1 think it is tesirable that such a selece commitice should be sppointed and therefore I suggest, with the feave of Council, ne formal notice of that motion whe not siven, that Stinding Orders shoutd be suspended fof the. purpose of allowing the hon Solicitor General to move the motion standing in his name this morning:
Mk Brown: Your Excellency, 1 beg to move that Standing Rule and Order No 26 be suipenited to enable me to move the motion tanding th my nams.

## Mr Foster Sutton seconded.

The question was put and caried,
Mi. Biown: Your Excellency, bey to move that a select comitites be ippointed to consider the provisions of the Cofiee Industry (Amendment) Bill conisising of the hon Director of Agriculliure, the hoe Director of Edication, the hon. Members for Rifl Valley. Kiambur and Eastern Area (Mr, K, R, Prool, with myself as Chaiman.
Me Foster Sutrow seconded.
The question was put and carried

## POST WAR EMPLOYMENT <br> \section*{REPORTS}

Mr. Cooke Your Execllency, 1 be 10 move: That this Council requests Government immediately to implement the reeommendations conulined in the post-war employment reports so far as they are practicable and possible.
[Mr.Cooke]
It will be noted, Your Exediency, thal 1 had the foresight to include that provisa so that there would be no need. Ihope, for uny Govermment amendmeni of my motion! It will be recilled that aboul four years ago Your Excellency appoinied a eommitite to study postwas probletits and to report and about a year agd their report was put in Your Excellency's hands. I think that, whatever eriticism there trisy be of that repont, if cannot be charged upon its authors that they failed to make clesr and definite recommendations, and it is right that it should be so, because the end of the world war muil see a new wat out here-a war sgilinst apathy and neglect; a war against the destroyers of our soil and the murderers of our forests: a war agsinst unemploymens, asainst human and animal disenses and egains all the other evils social evils, with which we shall be faced It is now that we must preparef it is now. 1 submit, thist we must establish the machinery and forge the wedpens; it is now that we muse appoint our commanderin-chier and thit we miki organize our seneral saff, otherwise it may be charged upon us later on that. like the people of Dritain when the world war started. It was a question of too tittle and too tate might ray that it is due to the kindters of my hon. friend the Membet for Uasin Clihu that I have been able to get some facts and fgures relating to South Africh Sounh Africa has a Ministry of Welfare and Demiobilizaton and they have sleady crealed elaborate machintris they have 2 Director General of Demobilization Who is assisted by an executive council. and they have an Advisory Board on which is represented not only White and Coloureds, bul also Blacks. India, 100, has set up a special department, so these other dominions-if 1 my call them that-and those dominions. which are more closely associated with Kenya have got a move on What has Kenya done? it is to elicit if 1 can, some information on this point that 1 haye brought this motion to-day.
I Hhould like, first of all, to deal with The personnel os suggested in the committees report the committee emph sized that it was of supreme impornace that the personter should be seleeted with great care for that reason I was 2
link startled the other day to read of me eppointoment which Your Everlienicy had, made, and which is called the Economic. Secretary The conmunique which announced this appointmentand 1 assume if was a Government communique-went on to say that the duties of this genteman would be the "co-ardination of plans for post-war conomichend social development. including the re-absorption of ser ice pertonnel, and that he will advise and assist the Provincial admintstration and the departinents concemed in their preparation", That appeass to me to be the backdoor eritranice, of the Economia Secretary trito the post of the Director of Positwar Reconstruction as fecommended on page 24 of sfie Atrican section of the teport We visualized a mañ of greal administralive experience. I know that other members hate as much as I do lengthy extracts, and hope I will be forgiven If I read a thon extract from page 24 , whte we, dyy: We fer whotver is appointed should be a man of quite exceptional personatity. and administrative ability. It such a man. is unobiainable in this couniry he must. be sought for clsewhere. We would deplore the custom, to common In the past, of choonlis someone for an important lask mersty becsue the is the best of the small number locally avallor sble. We require momeone of outstanding ability by any standard to earry out the tremendoun tasks that will lie before him. The man we envisoge ahould be given a fiee fiand subject only to the overofuling powers of His Exceliency the Governor to whom he ihould have direct gecess. He should not in anyiway be sitbordinate to the Chief Secretary"members may sec a litte of my drafting in this - -and he must not be hampered in his linancial proposals by what has been calted the dead hand of the Treasury\% Indeed, the lype of man we coniemplate would fiot tridertake such a lask were he to be subjected to vexatous control and delays He should bs a man who can take a broad and totig view of financial implications and should not be ties down by the hifibboleths of accountants nor, be cribb'd, cobined and confined'by the over-fiding lear of being criticizzed for not produsing immediate resulu, He must be one who realites that tarye expendibure is often the wisent expendf-

## [Mr. Cooke]

ture and that periny wise and pound foolith har hitherfo been one of the mont crippling and sinister infuences at wotk in this Colorly. Such a man would deserve, tnd no doubl expect. high may,
L- Lin arth my friend whom-1-am etificizing by onplication-1 see him in the bidy of the hall-is not oppovite me to day - becaute is might lead to a certain amouna of livelinen (laughter), but no doubt he will have his oppor. tially later on. Ny friend may-and it is not for me to say-possess all the attibutes requifes by the committer, but It woild be to me no les ihan a miracie that hnyone, at if werc, born and bred In the soul-destroying atitiophere of the Secrelafial. should emerge from thow gloomy porials with head thooly but unbowed" 11 personally lave the high. ef opiniun of the hon yenileman's thathematleal abilides; I Jo not thlak 1 know toyone 1 would preter to so to if 1 wantedito make certain that 2 and 2 minte 4 and hial 3 times 3 nte 3 (Jughter)-I mieañ-that shows how necessary If is to have prople with matheranilcal nbilities lor people like myself! thit in theve limes we are not tuled thy the Higher Bathematicians. and what we requite is someboty-and do not cay the hon. sentleman docs not posicss many qualifies- who has thidied those blg socisl quentions which will contront us when lie war ends And 1 would any, in parenthesis, soniething about what a, lot of people In thit country fet, and that is when the Giov. cinment wanis an olloct for an Import: ant pobt they livariably so to the Sectetariat! and if does appear to some people \& A though Your Excellenc) regards The Secretartat an the sole repository of alt the brains and alt the ability In this countryl That; for in stince, my hon friend the Alanger of the Ralluay has a lot of nitwits under him and that depatiments are composed of a number of village lutiots. That may be the opinlon of the Secretariat, but it is not the opinion of the more conpes teril people in the seneral public. (Langhter),
$1 . \mathrm{em}$ going to usk the hon chicf Secretary two phifh questions, and 1 think they aife susceptible of plain answers I want, my hon. Iriend 10 tell me whether the Economie Secretary is realfy the Dlecefor or Post-war Rehabili.
thtion as visualized by us and, if the answer is in the negative, I want the fion. member to tell we when ihat pos is filled, because it is a post the riling of which should be specdily thople mented. I hive alteady drawn attention to that fact - and if I -may retimin again to South Africa, 1 would say that they have appointed not only a Director of Skemobilization but they fave giver him direct actest to the Cabinct, In India. they have gone outside the Sceretariat, they liave gone vitside the Goveroment. and have appointed a sery prominent botinemman, and he is to have aceess to The Victroy's execulive council, so liat we may syy that this commitec 4hich sat tinder the able chairmanship. the painstaking chaimanstip of the hon. Comalissiuner of Lands, really anticipated similar action because we recommended that there should be an eitly choice, that if should be a choice which should come Prom outside the usual channels and that whoever was chosen should huve direct access to the head of the Government So fi looks as if great minds think alike on thee subjects! Sccund only in importance is the Ditecior of Trainihg recommendrd in section 52 of the mian repori. We aised that this gentlenian should be appointed without any delay. In the communique insued by Your Excellency's Government, elled the Progress Repori op Demobilization, imsued last March, it was announced that the appointment would in all likelifood be made before the end of March, Two months have tone by, and this very important matter Ir sill under consideration by Government thould like my hon friend to iell ne when this appointment is likelv ta te made, and if and when it is mide whether Government will go outside the uival channels for the appointment.
The thifd of the more impoitant personnel was that of executive officer. s should like to mike this explanation. that when 1 mentioned a lew montis ayo the appointment of $a$ Government otter for Uemobilization planniog, the hon. Member for Rift Valley. prohably having indulged in deep stumber while I was speaking for which he may nodoubt be excused, later on rushed to repel an zitact whith 1 had meither made nor even contemplated makios. 1 should like to say here and now that 1 think it was a vert suitable appoint.
[Mr. Cooke]
ment that was mades that of Mr. HydeClatke, and I have already told Mr. Hyde-Clarke so myselt We strongly recommended that whoever was oppointed should haye no other wotk to perform, but, Mr, Hyde-Clarte was given various multifarious dirties and, to add insult to linjurys he was actually taten away from that work a few days azo. 1 must say I was a litte bit surprisedhe is not here to-day-that the hon. Member for Nairobi North should have aequiesced and should continue lo acquiesce in such a state of aftains, because we regard the appointrent of that officer, especially is yiew of the pamphlet that was issued, as a promise. direct explicit and implied, on Govern. ments part that he would be kept for that work and that work exclusively. It is no argument to me to sy that his place has been laken by somebody equally, competent-that might be true: there might be somebody event more competent for ald know, fut the lact of the matibr is that uniess we insiti here and now, that gentleman may atso be put to some other wutk in two or thute weeks time \& hupe the hun. Clief Native Commisionce will, un the reprecontative of the Africans, put his foot down and say, "Look Herce Ism repie. enting those Atricans who have played tich a patt in this ware and lam going 10 Insist that they have somebody at the head of afairs who will look after their interestst, and not be conslantly chopfing and changing as we have been doias.
$1 t$ may reurn to the report, I will teat now with the more material recom. mendations triade. The most lmportan of these in my view, is that recommended on page 17 of the Afrion section and elsethere, concerning the establishment of a Civil Labour Corps I have wider views than my olher colleagues about the extent and size, of this corps. The hon. Director of Agriculture. II may say so, put up a very fin sheme tbout the employment of these mer under the supervision of Europeaps, but as 1 havé sid in my Minority Note 1 do not consider he has gone nearly far enough In a country like ihis $y$ can only restore and retain the whlue of our land by the expenditure of large sums ol moneg. $A$ year or more ago, two years ago, my hon friend chused
some bilarity in this Council-my hon. ftiend the Member for Mombase - when he mentioned thas it would be a good thing if we had one hundred milition pounds (Mre Nicon: Ten , pition
 higher than that I think we wilt want a great deal mote than ten million pound for these great post-mur recon-stricion-plans, and niy hon Iricnd, if $t$ may say so, was a bit in advance of noust of $u$ at that particular time $t$ hope that much moncy will be spent on hydroclectrie schemes, We hive got to lhe stage now when our forests are a wasting asset, with all due Ueference to the Conservalor of Forest, and wie must took around for some other kind of notive power tor the secundary Indusities which we hope will spting up, Not the least valuable part 1 thites of the Contmitiec's work was tire questionnaire which was clculated. 1 m nor gelng into the answers given to that quitation naire, beenute II, would take mueh too long. but 1 will fuss mention two facts and that is that the Kenga Europcans sent in some very fiterealing retirns and It was disclosed thit something like 250 wanted to go back to the tand or 10 go to the land-thlis is out of the thousand who sent in retums-and romething like 220 wished to have yocationit training I will not deal with the quesifon of tand now because that is the Job of the hon. Nember for Nulrobi North, who has fust come in, and it is mother at the momeni under dicursion, but thould like to know what is being done about veontional training, modern schools. lechnital colleges and such like, because I am one of those who feel strongly that it white civilization is to remuin in this couniry If is absolutely essential that we should provide the best postible education for the white children of Keny, and eipecially European youths, and we must do this if weare to avold the danger of a poor white coms. munity 1 think it would not be unfair io siy that, for eyery Euiopean who is ciducted, we educate several dozen cduculed, we ed iferes mean is that the European's inlluence, if he is properly educited, will have an eilctt on many Afrieans around him, am nothaying anything about the Indian problem, but I an not uomindful of it, but it must be pointed out that the Indians haye laid clatm to lade in the Highlands, righty

## [Mr, Cooke]

of wrongly, and when asked in the quetionnitie wheibtr they withed to indule in farming after the war $a$ ne iligitle number asid they did to that it Jooky as if there is no great desire. in Krnya al feast, by Indianis to indulge in ariculture On the other hand, 1 hope aometiling will be done about an Indian atricultural iritialns college in this country or Tanganyita 10 avold the vesy real problem of the over population of fowns by lndians in this country:

If 1 may lurn to the African. We felt so strongly about this that, perthaps a litle ble oulside our terms of reference, we Uealt with represenation in this Council, becatuse we righty felt that any pultwar programme in which-the Alticandil not think he was getting an oppoptunliy of retting his views actoss would nat be the suceess it should be I pelmonally feel that the African should be permitited to elect or elect his representativer by meantoffrowinetal Coun cili-I pies un that proposal, as no doubs did many others, to Lord Halley three or four years ago-and untess the Alfican has a say in the selection of his awn members yol ean take it from mc that he will not have the same conl dence in them it is proposed by some people, and Articans hemselves, that the number thould be five, three Aricans and two Europenns and it will be remembered that the Hilton Young Comminee recommended five repre ceniativis. That would glve a malority on the unomicial side, which would be bitanced by the cxtreme unlikelihood of all parties agrecing on a question One matter, if 1 may tay so, on which Govemment has taken action quickly is that of co-operation among Africans, and 1 In a yery gireat advance that Atr, Camp. bell hat come to this couniry to sive eflect to that matler. There is also the question of traile unions, to which I think most people including some prominent busincs people in this country, are now recontiled, and I hope That an assuranee niay be siven that trade unionimm is solng to be pat on the correct lines before it soes wrong. There are many other points that 1 might have brought up. but 1 am not going lo ex. tend the pitience of Council any longer. There ate temendour laths which lie ahead, and in the solution of those lasks C
we shall require the help of all races Happily it is not a racial nor a pirty one. We owe it to the thousands of Kenya people who have voluntexred sor the war-we cannot estimate what they have done in terms of money-and we owe it also if I may suy 56 , to the dexd and we must avoid what happened after the last war when we pul up stone and bronze memorials to the dead while thousinds of living were begging in the urects If may quote from Teneral Smuls, it is a very short quatation. He said the other day: "After this war. the monument to the dead must take the Corm of a better social order and society with higher standards of living. with more social firilice and security, and With better opportunities of, life*, and "Nothing in these years", he went on to say. Whas been more remarkable than the growing sesolve amoag the peoples that this should be the first right of every citizen', With that quotation from this areat soldier and citizen, I will conelude So tet us to this great task which will require all out energies and all our enthusiasm (Applase)
Mas. Warkins: Your Excelleney, bes formally to second und reserve the right to speak later on.
Mre Vincent: Your Excellency, the lirst point that l want to deal with is that 1 consider it was a grest pity that copies of this Secretariat Circular Letter No. 44 were not issied for information to the public before new. 1 atiach, and 1 sm certiain the country ataches, a sreat feal of imporiance to correct newspaper artictes and leaders, on the offers of this country whists are vial to $4 t$ all, and 1 wat astounded the othe day to read the leading aricie in one of the local pournals to the effect, or it was Insinuated, that the Chiel Secretary had Jone nothing in the matter of post-wat developmen. I am certain that the door over which the red light burns, whith is alloged to be barred and bolted agains allcomers on occasion, is not bolted and bitred when the Press representatives cill, and 1 also understood that poper which had been laid in this Counci were common property and thit the Pitss could take advanizge of them 1 think we must have beter co-opertion with the Press I believe we must let them tave the truth as soon as we can possibly do so but, of course, if they
[Mr Vincent]
will not use it, then we, shall have to adrance in spile of them instend of because of them. I engol beliche that under-statements or misstatements are made in lending anticles for instance, jutt to find out if an body ever ireads thent, so 1 therefore hope that Government will give us an assumace that our Northeliffes and Boltonleys (if any) will be acquained with facts which should be known to the public as soon as possible. Personally, I was exceedingly pleased to see paragraph 112 in this circular Ititer. because in that is embodied the spiti of the whole of the post-war developmert and demobilization plans. It states there that Government are wishful that the public should be loken into their confidence, although in this case in only cefers to the initinl stages, and $I$ do hope that the hon, Chit Secretary will be able to assure us, when replying to some of these questions, that it is the considered policy of Govermment hemselves to continue this policy while these plans are being carried inio effect becuise it is of paramount importance that not only district councils should be consulted but also the sub-committes of the Production Hoard who are already Joing a very fine job of work, and which I atm certáin would not begrudse a portion of their time which means 10 mueh to the country ulimately.
There is another important point regordiag the schemes whith have been put forward, and 1 must pay a sincere tibute to the work of the hon Chief Secretary in this regard. Schemes that ate being put forwa rd and have been put forward on pritiple, to justify the loans under the various heidings affected, 1 want to feelfhat they are nol hide bound, 1 want to feel that hesc schemes art elastic, because the country senerally has not been consulted as 10 detail, and it may be found that when these schemes are being pur into pric tice or when they are known generally and have been studied-and 1 submit that very naturally to-day the average farmer and settler has not much time to study these matters unti his opinion is directly asked - believe we shall find in certain respects that these plans will have, to be temodelled, but the principle will not be destroyed. 1 want to know whether Gaverniment is of opinion that

I is in keeping with the spirit of the loans under the Colonial Development and Welfare Furd, The orsoniza. tion which is to come is of veryigrea mpottance I think the circilar-has winted out how fmpertant this phase of the development of the country: is. 1 share the view of the hon. mover that we have got to make a move away from the nomial course of procedite. 1 believe that if we hog tie the new Economic Secretary either by making the position impossible for him to do his job fnteligenity by 100 mich inveffer ence or by tying him with fatuous committees all over the country, we shall lail to allow him to do his fot in the right spirit. There is a fine dividing line in this matter 1 believe that the man who hias to do the job, and Government have signified that they believe the present holder of the olliee is well qualified to to that job, should have as free a tand as ponsible, but lto fee that he should ridhly call upon the residents of the various arcas, cepeciatiy of the country areas, for sugestions; not only at the stan but while tiese plans are beling caritid-out, Oiherwise; If things do not go nigh, you will have inevilable waste and very jurlifiable criticism. 1 know it it haril for Goveriment to depart from this pyramiding of power as It were, and l feallize that virious appointments undef varlous schemes will probably so before Execuitive Council or the Standing Finance Committe, and it is no wihh of the eleced members, I am certain, to encourage the cmployment of a sreal many unnecessary people, but it tis absolutely essential that enough men ate employed, because we want this developmeat carried out eficiently and sperdily I have a certin gmount of ympaity with anybou $y$ who Is alked to under tate such a job as thrl I belleve that this man will be mote on the spot" than practically any other man has ever been, but 1 feel that the whole com mutity is willing and most anxious to help him and Government to get every pennyworth of value out of these more or leis trust funds wilh which this country has been entrusted.
I do, hope that if the hon Chic Secretary is unible to reply spicifically io any quéfions I have put becaus they come to him from the blue, he will
[Mr. Yincent]
cay to, and that later on when the opportunity is thers and after the hatcon. gulted sith those whom he wishes to consuth, he will be able to Itwea a stralght statement so that the whole coundry knows exprify what the position Is.

Mr. Dricmis: Your Excellency, 1 rie 10 support this motion. 1 rcalize Tully that the motion concerns titselt wifh the poitwar cmployment reports, but it is inevitible that in a discusgion of thete reports sut minds should be directge towatds that most excellent paper which was tecently latd on the able-Secretaniat Clreular Leiter No, 44

- of 23 ht Apdit on the picpamtion of develongent plans. 1 should like to join with the previous speaker, the Thon Meniber for Nairobi South, in paying very high praise to the work of the hon. ctife-Serelary, whict is manifest in every page of list elrcular, it is one of the soundest papers to which Govert. ment has treated this council and the Colony for sónce long time past. I would erave the fndtulgence of the Council in making Iwu very bricl quotations from it. The first is from page 2 of the cireular itself, where the whole paper is linked with the post-war employment com hittec's reporti. The time has come', If says, *Wen urgent altention must be giyen to post-war development nlanning and as: Indicuted above, as part of that niannings to the reabsorption of demobilized Service personnel", The second quotailon Cron pase 3 envisages the method for carrying out that profect: What Is now requited is a compreter. sive post-war plan for each provitce covering, whereser necessary, the follow Ing vablectey Land (agiticulnure and soll conservation, land ienure, water, foresis roads ediceation, medical facilitics, pub lie- works extrsordinsry (including hous(hn), veterinary steviecs, posts and tele graphis servies, prisons, police. miniog manketling, local industries (secondary and rural, the adminisitation of jusitice. tomt goternmeth, native selliement. social welfare, lourist trafis, etc," The circular then soes on to reler to the importance of district teams That is boniething which to an ouside observer of the work of the Administration, has so tong been lackifg, in the admintra. tion of this country and I do trusit that Your Exediency's Govemment: will see

Io it that the formation of these district temes is encouraged in order to ayoid independent pursuit of an uncoordinated policy, particulatly in tiation to postwar settlement and employment.

Before leaving this oxcellent-docu: ment $I$ beg to make one small criticism of. it. The first paragraph on page 1 of the circular tefers to the fact that His Majestys Govemment intend to devote some $95,000,000$ per annum to, colonial developmeni during the ten years period of the Act", and then t is recorded that it Is their intention to devote half a million pounds a year to researcli. 1 may have betn mistaken in my reading of the rest of thif dacument. but whereas we are stated to be in a position to accept. the sum of quarter of a miltion a year under the first heid for development and Welfare, there woild not appear to be contained in this document any reference to any suggestions on out part of a cheme under the second head, namely rescarch I will fater point out that cconomic and sociological research is cesential to adequate investigntions of the problems of post-war employment and many other adjustments of post-war concerns in Northern Rhodestia as far back at 1938 (it will be noted that it was before: this present wontd conflici statted there was founded the RhodeLivingstone lastitute, which is a model of the lype of research needed as tar as Africa af a whole is concerned, and an institute which is ensential if adequate attention is to be given to many problems that will concern us in implementing the post-wat employment come mitlest reperts It has conducted research into African life al Broken Hill, into martiage and family organization of native people, produced two clasie papets which should be in the hands of all autministrative. officers of this country on economics and deLibalization in Northern Rhoderia, and something of that kind is necessary here If we are atequately to put into eflec the many proposils of the committe whose report we are this moming uebjting. 1 am aware of the tact that Mr. Lambert, of the Adaunistiation, is conducting a research at the present time into the land tenure of the Central Province, and that Mr. Phillips, of the Legal Department, is conducting a mose minstaking pioce of research Into native tribunal systems throughout the country.
[Mrs Betcher]
trust that their reports will be published and made widely avilable. But, tile Oliver Twist, we ask for mor, and 1 trust the matier will receive the atten tion of Government, besuse such thing as the MMass Education report, which has recently become avalable in this country, cannot be applied in raczo any more than can the post-war employmen committe's report. These can only be cartied lato operation on a basis o sound knowledge which can only come our way as ta result of painstaking research, and only with painstating research shall we be in a position to now whether these things arising ou of thls report, are practicable and porsible.

I come bact to the polnt that the real purpose of this motion is to get something into operation now, Thiose of us who have watched expectantly since the publication of the post-war employment committec's report have become increasingly awate of the tepretiensible tardiness of which if ts easy to cive a large number of illustrations but two will milice. one a particular instance and anothet $a$ mote seneral one. The hon. mover has alrendy made some reference to the fact that a paper, 1 gather the only one, by way of a progress report was published by that section of the Secretariat charsed with the tak of kecping a watching eye on demobiliza-tion-that report did contain a reference to the appoinment of a Director of Training. The post was widely odvertised in the Press, In the Oficial Gazelte, and elsewhere, and I gather that a very large number of applications for that post were made. The progress report on demobiization makes reference to a selection panel which was to be charged with the nomination or a sugsested person or persons for appointment to that post of Director of Training. It would interct ut to know whether that selection pane has met, whether it has fnetriewed any candidaies, and whether it is likely tha the appointment will be made. in the menediate future It is most mportant as the hon mover has atready indicated that such a person should be appointed immediately, that the subordinate staf should be asembled around him, and hould addres themselves to the prob lemin order that something may be done
when the spate of denobitization it upon us. The trickle has already started os we have been teminuled so many bime in this Council, and we do not know when the spate will be upon usiswe hope sery soon.

In thore seneral temis, there fas been tardiness to make known to the general public, both civil and military, what is the mature of Government's intention with tegard to the men and women when they leave the Forces. On the opening page of this circular letter reference is minde to the fact that these people wane to know what is happening The circular says: Many of them will, therefore, want 10 know what the Cov enment is propoding to do in order to bring abeuti an mprovenent th the tandate of living in thedr own homer. ind so on. My contacte with milltary personacl as a civilian are necessurtly Imited, but from that contact bath with Aricent and European perisonnel 1 Wher that there If alnoost complete gnorance on the part of the nern and women serving us in the Forecs of what Govermmenty intentions bre in revpect of then when they leave the cerviese Wect ufter wech in the excellent newi. titers a we fead, as the fion mover line flicady mentioned, of the very earefil demobi. ization plans which the Govermment of the Union of South Africn are making for their mer and women. I submit that this Government should place lisels in in fosition where it can give both the civilis'n and more particularly, military members of this population a cicar and let Knowledge of what their demobilization planis are. 1 submit we owe it to tie men end women of all races arving is and that this is the Ittut that, arising out of this motion, weh action will be taken.
His Excellucry Hón. members before we resume the debate $\&$ Should the to a monounce that 1 have receivel oflicial information of neus which per: thps some of $\mathbf{y o u}$ may have heard alredy, that, under the supreme com. mand of General Eisenbower,. Altied ath fores supported by a strons air force begn the landing of the Allied armies in Northert Frinee this moming (Applause.)

Mn Pates: Your Excellency, 1 tise 10, support the motion before the

## Mr. Palcl

Council. I personally feel that, with the excepion of one tecommencalion in repard to immigration, that thic at one of the very few documents one comes acress in which quetions affecting all ncer are dealt ${ }^{\text {ith }}$ at one tme and faity, fersonally support the hon. Member for the Conat on pressing that hese retimmendations should be pui into effect at eatly st poscible, and that

- pll porsible steps thould be taken to see that these recommendaiion are implemented.

Spesking from the poin of view of the Indian community I thould like to offer a lew remarks. The hon Member for the Coast pointed out the lack of interest shown by fadian for agrical: Hual training Histrue that the answers to the questiomalie indieated that there were only 10 persons who were prepared to tale up agricultural training bat at the same linie it should be realized thit the pasi polley or Guvernment is largely: responilite for thit-trek of interest on the patt of Indian youths 1 haye been a bienther of the lndinin Land sctile. ment hoard for some tinie, and 1 muss. fanily an that 1 an greatis dis. uppostated and disillasioned as tar as the serioussess of Government is concerned in puting ladians on the land, It appears to hie that that board has been appointed ondy as cyewash, jusi to satisty Indian cenliment that the board fas been appilited to stisfy their desires, but nothing practical has been done, and from my experience so far th appears to me that nothing practical will be done to help Indian youths to 80 on to the lind, Exeuses bave been put forwand that there is no suitable tand, that where there is land there is no water. and that Indlans have not shown any Snelination for agteulture if Govamment is sefious in solving the problen of Indian spuihs after lhe war, they will. have to tahe the question setfously so Chat the young men ztier the wnt do not crowd inte the lowns If Government is' scrious 1 an quite ceitain that $t$ could Hind a caw hundreds of Indian men who. Will come formard for bsticuthural crainitg zind in order to take un forming seriously. May I sive one instance only of whit hapecied at. Nombase. The Scincipat of the Amidina Vispme High School asked the senior boyx whether
any of them were prepared to go to Tanganyika for asricultural Iraining. and no boy raised his hand, but when he informed them that after the training they would be given land by Govem; ment all the boys raised"their fiands in fayour of taking the training. The seneral impression in the minds of Indians is that even after taking agricultural training they will not be given any land. They wil pot be givert any encouragement, they will not be given the help which other, communities receive in this country, and that is why thicy have hesitated so far in plunging into that type of oceupation: s subimit that insteadoor giving exeuses every time of lack of interest on the part of Indians. or lack of stitable land and lack of water, etc., somefling musi be done, otherwise after the war the problem of firding employment for the young men from Indian schools will be very scrious.

White on that question I should like 10 refer to page 14 of the report, where the committee recommends that the Goyernment of Kenya should approach the Government of Tangangika so arruge for the establishment of an agricuitutal training school for Indians in Tanganyika mod, if need be, should contribite towards the cost of such sthool" 1 should like to ask Government if any steps have been laken to approach the Goverment of Tangamylk and other East African Governments with a vicw to establishing such a school and if an approach híl bon made I should like to know the result thereof, The other thing I should like to mention is the recommendstion on page 18, where if siates that arrangements should be made with the Gevernment of the Union of South Africs in the cose of Eurppeans, and The Government of India in the case of Indian, for the use of such facifities 2i may be proviUed. - etc. I should like to know if This Government has approashed the Government of India or if Govermment has not approached it so far. whether they propose to do so. There is another recommenulation on page 19, paragraph 3. which says - As rogards Asians the Director of Alan Power, his made arrangements with the Indian San Power Commitere for the latert to receive apd adyise dsian personnel dis-

## (Mr. Pact)

charged from His Majety's Forces and requiring employment". I think thete should be some definite organization created whereby officers in charge thoutu at least have the full co-operation of the Indian Man Power Committee for the purpose of carring out its wark in regard to Asian personnel digcharged from His Mlajesty's Forces, With these few remarks If support the motion before Council and thope, that the recommendations of this committe will be carried out In regard to all races. There is one point I should like to make before 1 sit down. and that is that 1 strongly support the hon. Member for the Costs in regard to direct Arictn representation on this Council
Mrs Watnens: Your Excellency. there are just two points I want to make, Ior I am in full agreement with the hon. Member for the Coast, whose motion I seconded One of those points is that in rygard to the development of agriculture-lint the very excellent re. port by one of our experts. Mr. Colin Maher. should be taken ito consideca. tion, more particutarly for native agriculture 1 do not mean active coniderdtion', 1 mean something rather more vial for a very vital report. think the report should not be overlooked. We employ an experts we have an expert. and very ofien we ate apt 10 side. track him and think we know more about the milter ounselves.
The second point is one on which 1 must spak with deep feling, and I hope that the Council and Yout Excellency. will bear with me, and thas is the part of the Press and the co-operation of the Pres' in' any development schene, which has alreidy been mentoned in this Council to-day I speak with sreat feeling of that magniffeent $\mathbf{c o l}$ that was forged when Daraia was started four years ago. It sems that the late Edtior is at present trreplaceable. We are fortunate inded in haviog a highly educated and highly trained African. but it is not enough You have got a yery powerful weopon is is like a suillotine and it is in the hands of a tative now with only a sort of ycto over him on certain, aspecis. You have to hive a superyising editor who is au falt with the tread at home, who is cit folf
with the trend in the United States of Ameriea, and who has a wide know. ledse of affairs in other countrics, and who-hastr very wide rending of moxiern titerature ant all the modern papers, and that no Aftican can at present ettain, So you are placing the handle of that gullotine-and it may welf be a suillotine-in the hands of a man who has not sulticient of those qualities, and cannot have at present, though I mm quite sure as the years go by he will prove himself more and more capable. us he is yery painstaking 1 know there are dificuities in finding bodies theserdijs but I to suggest to Government that a body should be made available. even if necessiry with Government help. for so importans a function. 1 sugect we want more altention itiven 10 Banazo and not less Wherever you go in the reserves you will find copies tucked away, may be out of date, buib tead and re-read. If you want to 80 into the development of this country thai is an important factor today, at present more important than the witeless and other leaflefis it ls extremaly lfue. pornant aloo to day to know the tendency. of native public opinion, you can onty bet that if you have a flow of information such as a superviting editor who is piepared to wade through about 800 leitery, and probnbly more in? (uture, written in Swahilh and other janguages, every month, otherwise you do not know the trens of native , ol rive opinion. Rather than less atiention for Barayo we need mort; we need a Reader's Digent of modern articfes from other papera and other counifies, which should also be run by the same edtion and be organized by Your Excellenicy and by this Councit as an important part of native development, and I regret more deeply than 1 can sy that nothipe has been done yel to fil the vacancy that was created last Decernber.
DR Jonnstone: Your Excellency, 1 think hon members might be interetied to hear of some of the thinge that athe Medical Department Is doing if con. nexion with certatn of the recommentia tions or the Pottwar Employment Com mitiee One of the thing with which the Deparment fir discty conemes is Deparment..... the treatment and rebabilitation, where posisibe of disabled solders, As mem bers are aware, $a$ civil rehabiliation

## [Dr. Johnsone]

cestre was opened at the Native Hospital, Nairobi, Lome 18 montis ago and ilner it was opened nearly 300 cases have papsil through it The ceritets now rearonably with equipfedtwith Electical and ptheritpparster, and prot Whes actonimojation for 40 eates. It has a faifly well equippet aymasium, treatment-rooms, ant wurkthops, and we have sot the nucleus of a factory for making arificial imbes If is still in the expetimential stake but we are en. deavouting to design a ueful fimb of a aimple nature for the Alrican, and up to date we have gol quite a long way fowirds a wolution of that probiem. We do not propose to 80 in for vocational trining in this centre; because 1 think vocalional training must definitely- be divored from treatment, you mbel get away from the hospital atmospicte. Yede, howeyer mean to go in for oxcupalifnatiotherapy in olser words to keep $p=0 \mathrm{de}$ orcupied while ander Ireatment For \his purpose we fitue sor a number of wombliont We have no yet got anything like the equipment, tools. materials, etc. that we need, but we hope to orerome these dificulies. Uhimaty, we hope to inercase the necommodatlon at this centre to 120 beds, The centre al the moment caters not, only for Kenya Afrleans, bue Afticans from ueighbouring tertitories as well Approvimately $\mathbf{3 0 0}$ Articans have pased through the centre, and they have :all been asked whether after treat ment they would like to lindergo same vocitionsl tralning. 11 Is an interesting point to mention that out of I think the firt 269 who were asked thls question paly flye thowed any desire to 80 In for rocational Iminini afervards The polnt wish to make is that we must rmernber that the provision of woes. tional raining in a couniry such as Kenya is somewhat Uifterent from a Eliropean country: in other words it appears that the present decire of the African is to ge baek ne to the land. and rocational training will not neces aarily be tequired on anything like the scale that it nuy be tequired else where.
We are - ala , planating addifional accommodition at most of the hospitals in the native reseryet, because we appre ciste that quite $\$$ number of disabled Africins will regutre further trestment
affer demobilization, and we hink it would be desirable to provide accommodation near theit homes where whey will be in louch with their relatives and friends. We have in mind a building programine in all probabifity of some. thige like 600 beds at different houpitais. This additional accommodation is pri. marily for the disabled Afrimo and will be siven immediate priority, ol course all the loospitala are, at present overcrowled and we shall have to extend them very considerably in connexion with post-war development, quite apart Irom the disibled soldier problem. In padition, we are providing extra accommotation, which is nearing completion. at Mithari Aental Hospital for thos mentally disabled in thei war, He have not forgotten the fuberculous patient and lepers and others for whom we shall make provision os well. Dealing with post-war planning. we nre giving the malter very careful consideration at the momen, and we are endeavouring to plan hospital and medical facilitics for ill races throughout the Colony It is, or course, a fairly big lash, and we have got to give it careful thought, bai I can assure hon. members that ath local authorities and interested individuals will be consulted in regard to the matter: As regards the demobilized Africans Who may be looking for employment. we shall be able to lind employment for? large numbers who hive preyiously been employed in the army medion services in our expanded medical servies afler the war, and in addition we that probably be able to find employ. ment for Europeans and other races as well, though not to the sime extent. Those are some of the plans we are formulating at the momeri
Ale Dosovan: Your Execlency, 1 rise to interiene in the debate merely to refer to one polint raised by the hon Member for the Cosst. He emptasizes the need for development of the modern secondary sehool for Europan bojs ond girls. It the fon member will refer to the pamphite on the-Education of women and sirts which was tabled last sestion, he will find details there of pro posals that are in process of prepantion at the monent Detailed plans for the provision of modern secondary schools both for boys and girls are in prepara ton, but have not yet reached the sage

Mr Donovan
where information concerning them could be included in the circtiar regard. ing development. The han member, also recirtu fo the necesity of vocational trataing and technical schools The pro vivion of texhnical schools for European boys is a much more debalable poin than the provision of modern secondaty schools, mad think 14 can readily be apprecinted that thicir provision depends sery largely oh the development of industrics in the Colony. At the same tirie, I can assure the hon miember that that question will be discussed with the Dirctior of Training as soon as the latter is appointed.
Na, Amin: Your Excellenty. Thert are nae or two points of eneral tpplication in the motion before Council that 1 would like to touch on. $I$ wish to exprets a very great Iecling of relief that in ine Brtish Empire this new milestone described in lise Secretatiat Circulat: Letter No. 44, on page l, paragraph. 1 . has been laid. If states: The catefment of the Colomial Development and Welfare Act in 1940 was a noleworthy milestone in colonial history, displaying as it Uid His Majesty's Government's intention of devolíng $5,000,000$ per anaum to development daning the ten years' period of the Act". 1 tecl that in voling fort thit Act The tritish democracy eppraved of the idea that the trustecship of Britain for the backward peoples within the Empire must be carried out in practice of well as in theory, and that therefore in wis quite tight lbat whitever finances were available at the disposis of Eritain shoulda be made available to a certain extent lor the development of and assistance to the backward peoples, of the Empire. In regard to the various schemes whith are disenssed in this circular. 1 have this point to make, ind $I$ am quite sure all bon members in the Council will agrec with me when 1 say that, tn making proposals for that son of asststance, the Council devires that the assistance should be made available to the people who need the assistance most, and that out of this 250,000 per year, which is probibly the maximum amount Kenya can set from the amome a major portion Should be diverted to the usen of such people. 1 do not suesest that the schemes which are at the moment under
consideration do net intend that that: should be wo, but t express a fear, and my fear ts based on past experience in this, Colony; that - the moncy-might be frittered away in sechernes which, though on the face of them sood, will be for the undue ond unhealihy development of certain limbs of the comminity and will not be for the gencral good of the whole body social, My fecling in this regard is a genemt apprehension, 1 have made no accusation, 1 merely express a fear which 1 am quite sure people who make these funds nvailable would exprest If they had a chance to do so, It is therefore as trimets of the tund, 35 one hon, meriber poinied out. that we should conslder these themen ant in carrying out thes schemed hit central idea of dssistance to pedple who need assistance thould never be lost sight of.

There is one other point, ind that is tso of seneral appleation. For the first lime 1 think In this Counch we are debating the point that the State has gduty to provide cmployment 10 . the people over whith the Stale, exercises. futidiction. This theory is now açepted throughout, the civilized countties of the world selent When thit dify to provide employment is admitied, it is then that one hias to conalder what yort of employ. ment will be made avallable by the schemed lhat are mentioned, in- the circular, In my submistion, the sechemes should inctude an all-round scope of employment for all sections of the community and not one-sided employment of one particular secition of the eem munity In particulat fields oply. In this the order of asdistance thould be the Atrican, the Indian and the European Atrican, the indan and owe European The Eiropena 1 put last, because 1 fed he has grown to a very high state of improvement indeed, and therefort requires less felp than the other two races, bu the growth of the whale community should be kegt in mind in. catrying out. the schemes. There should be In the cducational schemes prepared for ine Afrimiss the prospect and the fim that Alicun edumetion will be of such ${ }^{2}$ a nisture tha1, $1 f$ not in a decende in at Jrast two or thiee decade, Arficans will be able to fill posts of importance in the Colony without fecling they are nol able fo do sul justice to them. The themes must be based on the necessity of an
[Mir Amin]
alt-round growih of the Africatr, $s 0$ that at m civen gtate the so-called superior faces ceses to have the opportunity $y$ secirg that Alricany are away tept in the baslegond ou and prevented from going forward to fuli development. Therent the question of Indian employ: pent after the war, and the hon. memtef Mr. Palel tas indirectly touched on it: 1 will only add one peint, and it is basd on a recent repori in the Press of what the Re Hon- the Secretary of State for the Cotontes mentioned in repis 10. a question In tlie Mouse of Commons I gathered Irom the reply that the Secre. fary of State was thuer the impression that the Indent living in this Colony are nQt of a type nuitable for gericultural Undertakings and that they were not tisc. ful in any schmes for the production of cren moditonal food supplies during the iar-period. My reply is this, and thope hat hon fiembers on the Government berches will take this thlo view teriously. The Indian popte in this Colony' who are at present engiged in trade or com. meree or almilar occupalions mostly come from the fon-commarclat class. Alany of them have for generations been popple emplayed and wholly dejendent on ageculitute in India, 1 refer to the Sikhs, the Nutlems from Pupjab, the Patels, and even ine shopkecpers in River Rosat mand the Dezear of Nairobl: hey ape agricultutists in thefr own country, and fmmed lately after the war the youthr al these communities will hate for depend more on ogrlcultures As the thon, member Mtr. Patel polnted out, if land is madr avaitable and the ordine ary milsiance glien others made avial able, the persin Impresslon that there are no Indians in Kenya capable of thling to agrisulaue will be remover and a great enthuijasm by the youths of the Indian community will be shown for agrisuliure.
In this ounnexion there is one difio culy that want to point out A few monts bich sitenienis were niade that there war no neadiness on the fart of the Indan community to make use of opporiunities hat Covernment und willing to sive in land matters I cot in loukh with, peopte who are leaders. of these Jndian arricultural commurits of the Colony, and immediately several scores of people spproached me and atked me what land was arilable for athed

The setlemens of Indian agriculturinti I approached informally and then for matly, the hon Commistioner for Lands and Seittemens, and asked him'for pre. cise information as to the nature of the land Thallitiv, ihe acreoge, the suit ability of the land for crops, and I wa 4 3 kel to wail for the recommendation of the Indian section for fand seltlement Months have passed, and li have nol yet got the information which 1 , want to give to Indians who want to buy agricthural land and settle on it. There fore the telt way of disproving that Indians are not suitable for agriculture is to make information available to them as to the mature of the land, extent of the land, its suitability for particular crops or otherwise, rainfall, ete If they then do nol avail fhemselves of the opportunity it will be right and proper to say that they do nol want to go in for agriculture: Al the moment, how ever. there is no proof that there is no desire on the part of the ladian community to encourage their youths to go in for land settlement. Apart from this, t want to add one more point only to the debate I associate nyself with the remarks of the hon member Mr. Patel on the question of immigration. The restriction of immigration was a misfority recommendation of the post-war em+ ployment report, but it is a matter of importance, and I submit that there is no cruse at the moment for the Implemicntation of that particular part of the report which recommerids this restiction The country is bis caousi for many more millions of people There tre now 15 people per square mile living in the country, and that is not a very big population, If resitiction is piaced which dírectly or indirecty affects the Indian segtion of the come munity, what is likely 10 happen is you will not have British subjets to colonive this Colony but you will have non-British, subjects flocking into the countr) and making it politically inconvenient for everybody eoncerned.

Mr Marcinant : Your Excelleney, the inferences to be gained from this motion as it stinds is that Government has done nothing for post-war planning. and 1 was particularly pleased to hear in whit respert the hon, Member for Nairob South point out that someiting had been done Apart from that there is the progress tepori which was tabled at a

## Mr. Marchant

tecent session of the Counci, which in dicates very clearly that Government has teen fir frombde. The hon mover chiorted me to put my loot down, but I think the should remember. and members will sippreciate, that Government mus work as a team, and that it is mupracticible for one particular bronch to have all the plums and the cther tranches be denuded? I may add that I cin assure the hon, mover that the slosest possible touch is kent with the officers dealing with demebilization, and 1 think he can be reassured on that point The hon. Member for Kiambu velected to very valuable report recents produced by Air. Colin Maher. For the information of the hon member and members opposite, 1 thould like to point out that there is a Land and Water Conservation Commitice which considers such matters and, in addition. loeal native councils on their own behal and at the instigation of their members pass resolutions requiting membere of native communities to comply with cerinin instructions of agticultural officers in the inlerests of soll conservation. If 1 ma) wy so tif hon nembers opposite were to moke an opportunity of looking at something of what has been done in the reserves hey would find it extrsordinailly profitable A futther point made by the hon. Nember tor: Kiambu was that there was ned for co-operation with the Press. Baraza is, as she described it, an extmordinarily valuable-and posibly dangerous - weapon. There are great dificulties as she has gaid, in finding the man power to undertake the duties of editor of the paper, but the main point, think, is this, that the value of Barasa lics in the fact that it is not a Government papar but is findependent, and from that point of view is of greater value than if it were a Government organ. We had some years ogo Habidi, a Government organ which, ifter a fow yeari died, and the resson was that 1 was regarded by its readers as merely another menns of Government propiginda.

Mas. Wankiss: On 2 point of $x$ planation. I think Hiabar died because Coll Walkins left the coilntry on leave.

Mr Bitint: Your Excelieney, I had not intended to intervere in the debate but, $2 s$ fare as the Agricultural Depart.
ment is conocrned, a good deal of the present existing poniwar planniag is contained in the applications to the Colonial-Development Funt ${ }^{-10}$ when reference has been made by two or three speakers already and which will be found in the circular laid on the table the "other day. The hon, mover, however, suggested, is Indegd he his suggested before. that that plan is not sufficiently large and varied in scope. That may be so, but he will appreclate that, from the financial point of view, this th the largest slice out of the applications to the Colonial Development Fund that has been made by this country, and 11 does represent a multiplication by 5 or 6 times of the present activitics that the department is able to carfy oul, more particularly in the native reserves. That is not all, becuuse although pothing appears th that publicition about if hon members are akare that 1 have submithed proposals for the extenston of researth services In connexion with tagiculture in the country, for which 1 hope a luther applicallon will be made, and agred to. by the Colonial Development Fund. That aspect of the question was rained by the hon, member Mr. Deecter, and I can assute him that 4 s far as the arciculter side is concemed 1 have pus agricultural side is concerned o have pus forkard a comprehenslyc plan for in vestigation nind research woik, not only in European but alio in native argas That plan being tupplementary to the one plready published, will represent a Very vat adyance on anything this country has been able to do fin the way of agtieuluiral seryices in the past. There is one turther aspect of the question, ito thy mind, and that is that think we al visualize that, after the war, there wil be a period ol e certith amount of Unrest and disquict, and 1 believe that with The foundation work that has olfeddy been laid in siressing the Importance of better agricultural and soil conservation pracies peopte's minds-and 1 am referting not only to Europens but natives as well-are very much turned in thit difection, and they are considering thether proper use was being made o Thit land and whether better use could be made, snd I believe that with the unrest and disquie that there is likely to be immediately after the war the siage will be set for a very rapid siage when we hive, the sthil in sufferient quantities compecent to lead it.

## [Mr, Muint]

The hon Member for Nairobs Soulh referret to the need for elanticity in these plam, and there. 1 strongly suppont him. We fisve had cales in the past whete applisations have been made to the Colonial Devflognen Fund and a comFileie shenie hay heen prepared and sub. mitied end approved. We have then found in the Ilghe of experience liter that it bas been desirable to vary that cheme th a ome sespects, and a difleuly has alwayt aricn thete becates the committee tegponible for the fund are not prepardel to allow variations on any large weile wihout a complete review of the whote scheme, 1 whecrely hope that thece thermes in future, and particularly the bis scheme quch ais lhave submitied, will the be regarded too nitch as in a cast fron frame, bectuse it If mantfenty Imponible to neepare a large scheme of thet hend some years in od wance and putempt 6 put it into prac. fice und have evers detail conplete and inalterable There is only ote more polint thotlartiketer sefer to, and that arises out of the speceh of the hon. Acmber for Klimbu, in which she male reference 10 Mr. Mhher's repoti. 1 am not quite clear what report in par. tieutar, he was seferring to, bui lan assure her that Mr. Matier has written eceral reports as have other oflicers in dilterent aresi of the Colons, and largely on the information in those reporti we hop to be able to make our detaited plan for the particutar freatment of the areas to whith those seporti reter, and all the intormation In stich reports wift te made full uie of.

Ma. Morince: Your Exceltency as Chalmantof the Postwar Employment Conmillec, 1 shate the opinion of the bon, mover that the Tultest and carliest sleps shoidd be taken 10 carry out the practicable recommendations made by the Committer, From what has been published in the progrest report of February last, from whint has alteady begn snlu by hon. menbbers on this side of Counsil and Irom what will be said. Itrost by the hen Chief Secretary in a few minutes, hon members witl beconge
atware that the Government has been by aware that the Government has been by no, mean tidle on this mater aince the report was published, Vary considernble ntepi have besn taken in entying out the mijor freommendations of the report.

The hon, member complained that the steps proposed by the hon. Director of Agricultute for the rebabilitation of the land of the Colony were inadequale. la a minority tote in the report he made his position cleat on that point L should like to siry the that the temainder of the Commitec did noi feel able to go all the was with the hon mover becaute we, were advised by Governmeat's technical adviser on this subject that the scheme that lie put forward was adequate, at any rate as on initial stape, and we did not fecl that we had sufficient knowledge, or experience to crificize Govertiment's technical adviser in this matter. We did, however. ay, in the course of our report, in paragraph 33. ${ }^{\text {We }}$ We consider that this service will te an extretrely fimpottant contribution to postivar, - econstruction apart from the puimary object of teliabilitalion of the land, not only from the aspect of cmployment but also from the aspeci of agriculturat training, and we olfer our strongest support: we suggest that continuous consideration be given to the question of extending the seheme, either In lime or size, should such a course appeir, in the light of experience. Usirable and practicable.:
The only other maters to which I wish to refer are the points raised by the hon. Indian members regarding Indian agriculture in the post-war period The hon member Mr. Patel asks what stepe have been taken to ensure that we are cooperating with the Government of Tanganyika in regard 10 g gricultural trining for Indian youts. This Governthent has been in communieation with the Taganyikn Government. ond has secured an assurance that If the Tangar n)ina Government does institute a schens for asticullutal training as recommended in the report of the Tanganyikn Development Conmittec, the Tanganyikn Government will welcome pupils from kenya to enter the school and take their part with youths from theit own tertilory.
Reference has been made to the very poor response madé by Indians serving in. the fories to the suggestion of agriculturat uraining made in the posiwar questionchire. I have been made aware thit trecently there has been cvidence of falily considerable response from the Indian schools on the part of
[M/ Afortimer]
Inclian youths who to-day say they would like to 80 in for agriculturn trining. Reference has been made to the paucity of results of the Indian Land Setlement-Boand-l-amess disappointed as the hon members that we have not on that Board bern able to produce more satiffactory results. Hon. members are fully aware of the reasons just as well as 1 am. I cin assurethe hon member that the appointment of that Board was not. 35 he suggeds, mere eye-wash, but wish part of a rell endeavour to find how the Indian community in this Colony can fit in to the agricultural programme of developinent and take their proper pirt in the progress of this Colony on its agricultural side, It has been very disappointing to find that a sreat deal of the land that wauld be ayailable for Indian occupation is at present watertess or Ay Infested, and will requite the expenditure of very large sums of mones to make ti suitable for asticultural development At this point I should tike to say that. in my opinion. the Indian community is not frec from blame for the fart that there is so litle suitable lind at present ayailable for Indian occupation, During Sir Edward Norihey's sovemorship a very large area of land in the Taveta nices was offered 10 the Indian communtity They failed to take advantage of that offers and a good deal of that land has now been taken up and is occupted by European fims engased In large plantation, development, naturally the water supply whith was to weve that land has gone for the development that was immediate and practicable, and the Indians, largely asia result of their own dilatoriness in saking idvantage of the offer when it was made, fave lost that opportunity I feti it only ight, sit, that I should suy that at this lage because the guestion very Ire quently arises.
On the seneral quesion it is recose. nized on all sides that very great tasks await the Colony in all its sections, officiat and Unofbial, and among, all three maces, when demobilizalion on a large scale tikes place 1 am comfident that with Imagination, cournge, faith and hope we shat be able to meet those tacks with confiderice 1 would urge, ir. as we urged in our Emplogment Committe Report, that we get out of the
habit which we all have, both official and unofficial, of spesiving of the Problem's of the retiuming African, let us rather think and speak, of the "opportunity" of the returning, Alrican. Ir We think of it in that way we shall not be adopting a dereatist altitude, but shall use our imagination and our courage to scite thal opportunity and develop this country on lines that with make it a very much brighter and happier spol than it is to day. (Applause.)

Sh, Duunsevt Your Exceliency, thete sre, I think just 1 wo polints in the debate to which I should tike to refer. The first is the general one, as lo what must be the nature of Covernment's glans for the reabsorption, of Afrtcins teturning from the wat, and there $\$ \Delta u p$. port the closing remark, of the last ppaker that we should tegard he raturn of the African as an oppottunity rather than wmply a problem. $I$ belleve that in the plans that Govemment is staping for dealing with this problem is hat been treated as an opporfunity to impsove the conditions of Affican life senerally in The reserves Somie hon members liave refersed to this isuce as though they, were thinking that the protem wat one of absorbinge in paid eniployment, these very large numbers of Africans who have been taken awoy and put to war service That is not the main problem. or not all of It It It my persona opinion that only a very amall fraction of there Africans will be able to retura to pald employment after the war and that the bulk of them wilt become peasint proprictors on the tand, and Government's plans righly, as they emerge from a reading of the chrcular to which reference has been made in the course of the debate, are directed mainly to improvine the conditions of the peasint proprtetor on hir land. We must not torget that whatever the stindard of living is to he in respect of Atricans. Indians or Europens in this Colony it must derive filtially from what can be wrested from thic lend, and it it ofor task'so to mprove the land and so to improve the still of the Arrican that tio can eam a better living from the land.
The second point is on the question of reerath the hon and reverand member reprecenting native interests rithity remaik's that to the circular no teference

## (Atr. Daübrey]

was made to say largescate plans for obtaining ensitatice for the financing of seseatch from she Colonina Development the Welfare Fund The position is very briefly as follows. During the last. 10 . yeara there hai taen estiblished in Eait Arrita - measure. first of alle of consultation on on Ear A fican basic with regard to programmes, results and sencial praetice on scientific rescarch Gradually standing reseatch committers covering different fields in scientific reseatch have been anjointed, and to a ceriain Uegree Ean African research has been brought into being. Special insul. tites, such an he Central Veterinary Rerearch Inutitute, fo give an example, and the seise restareh departmient of Tangenyika, bave been devoting-themdetves more and more to East Alrican essearch whith thas bern conirolled by the Shanding Rescarch Commitiecs A number of people intercited in research In this counidy recenily made a proposal hat further co-grdination of rexearch thould be effected by the ettiblishment of a Counch for scientifie rescarch for Eat Africa, and it was agreed by these prople, informally in the firsi instance, that the expansion of rexarch, resenten tindertitica with our own resoutces as well ar tesearch undertaken with the ansistance of granis from the Colonial Development and Wellare. Fund, Ahould be ori an Enst Alrican basis rather than on a tertiotial basis and that it should be co-ordinated irglonally by this Council. The finction of this proponed Council was not the direct control of functional reseatch in all lis detailed reatures, 50 much, as the co-ordination of the different research activifes and the planning of frscarch effort to the develogmental needs of the areas which It was to serve, the East Atrican colonies. Representation on that Council would be derived in the first place from membership of the Slanding Rexarch Committeses but it would be in wit composed of people concerned with develop. ment, surh as the direstiors of the techinical depriments-agriculture, veter. inary and so on -and in pant by repre sentatives of the actual reserch side.
the directors of the East African The directors, of the East African evesanch institute which we thope proposali were put to ihe Goyernoses Conferrnce and, with the agrement of人

The Govemors Conferepec, I recenty visted Condon to diseuss them with the Colonial Research Committe which hat been, set' up in London largely 10 administer funds to be mede avaitable for colonial rescarch under the Colonial Developitent and Welfare Find: That commillee had already published an intetim report, and had given an indie. tion of the way in which if proposed to landle this busincsi. The Colonial Re search Committec consists of a number of entinent puthorities in particular ccientific felds who act as a to ovilinaling boidy much in the same wis as would the proposed researeh council in Eas Afric, They propose to set up 2 number of functional researeh com mitees in Loidon. These research com. mites woula cover tíe various filds of scientific research, including of course social anthropology, and the functional research committees would deal directly on scientifie matiers with the appropriate Bodies in the colonits. In the case of East African research they rather conteroplated dealing with the standing research committes, and that would be the most convenient arrangentent We in Eas Africa feel; on our side, that there is rery,greal need for regional co ordination of the kind that could be clfected by the Eart African Research Counci, and we hope that some plan involving the establishment of such $a$ council or some kimitar body for the co. ordination of scicnific investigation will be accepted.
For those reasons we have rot pit forward from this country applications for assislance lor ad hoe schemes of selentific resegrch or for development. large scsle devclopment, at this stage of teritoral research organizations but when I was in london I was able to discuss one projeet for East Arican resel reh-or rather two projects- which are as it happens at a rather more ad. vaneed slage than most of the others The first was the expansion of the Cehtral Veterinary Research Institute at Kitete to an institute of the size that Would be considered commensurate with the needs of the East African territories That expansion was coupled with the provision-also, at Kabete-or betler facilities for training Siakercre undertraduates during the last rwo years of Their veterinary course, and of a thind
[ Hr r, Daubncy]
proposal to cstablish a post-graduale chool at the Central Veterimary Rcseatch Instifute for the thining of alt rerruiss 10 Colonhal Veterinary Service
These schemes were examtned by the Colonial Advisory Council on Asricutture, Animal Health and Forsstry, and were unanimously aceepled, and will in due course be passed as a recommenda. tion to the Secrelary of State, when we hape that action will be taken. The second scheme that 1 was able to dis cuss was a seheme, which is not yet completed, for the expansion of reseaich work on tsetse fly and human and animas trypanosomiasis, and there again the plans which we have been developing at meetings of the Standing, Research Committee on Tsetse and Trypanosomia. sis met with general approval, and we hope that in the very near future we shatl be able to put forward complete plans for research services in this fisld, which is of such sreat importance to East Africa, Referehce wat also made in general terms 10 plans for East Alrien agricutural rescarch, so that that par. licular approach to our development problems has by no, means been neglected, and I betieve that by vlewing. the problem as an East Arrian one we are pursuing of on the right lines.

1 hive one point more to mike about The planning of research Many of ut have felt th the past that when funds have been made avallable for research and for development projects there has been a tendency to nibble as them on the pan of individual departments and Governments, and to make applifations on an ad hoc basis. In fact, most applications for assistance were mide in that vay in the past We hope tifis both in tegard to developrient funds and the sums allocated for fesearch, we are going to have a series of connected, coordinated, and balanced applitations which are designed to forward the interests of the colonies as a whole, and not a discontinuous series of ad hoc applicalions.

Ma. Wrigor: Your Excellency, it had been no part of my intention to participate this moming in the debate on thit movion for 1 am strongly in wupport of it, but the speech fisit made by the hon Ditetier of Veterinary Services brings
me 10 my feet to ufter a word of ceution. 1 listened with great intercst to the proposals 10 rcorgsinize and centralize and co-ordinate seientific research, but I am a bi apprehersive when I thes that in the council for scientifie research there shall be a place for dircctors, dirteclors who, will tunction such as Directors of Agriculture in the thice terifotice and so on. I have gol a very simple view about scientifie resentch, and it is this: that only scientists ear direct research. which is essentially a lougrange job, ind directors, while very worthy and wha are specialists in their jobs, are apt to sind dp consider their woik, whether veierinary, agriculture, or other workg as a bit of window dressing requiting quick. retults in al hor purposes. I sugest that Darwia's discoveries, when he made them, were of no use to his generotion. and Faraday's is anoiher case 50 that these discoyerles, which were found of great practicht use al hife dates. Hiere not appeccisted at the time. In my own experience I have scen illusurations of what fear Probably 1 had one of the first private wheat breeding cases in this Colony which 1 was glad to hant over to the Agricultural Depatment for ex. permental plant breeding work. I recall a Directot of Agriculture, preceding some codsiderable time the present Director, whose Intercsts were vatily greater in live slock notably pigs, than in wheat growing. He took some disinguishat vistiors out to the experimental farm not far from Nalrobl und, lookiog at the wheat said, What's all thir nubbish doing here? Take it oif nith throw $1 t$ to the pigir A sfmitar thing happened iwice in tiny experienie. Experts come and bo, and you have no continuity of policy. Some of you may have read a striklos arfite in the lat issue of he Agrictiltural Joinial by Dr. Martin, of Uganda, on "Soil Stiucture". It is a very thought-provoking and first class aricice, and appeals 10 every farmer of anybody interetied in the land but 1 reflect that the Agricultural Department noi 10 many years ago had already begun to conduce similar experiments, and the late Mr. Robert Eal]-whose death is a yery greal loss to the deparment-aetiailly started soil sectional experiments on land at Noro, which tiad borne 16 consecut tive crops of matie, and he got striking rexults Irom his researcfes connected
[Wtr. Wright]
with gratz yper and graxing in the creation of a better toil atructure. Refretiably enough, Mr , Ball was allowed to so off to the war and lost his Iffe, but from the wientific reserimh polit of vire if was tragic for the plos: he buif upo over some years and carefully lenced liave been trampled down and all hit work his been lost to this Colony It is for that teason, with all respect to The, Gavernors Confercince and directors in other parts of Asrica, That I wout yrge that only seientist of tome diffinction should lay down al pro. gramme of ad hew or long range, or: Whatever It is, for sientifit research.
Mn. Reanar: Your Excelleney, 1 hink the fact that this motion hiss been broughi before Council is eviuence of the preal interest that it ialen fin this subJect, not only In this Council but -ffrouglidmuthe Colany, and the speceties that hive lien made here to-day stiow that $a$ good denl of thought hus been. given to the subfect mut only on the omeial mide but on the unofficialside us well. It is in this spisit of co-operation: co-operatlon of all sections of the com: munities in this colintry, that we miusi so forwatd to teal whth ihis very large and important problen of demobiliza. lion and reabsorption of demobilized men. 1 colld say a grat deal on this subjest, but pethaps the quickest way to tackle it will be to deal with the various point of the hon mover in his opening specch. The chlef substance of his spech, wax concerned with the threc. maln appointmints recommended in the Mortlmer report: that of Director of Pustivat Reconstruction, Director of Training, and the Exectitive Offer, As ofgards the mpointment of the Ditector of Posinvar Rrconstruction. the hon. mover asked two plain questions and expected two plaln answers, As usual. quil give him plain atisuers to his gientions when they therisclies, his plain. (Leughter) The firt question was. Whether the Economic Secretary is the director, visualized by the Alonimer Commitee The answer is in the nega. tivenin other wodd, no. (Gughter) The aniwer to his scond questionwhich aiked if and when the post is to be allid the answer in - 1 do not know" In explanation of, thoce, two ninters 1 might mike a few comments on an aspect of the matter that was not
touched upon by the bon. mover. The Motlince Committec suse ested that this Director of Reconsiruction should be on an infer-territorial basis, and 1 have no doubt that hon. menbers will realize that when the inter-territorial basis is brought into a quicstion a number of difficulties arise, consititutional and other, that require a good deal of attention. So far lam not aware that any of the other East african Govermmepts litue shown nuech enthusiasm for the proposal of a Director of Post-war Reconstruction on an inter-1erritorial basts So far as the Govermment of Kenya is concerped, is hias not waited to see whiether eventually such a director will be appointed, it has gone on with lis job of preparigg plans. and not indulged in any procrastination. such as 1 nm sure the hon. mover woufd be the frrs to conucrif. A number of hon. members on this side of Council have explained that at the present time we have through the machinery of the Governars Conference a means of ensur. ing co-ordination and planining in East Africa when the inter-territorial aspects of varions questions come forward as regards this moxt imponant question of demobilization, 1 would stress the faet that the Stansing Demobilization Committee, which is referred to in the report published lasi February, is doing very valuable work in this respect A reference is made to it on page 4 of the procress repori, in the form of a recommendation: That a Standing Demabilization Comnitice be set up, under the chaimanship of a scnior military officer, composed of a representative of ench of the cight Government: (ie, induding Soychelles and Maritius) with one military secretary, and one civil secretary from the Governors Conference Secretsiat, the compitiere to have no cyecutive atthority, but to be sdivisory to the General Officer Commandiog inChier on all matlers - affecting yore dispersal arrangements of demiobilization". Thit recommendation bas been implemented, and in addtion flie civil medrbers of the committee hold meetings either befone or after the meetings of the misin conimitter with a view to ensuring that the various territories are moving in step as regards demobilization procedure in EAst Africa,

The hon mover in the course of his remairks referted to this post of Economic Serretary, ind pertisps I
[AIr Rennie]
should take this opportunity of explaining a litue more fulty than was possible in the communique to which the hon. member referred what the duties of this office sre in present circumstances pnd what duties will fall to the holder of that poil In the first place. I think I should: naike it clear thas the post of Economic Secretary is on 9 lons range tasis 14 is not intended necessirily only for de mobilization purposes it is not intended necessarily only for posi-wat development planning it is on a longer term basis even than that, although it was made clear th the communique that the question of postwar clanning and re sbsorption of demobilized personnel with be amons the most important duties falting to the toolder of the post. The shert fact is that this is an effort to decentralize 1 admit that the decentraliza. fion is wefl within the Sectetatiat but 1 think that is something with whith hon. members wifl agree and. 30 far as, this measure of decentrialization is concerned. it will mean that 1 myself will be relicyed of a considerible amount of detailed work which has hitherio fallen to my tor ind that, sofar as demobilization und reabsorption are concerned. the public will know that there is onc oflect in the Secretariat whose special duty if is to deal with these problems. They will also know, looking at the longer, mange aspect of the appointmen, that when it is a matter of cconomic, questions senerally, trade commerce, stalistics, economic matters of yarious lypes and conditions, there is one min in the Secretariat whose duty it is to sledy these questions and deat with them: Under the present procedure, as hon members art aware sometinies the Finatcial Secretary will deal with economic problems when they have 4 bias towards finance: at other times they will eome to me when they are of a more administrative and gencril type. Under the new arrangement all these economic problems will 80 to the Economic Secrelary and, so Gar as the commercial communty is concerned, members should in fulure know the officer in the Secretariat with whom they should discuss all minters of commerce and statistics generilly, On The shorter tem basis of denobilization and reabsorption we have one man who will devote ats meth time as he can to all that side of the question, and also 10
decelopment planning. 11 ls hoped that he will have time, to - co around the country and tielp the matous depart: mental and provincial oflicers with the preparation of their schemes. It is hoped. too, when the patious bodies stich, as district councils come into the picture. that he will have the oppostunty of dis. cussing their proposals and trying to co. ordinate them and llting them in within this very large picture.

I might now ake un th this point a question reised by the hon Alember, for Nairobi South He referred to paragraph 12. 1 think, in the Scerctarial Clicular Letter, and sald he hoped that consultations would hot stop, or words to that eftect, at the lower stage Well. he lias relsed a question which is very impori ant and une to which we should all sive a very considerable amount of attention. bectuse one point to whith 1 personally have divoled much thought and aboul which I could come to no final conclif sion is: What is to be the body at the cemere which is golag to correlate and co-ordimate alt ibe plans when they come in from the provinecer We know that in other cotonies liete are various forms of central znd coordinating bodies So fre in this Colony we have been worko Ins very larsely through the Standing Finance Committec, and 1 think hon. mambers will realize fom the uppendix to the circular that the Standing Finance Committee has done a very useful job of work in vetting pll the uchemes sub. nitied to the Colonial Developmeril und Welfare Vote So when the tion Stein ber for Nairobi South asts the question whether there is going to be consultation af the higher levels, 1 answer in-a very decided allimative There must be con stltation in the higher ranges, but the exect form whith the co-ordfatteng body should tuxe is a very diffeals quetion. 1 would ask hon. members on bolh sldes of Council to give some thought to it, and perhops later on give me the benelit of their considerations.

Now 1 come to the scond poll mensioned by the fion mover, the Director of Training. He has pointed out, at least 1 think it was he, thit the post was advertised in March and that to far no appolntment had ben made. Well, there was a long period given for the seceipt of applications in order that the troops oversens might have an opportunity of putting in their applicetions if they so

## Mr. Rennie)

wilhed: the cloing date, if a remember fightly, was the 30th of March for that reason. When the applications were receibed they, were very carefully crutinizel, and although the paneland Thtuk the hon member Mr Heecher feferted to hits poini-did not operate in the exact form that th sugseuted fin the progress seport-in other words, the jersons who telled the applications were different people from those suggetitd th the report-the procedure was somewhat similar. $A$ recommends. llon wat made to $\mathrm{y}^{001}$, $1 t_{4}$ and at a resul a pecommendation was made 10 the Secretary of Slate. There the matter stands at the prosent time. There are diffectitics atout our obiaining the man who hat been sccommended for this poth These dimcuttiet, we hope, are not insuperable, and thope that in the very nedi fillure ane shall hear from the Secretary of Slate of the decision at which he has antlied in this connexion, I would say That, so far 25 ibls Governmen is cothcerned, ft hias deali with the matiec fairly expedtitously. The thidd appointmens to which the hon mover teferred was that of the Execilive Oflicer. He deplored the foet that the oflicer who was duing that wort had been removed from the pont and wus dolag work elsewhere No one is sotiter than 1 am that force of ciremastances necesitated the removal ot Mr. Hydeclatke temporarily from this poit. I stress the word temporíily, because thope that within the space of four or nve month if will be positible (or Mr, H)de-Clarke to revert to his duties at Execulive Ofker. But 1 would make this point in Ihis connexion, thot a cood denl of the preliminary planing work had already been carricd out by the deniobilization section of the Secre tatiat before Mr. Hjde-Clarke Hent across to the Agricultiral Prodection and Settlement Doard and, secondly, at the present time we have $E$ fultotime dflier doaling with demobilization mas. ters. Mr. Divengort has the-tille of - Principal Civil Ditpersals Olficer; butal the present time the is doing noore the is dealing, with demobilization, matieri generally, and if it is found that he has more work than he can carry 1 hope to be sble 10 male arrangenients which will ensure that he will be given assist atie at suy time when he needs it the mod.

It think it is hardly necesory lor me to go over in great Jctait the vatious points raised by the hon, movet Some of them have been dealt with by hon. members on this side of Council. He referred lo-ane most importanl matter, howeverion which I will now commen, namely African representation in this Council. That, sir, is a matter which has been seceiving the closest attenfion of theGovernment and of you, sir, for $n$ good many months past, and you' have alithorized me to sivy that you hope to be in a position to make an anngtnce. ment on this subject in the very near future. The thon, member referred to Irode unions, andeasked what was being done there. He exprested the fope that something would be done to stet a man out equipped to pin trate unions on the right lines. That is matter about which we have been in correspondence with the Secretary of State for some conviderable time and we hope is sill be possible, as a result of the careful attention given to the matier by the Colonial Oflice, 10 get the night type of man wihout 100 much delay.
Turning to the speech of the fon Member for Nairobl South, he refered to the fact that the Government should see that the Press is kept fully informed of mijor developments. With that sentment lagree entircly, but in this paricular case 1 think the Government did its share of the work inasmuch as if laid on the table on the 10 th of Novernber, 1943. your despatch, sif, of the 6th of August, 1949, slating exactly what was intended as regards development plan. Hing and giving as an appendix to that despatch various schences that were under coinsideration. These should, 1 Think, have given an fodication to anyonic who was intcrested in the matuer that the Govemment had not gone to sleep, and further, when on the the of Fehruary this year a statement was laid in this Councl giving full terails of the applications that had been made to the Cologial Developmen and Welfare Vole and the result of those applications, that I think again stoould have been sufficient indication that a sood deal was being None in the way of development planinge 1 am surc, towerer, that we all asree with the hon member that it is desirable 10 keep the Press as /ully informed as possible, and 1 will take up the question with the Information Officer
[Mr. Remaie]
in the hope that he will be able to ensure that when a paper is laid on this table the Press realizes that that has been donc. The hon. Alember- for Ninirdi South also referred to the necesstity for clanticity in the various schemes put for ward, anil asked whether re-modelling would be in keeping with the pringiples of the Colonial Developtient and Wel lare Vote. The hon. Director of Agriculture has deall with that point already, and 1 can add litle to his remarks. As he pointed out, some of our schemes1 instance ns one example, water sup-plies-are in only bare outines. and it should not be difficult to do any remodelfing within that outline. But 1 am sure of this that we have had such a Gery sympathetic response to our vari. ous applications for assistance from the Colonial Development and Welfare Vote that if we show at any time sood reason for tevising any scheme, we shall haye most sympathetic consideration at the whet end.

The hon. and reverend member tepresenting Native Interesis pdid a ditibute to the circular letter, is indeed the hon. Meinber for Naitobi South has done, and sugsested that it did the Government eredit. I think hon, memberi sealine that this circular letier is the reult of a great deal of detailed work on the part of heads of departmients, and it is to the heads of deportments that the chief credit is due. II one looks through these yarious spplications, some most derailed and lengthy nne realizes the tremendous amount of work which has been given to the matter by heads of departmente, I should like to take this opportiunity of expressing my oun gratitude to thern for the woik they have put in and at the same time to make it clear to Council that the Stenditig Finance Committe has tone Iss share of the work by vetting each one of these applications and making valiable sug sestions on them. The hon. member repicsenting Native Incerests pointed out one defect as regords paragraph 1 1 appreciate the point I think it is entifely sound, if I may say so, and If had noticed the omission earlitr, should have remedied it at the time 1 think the temarks made by the hon. Director of Agriculture and the hon. Director of Veterinary Services Indiente What has been dorie as regats receirch.

The hon member Mr. Patel referred to the quertion of the demobilization of Indians and the necessity of keening the Indian Man Power Commuttec-in the plefurc That is cerlain to be done, and 1 will refer later to the question of the Civil Reabsorption Boatd which it l proposed to established for Europeans, and a somewhat slailar procedure wil be adopted in the case of Aslans, There is only one point to which 1 would refer in the spech of the hon- member Mt: Amin and hat was his fear that funds that mighte te made available might so to cerialn sections of the com munlty and not for the benelit of the comminity as a whole 1 think it is hardiy necessory to assure hon members that the most cofefut consideration ts siven to the variots applications to ensure that they cover ill races of the community, and, if hon, members wilt look at the satement that forms part of the circular letter, they will realite tha the schemes are spread over all conpunities, and think the hon. membe can he aswited that his fear is stound less.-
Those, I think, are the thain-points I would make in ronnexion with the speeches of hon, memberi. 1 do not propose 10 go into any detal at tegarde the poins on gesearch made by the las speiket, 1 am quite sure the hon. Dirccior of Vaterinaty Services and the hont Difetor of Agrleullure will be in a polition to answer some of his points on another occation. $I$ thould like, how. ever, to feler to one or two main points connected with demobilization snd seabsorption which think, should bo stressed at the present time. 1 aisume that ill hon, members have read the Progreis Report and disetted it but 1 wolld merely refresh their memoriei by referring to scction VJ on page, 9 where the present procedure is laid down. The chief progress that has been made since that Progrens Report was prepard in February la it is perhaps the appointment of the Civil Resbarpion Boird faifly recently, Hon, members will appreciate that demobilization and reabsorplion ean be divided into three main stages- the dispersali wage, the reabsorption stage, and the broader stage of development planning, $A$ regards the dispersals stage, the man detalls are given in this Progress Report The ponition is that before any man or womman

1 trom the forces he or she ed by the Principal Civil ficer to ensure that all outbuty that may te die to the tried are pald or about io be esijuie that there are no agurnents with the Army erson is allowed to proceed. mp at which dixcharges tale preserit time is at Longato, 1r. Davenport's main dutics here and ensure that before chatgel from there every: rdes. I would mention one dital is that the man who does not go away from that large amount of money in. 4. He, it paid, when he ato his oun detrict: any runci, the object being to - Uoes not spend his moncy un the way home.
he dipersals stape is con. is soing on ressonably the-puctent limice and a e set of records is being th stould ensure that we cte record of cuery man cliarged from the fores n addition to that thete is e various trades to which cd peivonatl belong. so ime we should be in a distrie to say how many e are, of how many black. on. It will be most useful alice the war. That is the e. Then we come to the thage, and the arrenge restnl time are lo ensure treds Anancisl assistance wist hime to oblain re Ects it If anyone needs t he ls boing to do after ts that, and we hope to alzation so compliste that dy with noi ondy recorts, is atsistance. suvice in but also with hespital to which the hen Actot Medieal Scrvizes reiltion arrangements, to fiemed, and yocational cimenty is soon as the ainitis is appointed and ridec and bilso as regirds nendatlon th the report. ance in the form of
bursuries for young men and women who will need further education such wis bursaries could help them to obtinin.
1 do not mant to take up too much time 1 could talk on this subject protiably for anoilter hour, and if I have not covered alt the points the hon. mover of hom members of Council would like me to cover. I apologize and 1 am quite prepared to go over any points with them at any lime. ( would merely refer, however, to the Civil Reabsorption Board which is soing to be a most tmportana factor in regard to reahsorption. The persorucl of the Hoard will be: Chaiman. the Director of Man Power: members, the Prinsipal Civil Disporsals Onicer, the Pregident of the Astosiation of Chambers of Conmeres. the Chairman of the Agrisultural Froduction and Setuement Board, the Chairman of the British Legion, and the Director of Training. It will work wilhi? thice groups: onc, administrative and welfare group: second, vocalional trinding sroup. and third. employment group. The first proup concs under the Principal Civil Dispersals Oflecr. The vocational training group comes under the Ditcclor of Training, the employmeni group again inder the Principal Civil Dispersals Oflicer, and the employment group divides up into state employment and privale employment. State employntent covers Government depariments local Government departments, Railway Administrationt and privale employment covers Land and Seltelement, commerce, rrade and industry and profession: The commerce, trade and industry section is broten up into 18 sub-sections covering almost every conceitable type of trade. The ides is that in respect of each type of employment or land setulement there will be an execulise ofreer wha can deal wilh any applicaits wha come along for adviec or hetp in findiag employment. This Boand has been framed on its present lines after very careful convulation with all the people concerned, but I have no doubt that when is first meets one of is first duties will be to go over the set up. that has beet planned to see whether that sti-up falls in with its own ideas 1 woutd, however, stress the omportance of that Board, because in will be one of the chief factors in cnsuring that the demobilixed mersonne! are properly

Mr. Rennic]
looked after. The Board is chielly for Eirropeans-the Board I have mentioned. A similat board will dqal' with Asians and in bolh cases the board will co-opt the Depuly Director of Man. Power (Assians) when dealing with Asians, and the Deputy Difector of Woman Power when dealing with women. As regards Africans, a similar arrangement has been considered necessary, there, namely the Principal Civil Dispersals Olficer will Jeal wih the Chier Native Commissioner and the Labour Commissioncr and appropriate officers, and will work on somewhat simpler lines.
I think, much as I should like to cover datious wher aspects, that 1 hase probubly replieal to the main polnt, in the debate, and I would merely finish by soling that so Yar as the Governtment is concerned it acrepts the motion (applause), and so far as the necestisy for carrying on in an energetic fashloh with demobitization and reabrarpion measures is concemed, the Governmen! is fully alive to the necessity, It realizes ulso that this matter is one for all seclions of the communtity, as 1 have mers. tioved estlier, and if I may be allowed to quote paragraph 20 of the Secretañal Citcular Letter, "all ollicets"-and for -all officers" 1 would substituse "all of us"-will no daubs realize that the opportuntry now presents itself of planning wisely wih loresight and imagina: tion. on lines that will mould the future of Kenya for many ycars to come". I take it that we all agree that this is a steat opportunity and that we all agree that each one of us is going to do his shate (Applatise)
The debalit was adjoumed.

## ADIOURNMENT

Council adjourred till 10 am on Thursday, 8th June :1944:

Thurdiy, 8th June, 1944
Council assembled in the Memorial Hall, Nairobi, at to am on Thurstay. . Ah Jina, 1944, His - Excelletily His Gormor (Sir Henry Moore, G.CMI.G.) presiding.
His Excelicricy opened the Council with misuer.

## minutes

The minutes of the meetine of th lune, 1944 ; sere confimed.

## PAPERS LAID

The following papers were laid on the table:-
Uy Mr. Klinie:
Judicial Department Annial Report. 194.

By Mr. Marchart:
Information in reply to Question No. th on the subject, of Africin sugar rations.
By Mr. Drown:
Select Commiltee Repint on the Coflec Industry (Amendnicats Billt.

## ORAL ANSUERS TO QUESTIONS

Nu. 42-Afalein Mifubit of Mak cilens - Colletic Assemble

## Mr. Pigl (Easern Area):

(I) Is the Govcrnitent aware that while Africans from Tanganyika; und Ugands are at present members of the Makevere College Assembly, there is no such Africen member from Kenya?
12) It the reply it in the olfirmative will the Government please take ateps to appoint one or two Alticans from Kenya as member of the Makerere Colicge Assembly?
Mr. Masciasit: (i) Yes, sif.
(2) The Government will purnue the hon member's sugsestion when the ierm of office of existing menter' of the Assembly expires eaty nex year:

No. 46-Atrichar Suoik Ratmoss Ma. Beecier:

Will Góvernment please explain why the Europzar and Asian sugar ration should have been in creased, while the Alfican (whe has contiderably fás opportinity of supplementins his

## Atr. flexcher]

sigar tation by purchasing other food articles containing sugar, and whose lugat ration has in mort instances to suffice (or filmelf and his family) cither hav 2 smalier weckly mation of. figser me pheet where rafionits is effestive or the the reserver teceives. lifte or aone through ithe nomat trade charnelig?
DIf. Mistitury As the answer is noprethat long a written reply has been had on the table* tor the information or the Council.

The nolley of the Central Commontits. Dintibution Hoard is that Aricans teviderit in tounghips. lagether with their adult dependsitts, thaind receive the grme rationc of strar as Europeans and Asians: ond the increaced ration of I Ib. per head per, Hed granted to Europeans aṇd Astanstribielfect from the 29th of Mlay hay feen grahed ta Aricanimith effect from the is on tune.
Chidren or a dicinsrestdent in town: shins ate atloned $i$ th, per head per weeh. caperitence having shown that any adili. tonal quantity not utilized.
2 In ratal meas othe than native meas employers uf gative labour are allowed an allusation of sugar for their labour and dependants based on a figure if t lheper head per weck of employed labout. The amount this distrlbuted in rural ateas is probably not less that the amount conitimed previous to ang
S. As regards natice areas approxi. mately 50 per cent of all uugar approxi. for civilan congmption is allocatidd by the Central Commodis, Disitibution Board, after consuttation with the Chief Native Commistioner, 10 the District Commisioners conicened who are responsible for is internal distribution and in the main utilize notmal trade. channcts for this purpose.
For the math of June the anount ithottet by the Central Conimosity Disetribution Boaid lo mitive reserves was:
t Finally, the supply, of jageen is nov uncontrolled and it is expected that most of the available prix fuction will find its wy to the A tricih consumer through the ondinary channets.

Mr Beiciers Your Excellency, on a point of oider may I inquire whether, in view of the Tprocedure adopted if answering this guestion, a quertion. arising therefrom is allowed to te arled, or must a supplementary question be, given to the Cletk of Council?
His Exceitencr:- You- can ask supplenentary questipn arishg obt- of the renty which is before you.

Mr. BEECHLR: Arising out of the re ply, i bes to ask If Government is aware that a Government publication dated 3lst May, 194, contaned the following statement - - -

Wheard one of you people (that is an African, asking Phy Europeans get more sugar thartAfricans. Any person who risk such a question is that can only be a fool, moreover he has made a mistake becaise Europeans do not get more sugar than do Africans they afl get the sume on exactly the same burict
-and will Government ensure that udequate publicity is given to the trie state of ultiars and an apology made for having called teasonabie Africans toots?
Me, Manchant, Details of the mationjug for Airicams are to be found in the reply which was labled.

No. $54-\mathrm{Keny}$ AsIAN 1 Local Civi: Service
MR. PATEL
Will Government please agree to appoint an ad hoc committes to examine lic present terms and conditions goveriing the Kenya Asian Lecil Civil Service including pensionable, non pensionable, and temporary personnel thereof, and to make recom. mendations with a view to removing the existing discatisfaction among the intmbers of the Serice and sugeest. ing modifications considered necessary for the improvenent of the sid lerms and conditions?
Mre Rensie: Yes, sir. I have already explained to the hon member that the Government will proced to appoint his committee as soon as possible.

## POST-WAR EMPLOYMENT REPORTS

The debate was resumed.
Ma Nucon, Your Excellencys there is. only one point 1 want to touch on-a very briefly-and that is the question of finance. These schemes which have been produced and sent home to the Secretary of State making apptication for grants. from the Coloniat Deyelopment. Fund. ste certainly going to provide employ. ment in the postwat years but in order In give full amplification to the recommendations of the Post-war Employment Committec's Report much more finance will be needed, it is a yery curious thing Ihat in war there is alwass unlimited finance for destruction, but in peace we do not ges finance for construction, and that we have got to see is changed. in other words we must not allow money to be our master, we have got to be masters of money.

Nh. Cooke, Ygur Excellency, I will Iry to be as quick as possible, but 1 must detain the Council for about ten minutes to quarter of an hout. The hon. Member for Nairobi South snd the Reverend Amber Representing Native Interests referfed to this Secretariat. Circular Letter, and 1 an very glad they referied to it beciuse 1 thad intended myself to say what an admínble summary it was of Government's Intentions, But, sit, Government's Intentions are not always the same as Oovernment's implementaloos. What they have under conidera: tion they do not always haye under action, and therefore 1 would bssue a eayeai against putling 100 much con: fidence in this particular preparation of Government plans.
The hon Member for Nairobi South referred to the necessity for elasticity and, lthink he said, re-modelling It is just because many of us recognize that recessity that we are asking for this Director of Reconstruction, because, of course, it would be his duty to coordinate and. If necesiary, to sif the evidence in front of him and to make siterations where necestary. The hon members Mr. Patel and Mr. Amin, 1 whs glad to hear, repudiated the felling on this side of Council that the Indiars are not in favour of agricultural cetilement and I should like very strongly to support
the establishment of $x n$ asticultural college for Indians in Tanganyikz, But I was nol yery much impressed becaute, as the hon. Commissioner of Landi suid they tha eictyopportuntry when Tavers - (hat yery ferile area-was, thrown open, and recently Lobserved in the area of the Kiboko River. that is near Makindu, where an Indian has held land frechold for sofiething like 40 years, land which If well watered, he has made gractically no attempe to culitivate it, but unfortunately has started to exploit the forest tres which are on that land.

Mr Anyin: On a point of explanition. If the hon, member would not mind, our point has been that the sins ot our fathers should not be finficted on the children of other genesations.

Mo Cooke: I am very glad to lhear that, sir.

The hon- Member for Kiambu rererred to Mr. Colin Maher and 1 am very slad she did, becouse there is a feeliog In this country that Mr. Colin Maher'/ serviets are not being fully employed. He ts one or mhose very enthusiastic people, ind there is rather a tendency in Government oo regard enthutiantic pcople as yexatious. I was regarded as very vexatious myselt I wai regarded as very vexatloun mysel at one time (laughiet), and 1 hope 1 im still regarded as vexalious, becauso 1 Hhould hate to fél I was loring my toueh! But if does ceem a pity nol to make use I the enthusiasmis of o man in a country where enthusiasn is ofien very con piecuously absent. I ahould like to sup port the hon lady in what she sald about Baraza. Colonel Waikfis, of course, did an oulstanding piece of work, and probably work which $1 /$ second to none in postwar importance in this country, and it would be a greal pity it the editorship of that very vinle paper were left in the hands of an African. 1 think the African has done remarkably well, but naturally fie cannot be expected to have the wide outlook and the balance of 2 European. I was Lorry my hon, Ifiend the Chiel Natlve Commisioner wes not a litte bit more definte when 1 thought I was giving him the lead. 1 hope tho hon member will not allow himself to be. overcome by titile petty expediencies for in that cuse he will be as bie a fallure as a sreal many of his predecersons were of cours. 1 , asree with the hoj . were of courris 1 asgee; with the hon.
[Ar. Conse]
Icrpues, but fe has a bigger loyalty than that: he hat a loyalty to liree million Africans of this colntry, and 1 hope their mirely and outlook will be preserved. I was liftle disoppointed with the hon. Director of Education's renty. of course. Itccognize thal he is bnly af the moment In an acting job and if o dimeult for him to lay down, volicy, but in view of what he Secretary of State slid ghout mast edisition we would have tifked to hear a bit about what has been done in that impoitant matice. If I nay digress fust for a monens, thereare tome people Whe firinh mass cdtreation means mass schooling but of caurse it is no such ihing Mas edicallon means clucation In the way properly to live, it Includes agricitlure, medical, hystenc and a hast of other things and 1 would have liked on have herry a titile thit more about the hurgaries for Euiopean cliluten, because - Alin one if thiqse who consider, it carenilal that Elequpean chilitren should solione for pan b/ther eduention.
The han. Director of Agricelture ise Cered to Africans retuming to the land. Of conrse, that is the ideal of probably everybods here, hit the Africnn will no more teturn to the land than the Scots. mati and linhnan witl return to the land unles viliage life is made more attractive, unleri agticultural prices are bigh, and unfess the amenilies of life are provided. That sectus to sne the sine qua nom for any return of $A$ ricans to the land, and we bave l think tried to press that in the tepori, He mprorts the hon. Member for Nalrobi South, in his requesi for elaslicity, and if 1 may my so $I$ entirely ngrees \& was very slad to hear from the hon Directur or Medigal Servises that so much has been done As usual-eer. tainty in reeent years-the Medical De. Partment is well ahead of many other deparments in its work for the nalives of thid country, and from ali one cen hear what has beer done for wounded Il is also suersthing that can be pesired. Intends very eratifying to hear that he intends to make tose of army personnel

- had sone so far in the seport as to recommend that it should be compulsory for bis estates to leep native dressery The sanitary service boys affer the war. The Comimisioner of tande was almest too humble by hith for mes he said we
had not enough knowledge and experience 10 make recommendations about the labour corps His idea of a cominitue obvionsly differs from mine 1 regard committee as a body of moderately titelligent, fairminded people, who kifi the evidence before lliem and give theit findings on that evidence.
Ma, Mortimen: Your Excellency, 1 do not wish to disturb the hon memberi eloquence, but hi is incorrecily repart ing tie. What I did syy-and the remaining members of the Committer againwith me-was that I did not feel competent 10 criticize the adequacy or other: wise of the scheme for agricultural de velopment put forward by the Director:
Mr Cooke I I must, of course, secept what the ton member has said, but the ronds 1 wrote down af the time were that the cammitter thad nether the know. ledge nor the experience to make recommendations on that matter, and thal 1 Iried to combat. The hon. member went on to say that there were no problems 1 cannot agree with him; there is a very great problem and we cannot gei away from it. If there is any opportunity at all it is the opportunity 10 solve that problem but the oproriunity docs nut the the plice of the problem by any menis 1 tope 1 am not attacking the hon. pember, but I am one of those rather miltian psople who thine that unless we come right out in the open in this matter of posi-war reconstruction with definite demands we shall not get very much further 1 do not sgree with the ton. Director of Velerinaty Services. He says hation his opinion only a small fraction of Arricans will wish to get pald work-I think those were the words he used-but that abour the 15,000 Atrigan molor dtivers who have got first-ciass driving ecrificateg to sy nothing about the scrond fotid third-class onest whit about the thousands of mechanics and machine operatons who will perhaps $5^{\circ}$ buck to their reserves for a few months after the war, but as soon as they have finished with wine and women t think most of them will wan to retum to cily life? hope that will not be so-
An, DiUENEY: On $s$ point of explanstron, 1 think what I said was that onily a feve of ther mould have the opportunity 10 to into paid employment in civil life I made no submission about

Mr. COONE, Well, If the hon. member sift that. 1 hope we will make every en. deavosir to give those Atricins the opportunity to go into civit life such as in secondary indusities and so on. 1 must sy I agree if 1 may snyso, with the hon. Mermber for Atierdare when hesan it would be a mistake for the Director ar for any directors to be menibers of any kind or seiemific resentch council Experience certainly in the last war in the War Council showed that it was a gieat mistake for execuitive oficers to be in thy way concerned with the big planning operations. The hon, Chief Secretary seemed to me to give the kcy. note to the whole Government policy when he started with two nesatives thughter, 1 was of course immeasurably relicted to hear that the new sppointec was not going lo be the Dircctor of Reconstruction but my retice was plunged into ploom when 1 heard in the second negative that there was going 10 be no - Director of Reconstruction appointed at the moment. Some of us on this side of Council feel hat nossibly this Economic Secretary, havine sot in by the bosi doot in his robust manner may fight his way upstairs, and latshould like 10 five an assurance from the hon. Chici Secretary that this is not Government's intention, that in fact the will raise every burricade and machine-gun apainst such _ _ari atlempt! The other point I wish to mixe is this. When the hon. member soid that Government was fiot mppointing a Director of Reconstruction at the momert he defended this-in lact he: almost sermed to condone th-by sayins that the other territories had not yel decided 10 come into line, of course, it was only a suggetion, on our part that the other territories should come finto line. Mr, Churchitl side the other day that everything was golng arcording to plan-and what a plan! 1 fecl inclined to say that with Government everything is going according to excuse-and what an excuse' This excuse is that the Tanginyika and Uganda, people, the Governors, in the last welve months have not ygt come 10 a decision. If the hon. member had sold dast December that they had not come to a decision, there might have been certain reasons but to say after tuelve months that they have not come to a decision ssems ta mie an appalling state of affirs. If the Gov-
ernors Confertnce has any useful nure pose whalsocver, stirely its purpoce is to get the Garemors 10 come to an immediate agreement or disagreement: If were chairman of the Conference, -would-he-inelinedn io wa 10 these tally ing Govertors: Gentiemen. six monits haye passed and you have conce to no decision. I will allow you five minutcs in which to come to $t$ declion one way or the other, for I do not see why we should be handicapped because these gentlemen progress at such a sluggard's Face The whole hey to our arch is this Director of Reconstruction, and without him the whole arch collapses, and 1 at any rate ask-and 1 even dernsnd-1 hat that genteman should be appointed at once thar he should be a man of outstinding ability, that he should not in any way te subordinate ta the Searet tariat. that he stould be pald a salary commensisite with his duties, and have direct accers to the Govetnots he should te housed in a separate bullding, the whole establishment should be separate, and we thould not ntake the militake which 1 contend we have made with die Supply, Boarde of having oficera scattered all over the town. If anything goes wrong, we mut have the fight man to hang. There can be no devolution of responsibility about this imporant job, and that is. $L$ think the conclusion that all the othe component parts of the Einpire have come to.

1 will not keep the Council any longer. I am vary grateful to you, sir, for having acepted this motion ant thank members for having lisiened so pallenily to the debate, but $t$ am not satisfied that we have sccomplished very much. In $i$ few days lime this Council wlll-bedissolved: members will have relumed 10 their several pursuis, and the talking shop. as it is sometimes ealled, will be closed for movation and sepair, And, If Gov. enment merely pigcon holes thexe recon:mendations and forgets to curry out jit promises, nothing will be accomplishrd. In Europ: to-day tremendous eyents afe impending, and it looks as thoijgh we have gone bcyond the stage of the end of the begining and have reached the beginning of the end, and it is absolutely essential that lons before the war is over we should have machinery established so hat there an be no hiatus or pause in soing what we can for the thousands of
(Btr, Cooke)
Kenja men zid women who bave done Wht they could in onder that you and I nitht be safe
The question wai put and carried.
$\rightarrow$

## PENSIONS

Mh. Thsich. Your Excellency, I beg to move that this Coincil approves the payment to the olicers enumerated in the achedule below of pensions al the rates and wilh effect from the dutes set out against iheir respective names, in lieu of the amounts of the provisional inferim perulons already approved by this Council as set out in the last two columns of the "schedule:


This is the first fitanclal motion puit Defore thin Cuuneit nrising directly from the Kenya European Civil Service Commiltece Report, otherwise known as the Surridge Report, and the various pensions whech it is proposed to lacrease are those Interim pensions already granted to those $X$ snd Yoficets who have telifed, who are frequently mentioned in the report, and the inereaves are in accordance with the recommendation mads thercin. The commitite recommended "that the rate of the lateflim pentions thould be increased to a $1 / 6001$ constant, and that for the purpose of colculation, the whole of the ollierty setvics shouta be taten into acroum other than serviece under the age of 18 years provided that the rate of intetim penion does not exceed twothirds of the offerer's highest penstonable 11t. Recons". That Is Keromnemdation 11t. Recommendation XVI is that "for the purposs of calculating the final pension payable fo them, the eso consolidato their final where pasable, is added to their final pensionable emoluments'. These two recomursndations are the basis of the pensions now proposal in the middle columin ar the schedule to the motion, and I ask Coundl to accepl it.

## Ar. Fostra Sutton seconded.

The question yas put and carried.

## LAND CONTROL BLLL Stact Commitien Refort

Ma, Fosien Suiton Your Exieltenct. 1 beg to move that the select committe report on the Land Control Bill be adopted.

In moving this motion, 1 think il might be or some assistance to hon, members if I very brienly refrestied their memoris as to the origintal polley incorporated in. the bill which the select committee was appointed to report upon. First of all, the bill that wis tabled had as its object the

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| 1141011 | 18-6-43 |  | 160-43 |
| 13180 | 27-7-48 | 99.6 | 82-6-41 |
|  | 20-2-44 | 1018 | 124 |
| 14: Jt | -8-4 | 188.4 | 2-6-4 |

control of speculation in dealings in land. and it further provided for the compulsory aequisition of land by the Crown for land settlement purposes, In order to give effect to this purpose it sought to $n$ appolit a board which was to be cilled the Lond Control Board, whove duty it was to vet att transactions in land thit took place in the Highlands They were given power to refuse their consent to stech Transactions if they considered the price that thas 10 be paid was excestive or that the person who was seeking to acyuire the lend alrendy had ample and suffeicni land for his orn ush. The board was also to be enipowered to recommend tand for compulsory acquisition by the Crown, and they were to be the body. the same boird which was to recommend the land for acyuisition, to assest the compensation that was to be pald for the land to acquired. The method of acquisition and the basis upon which compensa. rion was to be prid was to be settied by rules made by the Governor in Council: in other words, alf that was to be done after the bill became law and it war not subject to the coatrol of this Coupal. The bill atso provided that appcils from any decision of the Land Control Board
19. Land Control Bill
[Mr. Foster Sution]
ghould go, on quictions of fact, to a tribunal that was to be called the Land Centrol Appeal Tribunal, and on all questions of law or mixed law and fact no the Supreme Courts

The unoflicial members of the select committec and the hon. Commissioner of Lands and Senlement did a tremendous 3 mount of work in going around. atiending meetings and holding meetings, in an honest ctfort to obisin the views of the prople of this country on what is graerally considered here a sevolutionary measure, and I do think that a tremend. ous amount of credit is due to them for the -interest and hard work that was put in, particularly in the case of the hon. Commissioner of Lands and Sellement. They did it because they realized that there were many fears being exptesed as to what would happen if the bill beeame law. and they did their best to explain the object behind it, what it was seeking to do. and they also went to great prins in explaining and trying to mee the various objections and points. that were made and taised agains the shensure. The melect commitee wit at Sakura on the ISth May, where they bexted evidence and convidered the memo. randa submitted by people in that dis. irict, and they sat in Nairobi on the 18 th and 19th May where they heard a num* ber of withesses and again considered a mass of memorinda that had been sub: mitted, and after those meetings where the evidence of withesses was hesid, they met on a number of oceasions and went moo all the repreventitions that had been mate, in a considerable amount of detail. It becane clear in the light of the meetings we had atended and the evidence we had heird that the country as a Whole wis behind the enacment of this masure. I think there esn be no doubt about that whatever. They want it bebuse they think it is in the best interests of the countri that we should hate legis. lation of this kind, but they did express z number of doubis and a great deal of asprithension because they felt thit the bill as presented to this Councit did not set out clearly what was going to happen. They felt that they were being asked, if I may be pardoned for using the expros. son, to buy a pis in a poke. that there tas too much to be done by tules after the measure becanc lav, and they felt
that this Council had liule or no control over the procedure or the basis upon which land should be acquired and compensation paid upon the acquisition. Then a number of people urged that therewas absolutely ro point in acquiring land compultorily as distinet from amicablo agreement, and that there was no point in acquiting land compulsorily if the person who held the land was properly using it and using it to the fultest exient. The unoflicial members and my hon, friend the Commissioner pointed out that that was not the intention of the measure. that it was not intended compultorily to acquire land from people who were property using it: that it was only the intention to compulsarily acquire it in cases wher= if was conidered that she land was not being propelly utlized. and the answer to that was, if that is the intention why be shy about putting is in the bill, why not say sol and the committer foli that it has is ruir comment, and for that reason we have made a ecomatendation which 1 think complecely meets that sottion of the opposilign that lias been made go the bill.
Then there mppeared a general, nol a very arong one, but is general antipathy to the provisions refating to uppeals. The general den semide to be that a purely fudtcial body would not be so competent to decide upon any question of mixed law and fact as persons hominated with considerable experience of land in Kenya and setilement who would be gulded on quictions of law by a Judictal chairnian. Your commitiee have met that position by puiting up sugsestions for a completely trew procedure regarding appeals from the boad. Then anolher very strong objection, and 1 think it is based If I may ay so with respect on a migapprehersion, was made, and it was to this effect. They said that once the measure is enated there is no longer any security of tenure: wome people went so for is to say that this tand was granted by the King and in effec| the mesure is wiping out his signalure With those stitements 1 profoundy disagree 1 Thn quite yure they were made in an honest belief that that was the; positiont but that is not what this mesture is doing or sceking to. do. It doem not affect security. of tenure and 1 think those persons. when they fully appreciate the poiltion. will be prepared to withdraw that opposi-







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denfi, We did it in this way besulue we are all familiar with the ofdinary selen commitie report 1 must confers ihat 1 Ind it extremely dificult to trath, 20 d on wome occasions if you thave nomber of amondments it is very difficult to fot how: ind we thought that by hating the aménded bill printed as a draft with all the proposed amendments Undeilined it Tuald be of assistance to Council and nould hetp members to filly underiand What we are suggesting should be doie The fird anenument, which may appar 4 Miner one but is one of some sutGlanix is in clause 4 of the draft. There ae wet to alter the definition of Land The oripinal definition included cise nents and sifictly iaterpreted would oxlutes arreler mus fixed to a house mh the Lnd The acw definition sof. mbet will ecolule tavernte it was fth Mat the Aurd thould not be troubled - 'th' rulters of that hisd, it mould be tw. curtrrume. ath weudi nocrense the -aty of app<tien ty man Notrah It dre berever. la tode vor
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[Mr. Foster Sution]
mean that if it is felt that the members of the board elected are not pulling their weigh or functioning. or far any othet pood cause they should be deposed. the power rests tatirely with the Eurbpean thetad members to take action to do so. Coming to clause 5 (3), we have increavel the quortin from four to five, The reason for that suggested amendment is this. If yout had a quorum of four, it was strongly urged that the position might well arise yhen you would have three official inembers at a meting of the toast and only one elecled member. and there would be an officiat majority: It was felf that after all it was the land. of the peopie of this country that was being deall with, and the committee, ster careful consideration. decided to recommend that the quorum be increared to five, and we have added $a$ provision that the quoruni should also consist of at least three persons elected $B_{y}$, the European eiecied menbers of this Council which ensures that in the deliberations of the board there will always be an unoflicial majority. There is a proviso to clauce 5 (4), which was introduced with the ides of not allowing the husiness of the board to be held up teause the chairman or the acting chairman is sick of not available. which might hold up business indefinitely, so we prolide that if the chalmian or acting for any cause is unable to call a meeting one may be called by the Commisvoner of Lands or, in his absence, the Financial Secretiry, who is the second official metriber of the board. In clause 7 ithere is an important annendment. We recommend in the sevenieenth - line that the nord "hold" should be amented to read "acquire". The word "hold" would have the effect of giving the measure retro. spetive effect for an indefinite period. It was never intended that it should affect transactions before 19th October. 1943. What is menass is that from that date no person may acquire-if you had hold it would have affected everybody who holds land before that date. We have sugested an amendment to clause 7 (3). We found that only legal mortgages are effected with the Land and Agcicultutal Bank of Kenyw, so that we seck to exempt those transactions from the pro visions of the Bill. Other banks taking a legal mortgage from a client will require the consent of the board.

There is nothing very muct then until you come to clause 8 (2), tbere there is a slight change, not in policy, but we sougha to clear yp the position, bequuse nobody tuew what was to happent Under the proposed amendment to the Crown Lands Ordinance-l refer to clause 70Aapplication has to be maide to. His Excellency the Governor for permission 10 deal in land in the Highlands, upplication must also be made to the board. It didh no appear how the procedore would work. whether the Góy emor was to be applied to first or the board. The suggested amendmeat tu: 8 (2) is an endeavour to tie un the popition. What will happen now is this, Undee the Crown Lands Ordinance thete is provision that applicitions to the Governor shat be mide in the manner prescribed. I envisabe a rule belog nade requiting applientions to the Governor, under the proposed section 70 A of the Crown Lands Ordimance to be hade throuth the chairman of the Lhid Control poard. The board will then be uble 10 make their soconimendations to the Governor, which they pre empowered to do. If hon menters wilf tum to clause $8(1)$ (a) the will sece there that "in ans fransaction relating to lamd" the board shall have power "io iender advise lo the Governor in exergise of li's powary under sub-section (1) of section 70 x of the Crown Lands Ordinance", if the applicallons to the Governor go to the bosid first, the board will be able to make recommendations to His Excellency, and the chamman will forwatd them to the Gavernor. who wilt then consider them in the light of his powers undér the Crown Lands Ordinance. If the Governor declines to give his consent, we consider is was necespry and rensonable not to requise the board to go through the pambit of considering the applications. 1 l would be pointless and a waste of lime, so we fecommend that clause 8 (3) be inseried: "Where, acling under the provisions of section 700 of the Crown Lands Ordinsice, the Gove emor dedines to eive his consent to any trancaction, the board, shall notily, in writing. the applicant to that effect, and shall not then proceed to consideration of the applicition*, 1 think it the whole clause is considered, it will be sen tha it dos enable one to tie up the pro cedure In clatse $8(4)$ we constdered it was only faif that if a perion made

## [Mr. Fouter Sution]

lion Al that the measure sefls to do is to enure thal land in the Highlands is propenly developed and setted. There is no intention sf finteffering with peopie who are property ieftied there and propetly tuiliping thelf landerot-that therefore there is ecurity of tenure for AIf haneu and decent people. The only Tnecturity that can arise will be in cased whete people are doing nothing with their lind 1 thinL evergone in this country is perparcd to accent the propovition that if you have land it is yout duty and in the infereste of the countrs to propetly use it and utilize ft. Hear, hemri One genileman came before the conimitter and wive an instance of an ubentec propristor who had fiousinds of ocres of grasslund, and ifl That he lad done wilh it was to nill what wat called a hooling bor on it That cantof fe tery good for the couniry. the thenexare, hac trme of prople, and the onls oft-thar is to way, persans Wha afe not property iling their land of the test advaitioserntio ate likely to be attected by the compulsory acquisition clauses fit the hifl before the Council, 1 think that trong objection honesily made, 1 am quite cortain, is hated on $\propto$ misconecpition, and I hupe thas in the light of the tebite that will take place on this report their fears will oe allayed. After we had heard afl this evidence and consldered the memorandi, we mict on several occasions and fully considered all of the reasonable comments and objections that had been made 1 thing it right to say that our teconmendations mett almost-cntirely the tral objections that rould be made to the dill. und we telteve that if the select combittecs Apott is adopled the cuuntry is being given a nicisiure which It workable and is frit, which will effect It purpose, and at the sante fime so justice to anyone who is linely to be allecied by uny of its movisions
1 to not want to tahe un too much of the time or Cobmit, because the hon.
Commistioner of lands and Sctlement Comimissioner of linds and Semterment Witt hate soond dall to say on the report, but $t$ dotet that it might be of some assistance to Council it I went
through the draft atisched to the seleet Though the draft attached to the selets
comnitiec's report and commiter's report and explained the mapor alterationsy sugested and the redons why they were made That being soi 1 whuld refer hon, mambers to the
draft. We did 11 in this way because we are all famitiar with the ordinary select committer report. 1 must confes thail find it extremely difficule 10 draft, and on some occasions if you have a number of amendments itis wary dificuly to To Ilow, and we thought that by having the amended bill printed as a droft wih alt The proposed omenuments underlined it would be of a xistance to council and would heip memberis to fully vniderstand What we are bugesting should be done The first amendment, which toay appear a minor one bui is one of some substance is in clause 2 of the dratt. There we seck ta alter the delinition of layd. The orginal definition included case menti and, stricily interpreted, would include a wireless matt fixed to a bouse on the that, The fiew definition sug. gesied will exclude easements It uas fill thas the board should not be troutbled with matters of that kind, it would be tioo cumbersome, and would inerease the number of applications by many. hundreds. It does, however, include any. right over or in respect of immovable propenty and standing itees and timber. The res son why we thought it odvixahle to inelude those is ofvious. The seconid amendment of wase substance is it clause (2) (ad) Hon, members will remember that the original bill provided for fout members to be eiected to the Land Control Board by the Eutopean members of this Council. There was a considerable amount of debate about ithis chaise, and in the end, ror a varicty of reasons which I do not think is will serve any useful purpose by golng into The detalts of them now we thought it was better, more wotkabie, if we put in this provision increasing the number from four to six. As a consequential mendment ne reduce the term of office-it Is not really consequential bui a question of complete redrafting which we, were not prepared to enbark on in the. lime avaifable-and sugeest it should be feduced from four to three years The oiher, alterations are merely, rerbal atterations.
Then we come to clause $+(2)$, and there provision is made lor the appointment of the memikers elected to be chncelled by the persons wha elect them. We proVide that a meeting for any such purpose shall be convened by the Clerk to this Council, at the request of any two European elected members That will
[Mr. Foster Sutton]
rean that if it is felt that the members of the board elected are not pulling their wright or functionifg, or for any ether pood cause they should be deposed. the power rets entirely with the European fiectal members to take aetion to do so. Coming to clause $S$ (3), we have incrased the quorum from fout to five. The resson for that suggested amendment is this. If you had a quorum of four, it an strongly urged that the position migh well arise when you would bave thre official members at a meeting of tbe bosd and only one clested membet. and there would be an official majority. If was falt that after all it was the land of the people of this country that was being death with, and the committee, after careful consideration, decided to rcommend that the quarum be increased to five, snd we have added a provision that the quorum should also conist of at least three persons clected by the European elected members of this Council which ensutes that in the deliterations of the boajd there will alwas be an unofticial mijority. There is a provtso to clavee 5 (4), which was iatroflesed with the Idea of not allowing the business of the board to be held ep teause the chairman or the acting chair. man is sick or not ayailable, which might hold up business tidelinitely, so we pro vile that if the chatman or asting for uny cause is unable to call a meeting one muy be called by the Commissioner of Linds or. in his absence, the Financia! Secretary, who is the second officia member of the board. In clause 7 there is an important amendment. We recommend in the sevententh line that the Word "bold ${ }^{*}$ should be amended to read acquire- The word "hold" would have the effect of giving the measure retrospective effect for an indefinite period. It mas neyer intended that it should alfect transactions before 19th October, 1943 What it means is that from that date no peison may acquire-If you had hold it mould have affected everybody who holds land before that date. We have augested an amendment to clause 7 (3). We found that only legal morigages are effected with the Land and Agricultural Bank, of Kenya, so that we seck to exempl hose transtactions from the provisions of the Bill. Other banks taking a legal moitgage from a client will require the consent of the toard.

There is nolhing sery much then until rou come to chauce 8 (2), where there is a stight change not in policy. but we sought to clear th the postion. becquse nobody Khew what was to happen Under the proposed amendment to the Crown Lands Ordianace- 1 refer to clause 70a apptication has to be made to His Excellency the Goyenor for permission to deal in iland in the Highlands. application must also be made to the board. It did not appear how the procedure would work, whether the Governor was to be applied to first or the board. The suggested amendmenl 108 (2) is an endeavour to tie up the prosition. What will happen now is this. Unuter the Crown Lands Ordinance there is prom vision that spplieations to the Governor shall be made in the manner nrescribed. I envisage a rule belng made requition applications to the Govemor, wher the proposed section $70 n$ of the Crown Lands Oddinance, to be made through the chaiman of the Lind Contro poard. The boayd will then be able to make their recommendations to the Governor. whith they are empowered to do. If hon members will tuin to clavic $8(1)(a)$ they will see there that ta any transaction relating to land the board shall bave power 10 tendet advice to the Governor in exetcle of lis powers ynder sub-section (1) of sectlon ton of the Crown Lunds Oidinance", If the applications to the Governor go to the board frsm the board will be abte to make recommendations to His Excelfency, and the chairman will lorward them to the Governor, who will then consider them In the light of his powern under the Crown Lands Ordinanice, Ir the Governor declines to give his conseni, we consider it wat necessary and rensonable not to requite the board to go through the gambit of considering the applications It would be pointlest and a waste of lime, so we recommend that clause 8 (3) be insertid: Where acting under the provisions of section 70 a of the Crown Lands Ordinance, she Gov emor deelines to give his consent to any ransaction, the board shall natify, in Writing the applicant to that eflect, and shall not then proced to consideration of the application. It think if the whole clause is considered, it will be seen that it does enable one to tie up the procedure. In clause 8 ( 4 ) we considered th was coly fair that if 4 person. made

AMr. Foster Sution]
upplication to the board in witing and the board werc contemplating refusing their consem to guch application, the pantes making It should be given an opportunity of appcarting before the board and statrig their reasone why the boatd should give is consent. So we suggest the invertion of this sub-claust, which requites the foard to nolify the paties to the tranmacion of their contemplated intention of refusing their permission to the transacion, It will give the parties an oppottunity of appearing bofore the thard and argutng their case. If may well te that in the light of fur: ther argument the boatd may change its mind and give consent.
Clause 9 is new. If you have a board with functions such ax the measure secks to confer tupon this one It sermed to us ensential to give the boand power to ortar persons to give gidence. It is in fact a yharfjudicial body, end it shoutd be given reasonable jowners If they are not yble lo ctrmpl fouple to come before them their lnquities might be rendered abotity. The clause also makes it an offence ir "i: perron, withoil reasonable cxeuse, refuscs, or aeglects to attend befort the board a a winess, or to produce any documents if ordered 10 do 30 . Then we considered it was important to give the board, or the duly authorized representative of the board, power 10 enter upon any land and inspect ft. II wouls be very diflicult, for them to prupefly perform their function if they were nac able to enter upon the land and see what the application wal abett, or 1. ithey had under consideration recommending if tor acquitition by the Crown. In a later otuse we make it bn ollawne for any, perion to, obstruet any person Irom enteting if such person has the Duthority of the Doard to to do. I might alto mention the foct that the boand is empowered to ndive ithe Governor is to the sultability of land for tettement purposes and alto 10 auvise the Governor as 10 the pitice which in their opinion shotid be pild for the land. Clanse 12 we considered necessary and desirable because it; does aflord some protection Io the person whose land is going to be tetommended for acquisition. Before making any recommendation, that clause requires the bosid to notify ati the porties interesed in the land and to give them opportunity to come before the
board and show canse, why the land should not be recommended for acquib. tion by the, Crown. We make the board's decision linal by sub-chuse IJI) and we also requite the bourd by wibe ctause (2) io notify any of the persont interested of their decision in the mater: Subclause (4) of clause 12 enables the board to refund, in ins diseretion, the expenses which are to be limited to the trayelling and subsistence sexpenses, of any person who appears before them whe fe interested in the land. That pro vivion was inseried because ft was fell that it was throughno fault or the pert. son concerned that his hond was going to be rocommended for sequisition, and it is right that such person should not be put to expense, oo far as personal expenses are concerned, in coming befors the board and putaing forward any opposition to a recommendation of the board. The next substantial momendment is to be found in clause 14 (2) and (3) The otiginal provision amounted to this, That if a person failed to comply with any directions of the board regarding developinent, the Commissioner, with the consent of the baard, conmenced pro. ccedings lor forteiture in the Hish Courl and the court, under the orignal provisions, th the facts were proved, was compelied to forfeit the land to the Crown We considered, after a consider-4 able amount of debale, that that was bard, and might in certain cases wort considerrble haddship on the person whose land was to be forfeited. For instance you might have the case of a perron who genuinely Intended to carry out the directions of the board but who suddenly, through misfortune in his family, such as sickness, might through no falit of his own be prevented from carying out the directions of the board. This alloris him prolection bechuse it protides that the coult may forfeit the land to the Crown, and it also emabics the cout, subject to any terms which may appear just, to defer giving jüds. ment fot forfeitufe providing that the conditions of the boird are fulfilled within a period fixed by the court, if you do not hate that provision enabling the court to defer giving judgment., yna would have to go through the whote cambit of bringing another action before obtaining forfeiture This is an inexpensive, procedure, and will save the

## Mis Foster Sutton]

people interested a considerable amount cf cxpense.
In clatse 15 , there-arte one-or -iwo amiendments which might be of interest, though they do not change policy. We sy there upon any writen recom. mandation by the board that land is suitable and stioutd be acquired for stuement the Governor, after consultation wilh the Hightands Board, mas). fubject to the provisions of this part of this Ordinance out of monejs approgialed by the Legislative Council of the Colony for the purpose, acquite land on belatf of His Majesty", The provisian Irgarding consultation with the High. linds Board was inserted because of the provisions of the Highlands Order in Council, which requires the Governor 10 consult the Highlands Board on ald matters concerned with the disposition of land in the Highlands 1 hope hon. members will not be disturbed by the proviso to the elatise. 1 is object is to provide a certain amount of flexibility. You might acquire land for seltement and it might be found that a small porton of that land was unsuitable for use for farming purposes, but it might be suitable for use in connexion whit sertement or for some other purpose. In such a case it would be a pity to have to allow such land like that to lie jde because it was useless for farmings The proviso also requires the Governor, 10 cansuls the Hightands posid before he takes any action under it. Then we come to clause 18. There is a slight amend. ment there which I think is obvious and 1 need nol go into the rensons for it.
Pan VI of the draft is entirely new. It may be said that we are introducins a loi of new policy into this measure, but 1 venture 10 disegree with any such assertion because in the original bill under clause 20 (b) there was provision enabing the Governor in Council to mike ruls ${ }^{-}$preseribing the procedute and forms to, be used in making and disposing of claims tor compensation in respect of the compulsory acquisition of land under this ordinance", Under that rulemaking power the Governor in Council could have made rules providins for the procedure that we hive inserted, or suggest should be inserted, it the mensure itself t feel strongly on, the matier becasise 1 gave this Counci on undertaking that when we were consider-
ing the Bill in select commitice we would confine the rulemaking powers in so far os it was humanly possibls, 10 maltere-poprocedute only You could hardly call the basis on which compersis tion is to te paid and the method of nisquisition mere naiters of procedare. It is somethine that vitally attecis the person whose land you sie dealing with. and for that teston we thought to was Cair and proper that the procedure to be followed, and the bisis tipon which tompensation is to be paid, should te sel out cleatly fo the Bill 60 that evers. body likely to be affected by itt pro. visions would bnow exacly what they were to do and the basis upon which they were goins to be conipensated if their land was compulsorily acquited. The whole of Part VI lays down this procedure I do not propose to go inio any great setail In dealing with it, 1 would draw porticulat attenion to the proviso 10 clause 19, which rads: Provided that the Governor shall not, subject to the provistons of section 20 of this Ordinance"- which I will explain in - minute-raquite-any tand come puitorily which in the opinton of the Board, whose decision in any juch matter shall be final and conclisive, is being adequately developed and uilized by the petson having control lhereof:. That is the provition which I venture to submit completely protects the position so far as persons who pre properiy utilizing their land are concerned. The Governor may not compulicorily acquire land under the ordinance unlest the beard is satlsfied thit the land is nol being properly developed and utilized. As regards clause 20 , which is referred to in the proviso, we had a considerible smount of cvidence offered, and 1 think we all felt that there was a giteat deat of waisht in it. Supposing the board reeammended, in the case of a very targe property, acquistion of a portion of that property, we fett that if the batince of the property was reasonabiy reqtitred for the full and unimpsired use of the remainder of the land, that is to say the mount left to the owner, the Governor should be requirad at the option of the owner of the land, to a a quire the whole of the properiy, it miay never occur, but we thought it advisable 10 put in that. provision benuse it don afford 4 mieasure of protection to the person whose land you sie depling with. Then

## [Art Foster Sulton]

we urget thal if there is any dispule is to whether the remaindes of the land is rearonably requited for:the full enjoyment of the whole propeny, any dispute ut to that thould be Fefired to the Hoatd of Aisesment appointed 10 a ward compeatation in repect of the land to be compitsorily acquired. It is eskential to ltate some drcision on the matier, and hon membert witl sec later on that the Boaid of Ascesment is an inipartial buily and that the ownicr hiniself is tepriented upen it. The same consideriton lies behind our recommendation for the inclusion of cliuse 21, where we recommend that chaiticls which in the opinion of the board are such as would normally be used in forming operations which ure similat to those cirricton by the owner on the laind to be conspulsurily acquired" should, at the option Of-then wher, be acquired by the Governot, You/might have the cise of property wiln catile on th the owner might have seycrath hundeds of head of stock and no olise properly upon which he coutd place the catuce Government mare than prohably would not want the catte although they were taking the land. Whatever the condition are now, nfter the war at some time or another valies tuay become depresied, and if it became thown that scecral thousand head of enitle were suddenly to be placed on the markel it might well deprets the value silf futhice and It might tesult in causing damage to the person concerned. We feel if that pro yishon tonsterted it will afford a measure of protection which is Ueslrable Clause 22 merely lays down procedure thoui giving notice of the atupisition, 1 will nol bore Council by soing into any defiai, if the Crown is soling compulsotily lo asquire land there mast to some method of letting the persons in. Crown in the property knaw that the Crown intends to agguire il. For that pitpose we suaxst that there should be: a nolfe of aequifilion published, and we stigeset it stiould be published in two consectitive issucs of the Gazette 11 with sat out all particulars ot the land. We -also sugest thal st should be published: in two separate Issues f with an interval of at lean seven day lextueen each issue). of a taily newspece circulating in the Colony. Paracraph (e) of sub-clause (3) of clause $2 n$ requires that notiec of
acquisition shall also be served unon any persons known 10 be interested in the land. I think you will agree that it in righf, and proper that ample, notice should be given to any perron, such as a mortgagee or any olter person, ho terested in the property thatit is proposed 10 aequire Clause 23 enipowers the Commisioner to call for statements The provision is intended to enable him to obiatn the fullest possible information about the ownership of the land, the persons intercsted and any other matters coninected with the land. That jnformas tion later on has to be transmittet to the Tribunal who will consider phat compensation, ahall te paid.

Part VIf is also new. That seeks to set up machinery by which compenstion thall be sssessed, li provides for a board of assessment consisting, fitstly, of a person nominated by the Chicf Justioe Who holds or who has held judicial ollice, who it to be appointed by his Excellency the Governor, and, secondly, a person to be appointed by the Governot who will act on behalf of the Crown, and, thirdly, a member to be nominated by the owner, on his repre sentative, of the lind to be acquired. In other words. it seeks to set up a simple arbitration tribunal. You have 20 appointe of the Governor who is the person acquiring the lanis on betialf of the Crown; you have the appointee of The owner of the land, which is ussult in an ordinary arbitration, and you have your umpire, who is the person nominated by the Chief Justice, who is oul of the phere of the transiction sltogether and who is the person whe is required to have judicial experience He will in point of faet act as an umpire. The difierence belnerin that and ordinary arbitration is that ordinarily you have two arbitrators sitling, and in the case of disagreement. as a latt resort, the maiter is referred to. an umpire and his decision is final. Here yout have the umpire sitting with the arbitratom, which is an expeditiotis procefure and should hate a considerable amount in costs 1 hink Council will agtee that is does provide a fair and just method Under the old provision, you had a houd which was soing to freommend the compulsory sequisition of land by the Crown, and that sime bosird was to. be the body which assessed the compensition to be paid for the land that you were compulsorily sequifing. It

## [1t. Foster Sution]

Pemed to us not to have a very good appearance. snd 1 do not think in the Tmpin-and-1-say-this quito tonesty= t do not think it would have been satisfactory. 1 thank the public did roi feel very happy about it 1 think the ther members of the seleet committe fad considerable doubs about its, their doubs never fully erystallized, but they did not like it and we fels that this board of ascessment met ony valid critism that could be made. Clause 25 merely provides the procedure to be fol towed by the Commissioner once the land is ordered to be compulsorily acquited Clause 26 provides the proceJute to be followed by the Boand of Alvesment. 26 (4) enables the bosita to awatd cosis in proper casce, and (5) cables such costs, with the consent of the parties concerned, fo be added to or deducted from the amount of any compeisation payable as the result of the nquir), That will save the necessity for bringing an action tor the recovery of costs after the Board of Assessment has made is award. The comminee folt it could onty he done if the parties consented. Clause 27 makes provition enabling the Board of Assessment, or any person aithorized in that behalf, to enter upon any property and examine it or the chatels which are the subject mater of the inquiry. Clause 28 is pother an unportant clause, becalise that sets out what we subimit are maters that should be considered by the Doard of Assessment in detcrmining the compensation to be patd and the matters which. in out submission, should not be considered by the board in determining the compens. tion to be paid. I do not think 1 need weary the Council by boing ino if in detail, but 1 would draw aticnition 6 chuse $28(1)(a)$, whioh provides that one of the matters to be taken into consideration is the market value it the date of publication of the notice of acquisition noder clause 22 This matter, as you ean tmagine, gave the committee a considerable mount to think about. It bas betn rugested that the date should be fixed is in Enpland, where they have fixed i date in Septernber, 1939, 1 think 12 m right in saying, and, that date in the cise of ans compulsary tequisition is ilic zero date upon whith the value is based A complete answer to that proposition is this In Englond you haye a highly
buil up cleseloped country; and land values are comparatively static, wherens dis country is a new squnity decclopins The whole time and the genuine value of land, it it does not alter from hour to hour, certainy may from y car to year. It seemed to us that if this meagure Has one, of acquisition, anis not conftscalion, it was fait and rigft to give the present matket valie at the time the Jecistion Has tiken 10 compulsotily acquite 1.
Then we come to matiers not to he taken into conisideration. I think crety* body will agree with clause 28 (2). the fact that the acquisition is compulary should not be allowed to allect the value of the land nor "the llegree or urgeney which has led to the nequitition, the dis. incliation of any persun taterestad to part with the land to be sgqtired, any damage sustatined by any person in. cerested which, il catised by a privale person, would hot be a sood cause of action, ang increase in the value of land in be acquired whets is thely to accrus from the tise to which ft will be put wherrucuaitad. That is putin because if a recmiceace the raine of the land was based on that, ond Government was compcled to piy-1 think the lopth, Corminsioner of Lands and Sellement will correctine if 1 nim whong-something the six times $n$ much as the land was really worif, merely becsuse this was the consideration taken inta necount in asserting the coimpensution 10 be paid. Clause 28 (4) provides that in deternining the amoint of compensation to be piod for any ehatels to be acquired the bave thall te "the amount which such chätels might have been expected to realize if sold in the open market immediady prior to the publication of the notice of acquisition", Clause 29 deals with the award of the board, and provides that the award shall in every cise be final und conclunive. We fet that you must have some finalify in these mailers. This is in elfect an arbitiation tribunal. You have a nominee uf the Governor, 2 person nominated by the owtier of the land, and an absalutely impariat person nominated by the highest member of the judiciary Every condition is made for a proper inquiry, and once their deliberations are ended we felt th ight 10 call a hall and allow no appeat after that That st the ustal procedure in arbitmtion if 1 wo disgres

KENYA LEGHBLATIVE COHMCIL.

## [Mri Foster Suiton]

we uugerst that 1 lhere is any dispute as to whetier the remininder of the land is reasonably required for the full enjoy ment of the whole properif, any dispute, anilt- that houta the teferied to the Hoard or Axcenment appointed to award compensation in respect of the land to be compulborly requited. It is ciscmial to have wome decision on the mattit, and hum menters will see later on that the Boatu of Assesment is an fimparital txaty thd that the ownet himself. Is repracimed upon it The same considera. than lies behind our recommendation for the inclusion of clause 21, where we recominent that sthatelt which in the upininn of the board are "such as would normally te uied la farming operations which ste similar to thome carried on by the owner on the land to be com pitsurity acquircl" should, at the option of the owner. be scquired by the Governor, You might tave the cose of minperty with cattle on it, the owner might have sexeral hiniulrals of head of Nock and no wher properiy upon which he could plase the catte. Govermitent more then protibly would not want the catite althicugh they were taking the land Whatever the conditions aue now, witer the wat nt tome time or anuthet values may becomic depresed, and is it became known that several thousand heat of catile were sindernly to be placed on the markel lit might well depress the value stilt further. and it might restule In criusing damage to the person concerned, We feal it ithat-proviston is insentes tt will afford a measure of protection which is desiable Clause 22 merely lays down procedure about siving nolice of the :equisititori. 1 will not bore Council by soing line uny tenifi th the Crown is going compuliosily to acguire land there must be some method of lettins the persons in tecested in the properiy linow that the Crawn intehts 10 acquire it. For that putpose we sugest that there should be 4 notice of ackgisition published, ind we ugegt it should be publisted in fwo consecutive lisite of the Gazette, It will se out ail patticulars of the laíd We also suggest that it should te published in two separate issiuse (with an minernal of ai lesis seven days betwren ench issue) of a daily newspoper circulating in the Colon, Paragraph (r) of subelaine (3) of clause is requires that notice of
acquisition shall also be served upon ant persony known to be interested to the land. I think you will agree that in in right and proper that ample rotice should be given to any' person, such an, a morigagee or apy other person, is. terested in the property ihal it is proposed to sequirc. Clause 23 empowers the Commissionet to call for statements. The provision is intended to enable him to oblain the fullest possible information about the ownershis of the land, the persons interested and any other mutues connected with the land. That intormation flater on has to te transmitted to the Tribunal who will consider what cumpensation shall be paid.
Part VII is also new. That secks go at up machinery by which compensation shall be assessed It provides for a board of assessment consistings firsty, of a perron- mominated by the Chief Juatice who holds on who thas held judicial ofice, who is lo be appointed by his Eicellency the Governor, and, seceodily. 2. person to be appoinied by the Governor who will act on behalf of the Crown, and, thirdly, a member to be nominated by the owner. or his repre sentative, of the lund to be acquired. In other words, it seeks to set uD a simple arbitratioń tributual You have an appointec or the Governor who is the person acquiring the land on behalf of the Crown, you have the appointere of the owner of the fand, which is usual in an orlinary bibttration, and you have your umpire, who is the person nominated by the Chic lussicie, who is out or the sphere of the transaction allogether and who is the perion who is required to: have fudicial experience He will in poinl of lact act as an umpire. The difference between that and ordinary arbitration is that ondinarily' you have two arbitratori sithing and in the ease of disagreement, us a last resont the matier is referred to an umpire and his decision is final. Here you have the umpire siting with the arbitrators, which is an expoditious procedure and should hate a considerable imount in costs / think considerable will agres that it docs provide a fair nind juse method. Under the old provision, you had a bourd which was going to recommend the corppulsory acquisition of land by the Crown, and that sinic board was to te the body, which aisessed the compensation 10 be pid for the land that younaifere compulsorily acquiring It
[Br. Foster Sutton] atmed to us not to have a yery good sppeitance, and 1 do not think in the aptin-and - -say this-quite honefly 1 do not think ii would have been stisfactory. I think the public did toof fell wery happy about it t think the ather members of the select committee thad considerable doubts about its their doubs never fulty erystalized, but they dod not like lt , and we felt that this board of assessment met any valid citicism that could be made, Clause 25 merely provides the provedure to be fot towed by the Commistioner ones the tint is erdered to be compulsority scquited Clause 26 provides the proce. Jure to be followed by the Board of Assexticnt: 26 (t) enbbles the baard to awand cosis in proper casses, and (5) mables such cosss, with the consent of the parties conerned, to be added to or deducted from the amount of any com. pensation payable as the resulf of the inquiry. That will sile the necessity for brinsing an action for the recovery of costs atter the Board of Assessment hias made is award. The conimitite fell it cinda only te done if the paries consented Clause 27 mates prowision enablins the Board of Assessment, or any person authorized in that behalf, 10 enter upon any property and examine 1 , or the chatres which are the subject matuy of the inquiry. Clause 28 is rather an important clause, becenuse that sets out what we submit are matters that should be consideret by the Board of Assessmeri in determining the compensalion to. be paid and the mutters which, in our submission, should not be considered by the boand in determining the compensis tion to be paid, I do no think I need weiy the Council by going into it in dizil, but 1 would yraw attention to chuse 28 (1) (a), which provides that one of the matters to be taken into consideration is the market value at the date of publication of the notice or acquisition. under clause 22. This matter, as you can Magine, gave the committee a consider. able amount to think about 14 has been suggested that the date should be fixed is in England, where they have fixed 7 dite in Sepiember, 1939, $L$ think $L$ am fith in saying and that date in the case of any compulsory acquisition is the zefo date upon which the raltue is based. A compleye answer to that proposition is this in England you have a highly
built up devaloped country and land values are coryparatively static, wheres this country is e new country des sloping the whible time, and the genuine value of land, it ft does not after from hour to hour, cettainly may from year to year: It seemed io us that if this measure was one of acquisition and not conficestion, it mas fat and tight lo sive the present makket value ta the lime the decision was taken to compultorit acquite it
Then we come to matters not to the taken into consideration. 1 thitik every. body will agter with clause 28 (2) the fuet that the esquitition is compulsory should not be allowed to alfect the value of the land nor the degree or utgencs which tas led to the acyuibition, the dil. inclination of uny per oon finterested to part with the lind to be nequired. any damage surtained by any perving interested which. if cunsed by a private persan, would not be a good calive of uction, ins therease in the value of land 10 be iscquired thich is tikely to accrue from the use to which $1 t$ wilt be put when scguted". That is put in because in. a recent tux the valie ul the tand way based on that. Znd Goyeranten wat compelled to pay-1 think the fhon. Commissioncr of Lands and Sentement wifl correct me if 1 fm wrong -something like six simes as mich as the land was really woith, merejy becilise this wht the consideration taken inio. accomit in asesting the compensition 10 be pald. Cläuse 18 a 45 provides thal in deterninang the amount of compensition to fe fiad for any chatets to be ucquired, the bavis shisil be the smount which such chatels might have been expected to realite if sold tn the open narket inmediately prior to the publization of the notice of aequisition' Clatise 29 deals with the award of the board, ond provides that the award shall In every cise be final ond conclusive. We felt that you must have some finality in thew matters. This as in ettect an arbitration ribumal You have'a nominec of Jle Governor, a person nominated ofy the owner of the land, and an abbolutely impirtial pervon nominuied by the highes: member of the judiciary Every condition is made for a proper inquiry and once fheir deliberations are ended we fell it right to call 3 hat and allow ro appral after that, That is the uiuat procedure in arbitration. If two disagres
[Mr. Fonter Sumon]
It soes to the umpire, and untess the case is wrons on smme quetion of law that is final and conclusive., Whatever may te said aboitt fi, thit is in effect the same puatedure je anblifalions Youthate your two abittator, and your umpire miting logetherg the umpire sitting with the utbitatory it the only difference 10 Gir as the trituinat is conetrned.

Clause 30 secks to provile the proce. dore for giving effect to an award, and the hon Commisioner of Lands and Setilement is going to move a slight amendment to insets a new paragraph (f). Copics of this amendment were cir culated id hont members this moroing and: it reads at follows: "enter upon and take possestion of the land described in The award in enses where the bins not olresty so chlered and taken possession of such land" The object of that gmindichatiothis. It did not occur to us at the time, but womething the hon Chier Sertetary wid brought it forcibly to my mind. Uliderclauxe- 19 the Goyernor can order the Commisioner to arquireman enter If for some reason he does mot order him to enter, it might be argurd hercafter by a contumacious owner who objects to, his hand being compulsority acquired that we must have recourse to oursecivil temedy by taking an action for ejectment, He might afgue that If the Governoe had not ordered the Commissioner to enter under clatise 19, the laticr could not enter, and that though the Crown had bought the land and was entitled to possession. that possesslon could only be oblined through the median of the courts. I feel confldent that It this additional parapriph is licheded if will completely ctit the grotind from under the feet of any person who ceks to put forward that arguinen, becaute under this the Commiasionet will enter under the onlfnance If Jon, menkers tirn to the lau pare of the Bill, dause 46 , we seek 10. provide penalties in the case of any person opposing or mipeding the lawful taking of possessitin of any land under the ordinarce, clause 11 masy apicar. alghily novel but we thought it fair to recomnend its faclusion It provides thint the Commissiontr shall add to añy compcisation awarded hy the board of Ascesment Interest ar the rate of 5 per centurit per annum coliculated (ar) in the case of land. from the date
upon which the Commissioner entered into possession, and ( $b$ ) In the case of chatlels, from the date upon which he took possesston- of such chatiels, unta the date of the payment of the ancunt of comptensation owarded by the Boatd of Assesment" There might be a hiatus between these acts, and we fell thit it was only righe and proper that the former owner should be allowed inleres on the amount to be paid by ska of compensation until It was paid Clause 32 provides the procedure for protecting the position of absentees, Clause 33 deals with the expenses and tees of the Board of Aisessment. They have cot to be paid, and fhis ciause enables the Govemor to authorize the payment of such expenses and tees Clause 34 precludes ary person from institofing any suit or procecting to sel aside an award or any portion of an award of a Board of Absessment.

Part VIll recommends a diferent procediare to that provided for in the original bill. We recommend in clause 35 that a Lind Control Appeal Tribunal be set up, which thatl consist of $a$ chairman, again to be nominated by an absolotely impartial person, the Chiei Justice, and two other members, all of whon will be appointed by the Governor by notice in the Gazette. Subclause (3) provides that the Tribunal of intl determine every appest in respect of hay of the matters entrusted to it under the ordinance, if enables them to hear cridence, and also giver the board aginst whose decision the nppepl is brought-the right to appear before the tribunal. We felt that that is cessential. otherwise there would be ex parte applications and only one side would be represented. Clause 36 provides a further, procedure, that the chairman's opinion on any question of law shall prevail over that of the other members of the Appal Tribunal and ensbles hipi o. state a case on a matter of law to he Suprme Cours for their opinions it tilsq, provides protection for the appel. lants in that if he is required by them to do 30 he musk state a case on a Question of law for the Supreme Court. Clause 37 merely enables the expenses of the tribuinal to be paid. Clause 38 cnables the Governor to malkes rules which, as t have alreody soid, are in the main purely matters of procedure. Clause 39 is rgeommended in an effort

Mr, Foster Sulton]
Nol to derogate from the powets eonferrd on the Highlands Board by the Highands Order in Councily We felf that anty rutes prescribing the terms and cotditions under which the land acquifed may be disposed of was a matter which canie within the otbit of the Order in Councl, and we fels the same about rtulating the sale of such land by cuction. That is again a matter concernin the dispositton of hand, tand we felt that if we were to teep within the four comers of the Order in Council then rules governing such matters should only be made after consultalion with the Hightands Board. Clause 40 enables the Supreme Court to make rules regarding the lorfciture procedure and the procedure to be followed on cases stated under the ordinanice. Clause 42 enables the Governor at any time before the Commissioner has actually enicerd and taken postession of the land, to with. draw from the gransaction, but, we recommend the inelusion of a provision which protects the intercsts of the serson Afteted by such wihbdriwal. Sub-ciause 12) of that clause providec that Whencer the Governor withdraws from any surth acquisition, the Commissioner shall ny to the persons interested all such cons as may have been reasonably incurred by them by reason or in conse quence, of any procedings for the atquisition of the land". That we rel whi only right and proper to provide for: Clause 43 merely provides for the vest ing of the land in the Governor in trust for the King. Clause 44 is the sime as the ofisinal clause 24 in the Hill, Clause 45 is merely a redrafing, and puts into ene claute the provisions originally contined in two clauses in the Bill. Clave 46 I have already dealt with. Clause 47 , the last clause of the measure, enables the Governor, "affer consultation with the Board and the Highlands Board, by potise in the Gazette, to exempt from all or any of the provisions of this ordinance such classes of land and such deal. ings or transamions relating to land, as be may think fit', The hon. Commissiontr or Lands and Settiement will deal in Sorne detail with the reasons for that provision, but it does pravide A degree of lexibility which we considered it was mportant to include.
Before concludine, 1 want to say this: 1hat the select commitite had a tremend-

Ous advantage over the person who orisinally prepared this medisure for the consideration of the Council We hid the cnormous muthantage of heans y Eionsiderable body of witnesses and consider. ing it considerable mass of memoranda, which gave us new ideas and sreatly helpert us in our delibertions. In con. ctusion, 1 reel that it is tightand 1 should like 10 sny it, that 1 have never had the honotr of working with a commitec whose member were more anxious to do what they thought was right ond honest, both for the country and the peopte who were going to be aftected by the matters they had under consider:tion They pur a vemendous ainount of thought and labout into their delliberations on this measure Ill was very in teresting to me pertonally, and I, ant trost grateful that I had the oppontunity of sitting ss a menter with bhem:
AR Brown seconded.
Mr. Asin, Your Excelencs, in discussing the select committee's repont on the Land Control Bill, there is one difficulty which 1 should express th the berinning so that the time lhat 1 may take will be Justified. On the first mbe of the memonrdum, the pase which is signed by the members of the sefett com mittec, in the last paragraph but one, it is stated that the nembers "reconinend that the Bill be enacied in the form o the attached drati In which alt- the amendments recommended are under lined. This course has been adopted to facilitate consideration of the new pro posals". From that one is bound to infer that all the amendments to the original bill luggested by the telect committec are so underined and that the new draf which is before Council does state al That has to be sited 1 wouts diaw Council's attention to the memorandum of the hon. Aitorncy General and the explanatory notes that he has appended. In these explanatory notes I admit that mot of the mportan amendments hate been touched on and panty explained. To stary with, 1 will point out one or two defects which so to the rool of the whole principie of dicussion by the Council of the report of the select committer, and in support of what 1 say 1 will later on reler to the mater which the hon Atoriney General has himelf added in dealling with the repori. In the new draft, to which all the seferences

## [Mr. Amin]

have been made in the mernorandum of the hon Attomey General. there is no suggeston at ans stage that pry deletions have been made from the original bitl which ate cither underlinadion in. dicated ingan way in the new drift. If It ts mugesicd shat these deletions are of no conscquence, I beg to point out that the delelion from clause of the orfinat bill which his taken place is a natter of great consequence and of consfitutional imporiance The original bil had this an its first clause: "This ordin. ance may be cited as the Land Control Ortinatice, 194, and hatl be decmed to have come into ferce on the 19th day of October, 1943, but shall not some into opetation untes and until the Governor has declared by nollice in the cuitete thai It h His Aajecty pleasure not to disallow the same The words starting from-lineLof that clatus: "butshail not citne into operation untest and until the Governor har Ueclared by notice th the Garene that of ts HA MDienly's plasure not to disalbow the same" linve buen omited frome clause 1 of the Ben allogether It might be a mistake or an ombsion or some kitd, of a elerical orroreten- -

Atk Fonig Surion: May I Anterrupt ma a polat of explanation ? That ombston is merels a legal matter which doe nof aflect the Bill one way or the other, All that happens is that, when the Bil is passed by this Council, it is the dity of the Attomey Generil to odvise He Excellency the Governor cither thit hemay assent to the nicasure; of that he may not nsoent to, the measure because It lo one of the billis that is reserved for the , signifleaton of His Afojesty's pleasure by reason of Royal losimuctions. By jelcitas these words o constder we. were pursuing the proper course When thic mill rasses its thire reading th this Council, I shati advise His Excellency The Goremor that he ma' not assent to this messure heazuse it tequires the
signification of His Majerty's pleasure Signification of H/s Majerif's pleasure. When the signitlication of His Alajestys pleasite has been communicated ta His Evellency the Governior, then, if he tas Indicated that if is his pleasure that he should allow it, 1 will advise His Excel. lency the Governor ithst he may. mropetly susent 10 it, li is merely doing
il in the correct way.

Na Anif: The reason given by the hon. Atlomey General from the purey cgal point of view may be perfertly genbine and perfectly night 1 do not suggest it is not, but what I 120 cmplia sizing is that the pretentation of the report is irtegular bectuse this report should show where the original bill has been amended and where it has not, whercss from this report there is no meins of judging whether clause 1 is amended in any thape or form. There fore the hon. Altorniey Generils cx planation in the fourth paragraph of the Grat page of his memprandum that ail amendments are underlined is an incorrect description, Therefore, Council must so into the consideration of the clauses in detall if this'is going to be the lital consideration of the report or at some other stage fit it may be necessary and proper that the Bill should be gone through chuse by clause in committer of the whole Council If this was the unly deletlon $I$ night not haye ptriued that point any futher, but 1 will have to deal with clause 2 and the amend. ments nude therein, Clause 2 his been atiered in two directions. One is indt cated in the draft, the other is not ine dicated in the draft, and therefore there is no method of finding out. except by refernece back to the original bill, what the amendrenert is, The definition of land given in the new draft onits the proviso
which was incorporated in the oricital which was incorporated in the original bill. 1 will read the proviso: Hrovided that thls ordinance shall not apply to any transaction relating to any piece or por. iton of lind not excecting twenty ecres in extent, This proviso has been defeted by the seleci comnittec, and in the drafl report which Council is asked to consider you do not find any indica. tion that that deletion has actually tiken place, nor wilt you find any selerence to it in the hon, Attomey Generals. memorandum, In the spench in which the hon. Attomey General iatroduced this report he his also failed to give any. reagons why the deletion the taken place. 1 would emphasize again that this is not the proper method of presentation of the repori; it is itregular because it does not. show where deletions have taken place: I will now explain the kmportance of this deletion In explaining the reason for this proviso the Commissioner of Lands and Settlement at the second readios sid in efret that hands under 20 acres.
[Hr. Amid]
in extent were to be exeluded, because properties for residential purposes or properment were not to come; within the purtew of the Bill Nawh by the dektion of this proviso all dealings in land will cante within the purvicw of the Bilt, and in my submission it was not within the competency of the select cammitte to altet the Bill in this way, it is guite compelent for the select commities to come to Council and ask for permissioni to atter the principle of the bill in that paticular way and Council would probably have agreed. But, on the other hard, perhaps for the purpose of residential settement we might have asked that the proviso should remain. The has not been done, and think as the select committe did it without any
insiructions or authority from the Council that particular part of the draft report viliates the whole work of the setect committee und we should be quite within out rights to suggest that the Bill as now amended by the seleot coamittee thould so back and be rend again at some fater stage.
It Part 1, clause 3 , sub-lause 2 ) 1 , there is an amendimen which stibstiutes the word six for the word fours ln my submission it is a matter of great consequirice. The select commitite was nol whin tis rights to make that amendment. The whole compositlon of the board has been altered, foless you can siy that six dos not metin six and that Ix is no more than four Then, of course, 1 would have nothing further 10 sy, There was a possibility onginally that if between the Govemment on the one side and the representatives of the European elected members on the other with an official chairman, there would hive bent on that bonth four yotes on the official side and fout on the $\mu$ noffecial side there was 3 chance of equalits of roting, 1 think it was nol within the competency of the select. committee to change the number from four to six. it is a matter of such signifcerce that, as I shatl explain later, it goes to the root of the whole working and intention of the Bill which is belore Counctit will now deal with the clause ubich empowers the Land Control Hoard to Worl in a certain way and provides for a quorum. This also, is $a$ matter of inportance If the six membets elected by the European elected
members or any four of them intend to present the work ins of the bosin, they can do to by absenting themselves So that, if it is the intention of the Governor to-ququire ant atict obtaning the advice of the Land Conirol Loand. Govemment will be prevented from obtaining the advice of the board by the non-assembly of sufficient members who oppose the particular transaction, and li out of the six menbers elected. by the Europan elected members organization only one or fwo allend the board cannot function. Therefore $t$ soes sgainst the very grain of the provisions of the original bill. For the purpose of naving time and in order to bbviate the neces sity of referring to the originat bill and the memorandum and the new drift, will refer to my notes more extentively than has been my habi in the past Clause 5 is thus so amended that it takes away the manmered tigh of the Cromn 10 nequire land It it is being acquited for settiement pirposes. The right of the Crown to tecegite lind for settlement in the oripimal hill was unhampered. If the Lind Control Board Wanted to advise on the aequikition of: $n$ particular portion of land, then of course the bord was competent to advice In the matter, but there was nothing in the original bill- to surges Ihat without prior consultation with the board the Crown could not optain sucts land This new mmendment lays down that ir cvery case of the Crown wanimg 10 asquire compuliorily land for settle. ment purposes. the Crown must tirst obtain the advice of the todtd. In view of the fact that he board will naw be so contituted and the number to canstlite a giorum $\omega$ amended that the unoflicial members can hold the maller uf If they desire one mut conse to the conclusion that the power of the Crown to acquire land for stilenient can now be defeated by ihe non-atsendanice of members.
MR FOSTEX SUTION: On a pointel explanation-1 must apologite for fir terripting the hon member atain-but 1 think in maxins this submistion to Counicil he mist have omisted to remem. ber that there is a recruitiun of sights under clatite 45 .
Mr Avint Aswuming hat my poin s right (laughter)-I mas ay that is I have not had on opportunity of re. ferine back to the other clause 1 can

## [ Mr Amin

- net admit that the contention of the lun. Atiomey General if or is not tight. and +will not deal with the matter firther becealse l hate made my point, and if is a moint that has pol to be dealt with. The aneendraent of this particular clasue, delciting cartoin portions of the Gor Government mist first take the advice of the toart tefore compulyory cquivilion, The anendment of that clause thould not have taken place without the apprasal of Council and having stid that 1 will aot louch on the matier further, Talling paragraph (d) of sub-clause A1 of clasue 7 , and clause 17 of the original bill together, these delefions and additions completely change the whole chatacter of the bilh In the otigimal bilt the mower to determine the price that shall be paid bs the Crown for any land which it fo proposed to acquire com-- motiond wifer siven to tife land Control Chard wlien of atrangement for sale or cxchange could te reached. This power of the bound hat been tiken away nod ty amendinentw to claices miade by the select conumitiec report the board is
noide an advisry board in this respect, and by the insertion of new clausespect, 8 a and 24 a new machiocry has been crested in the fotm of an establishment of a thoatd of Asesiment and the power which was -
His Extrutacy: da not wish to ntertupl the hon. member, but he must not read bis sfecth.
Mre Anow 1 would readily obes the culing of Your Excellencs, but I uould suggest that gotrg through clause by

4. 

His Excellescr: Odder Ordert Wift the hon member retume his seat? The hon. mamber has he fullest perntistion haturally to refresh his memory from hir noies, but leatled he hon, member. to order because be was clently reading his speech. which s coniriry to the Standing Oruers or thls Councit:
Ata Anfix: Pan V1 of the Dill as umended by the commithe provides for the conjpulsory acquisition of land by the Crown, and is tatifely new, and clausery, 20 and 21 involve new principles of acquisition, 1 will refer no. chase 13 in the tismgrandum of the hpart Altorney General ori his point, "pati vlor the Bill is new and provides
$\qquad$
a comprehersive procedure to be 101 lowed whien land is compulsorily acquired under the ordinance: $b y$, the Crown. The proviso to clause 19 meets the conitiderable body of opinion which malntained that land which is being adequately developed and utilized by the person having control of it should not be compulporily acqufred:- This is 3 new principle which has been included in the Bill, and in my opinion $1+1 \mathrm{as}$ not within the competency of the select committee to have dane so. This neix machinery whieh is created is, in my submistion. also, a matter of great significance, and 1 would say that the hon. Atorney General is very fatr in almatling thet in is a new thing altogether, tt: not only, $a$ new michinery, which is provided, but there are new maters of principle which are also included, thit the originat bill there was no provision to compel the Crown to atequife adjoining hand of land which might sulfer by being divided up or chatiels on the land Now, sir, 1 hould refer to clauses 20 and 21 of the Bitl as amended by the select commitiee. These are described in the marinal notes as Wulsere part only of lanid is being com: putgonty aequired. Gavernor may be rquited to acyuire the wholet, and Acquisition of chatiels at option of owner: Thase provisions, the clauses Geder that section, the hon. Attomey General has stated, are only a transliton or the rule making powers in the original bill. Then one would ask. Whether ife Governor's rute-making power as described in the original bill would touter this sort of new provision? In my submission, his rule-making powers could not have included such matteri, and lide not inclute them Bringing th these claises th this way is not righi, because there was nothing in the original bill to suggest the Crown whe to be compelled lo buy land or chatels on the land whith the owner Was not asked to sell but which he cooptad ta sell Now t wilherme tó clause anythar in the best thathe there was anythane to the point that rules whith are not fules but ate matiers imporiant enotghto be fincluded in the bill, they should be so included, then one could Sugest that provisions under clause 22 details in thore or less in the nalure of details in the grring oon of any or these clauses have no place in the Bith.
[Mr, Amin]
iself. This clause only provides powers of tisue nolices of aequisition and the publication of such intention to acquite Ind in the OMcial Gazetie, the period of such notice, cic.
Pri Vh is beaded "Inquity and award If Board of Assesment ${ }^{\text {th }}$ That is dealt with in the Attorney General's meminndum on page 3 , under clause 18. He admits that fart VII is new and lays down the procedure to be fotlowed in the 2 wird of compensation. 1 would comment on this oy saying that such dew parts of a bill providing additional machinery in place of other machinery which was provided by the original bill, *ere not in the comperency of the select commitee, snd that my authority for sjing so is May's Patliamentary Prac. ike. There are provided In Appendix 2 the class of amendments which a select committer can or cantor make, and th divider the amendments into the catepories classes 1,2 and 3. These are of ome importance, and some of these amendments of this committee by Parts V1, VII and VIII come within the etegory of which May's Parliamentary Practice says that even by the instruc: tion of the House such new machinery canoot be incorporated into a bill which the original bill had not cottinined. 1 will refer to the heading: Payes 899 Appendix, II, Class, 1 , sub-clause (8), There is also a reference in another place dealing with this paitichar poink: Appendix II, class I (6). In my submission, this machinery could not have been added seen by sefercrice 10 this Council because when you provide a Dew method of approach to the whole subpect matter of the Bill the principte if that the Council should have an opportunty of discussing the mater in Lhe first instance. Instruction from the House fulfils the necessity by firit discousion, and then only examination in detail, and possibly amendruents at a Liter sloge by a select committee follow. I mould now deal with chase 12 (4) of the new bilt, which slates: The board may, in its discretion, award to any person or his reprisentative who appears before them under the provisions of subtection (1) of this section, out of moneyt appropriased by the Legilative Cduncil of the Colony for the purpose, such sum by way of travelling expenses and subbistence allowance as to the board
may seem just", This provition on the public charge is a matter not within the competency of the select committe, sind should be so treated. After consideration of certin of this cfass matiet, one finds it is of great signifceance that the serecral amendments which are finclided in the new draft and indicated in the memorandum, incluade several matters' of importance, and when I say amendments I mean also delcions which are not obvions in the report of the committec and the provisions of new parts So that this bill has become a new bill and has been so extensively allered, to that the ofiginal bill, which occupied onty a EEW pages, has been tutned into a new bill twice or thitice the size of the original bill.

On that particular point, without going into the principle of the thing as to how the nature of the Bill is alfered, 1 would only quote from May's Parlfamentary Pracice a case where, although The amendmentr were perfeely ight and legitimate within Standlag Rule No. 31 of the House of Commons and the relevant rule here, this is evading the practice estatilithed in Patlimimen. It states this: When abjection was inken that it had becomera new bill, the minisce in charge of ft, whila denying the alleged extent of the amendments, consented to withdraw the bill. $\operatorname{In} 1889$ sppeal was made to the Speaker regard. lig extenive alterations made. by tho committe on the Tithe Rent Charge Recovery Bill. He stated that, whilst he desired to soleguard the fights and jurisdiction of the chaiman of way and means in exving an opinion on a matter of commitee procedure, and although he could not, an Speaker, stop the billon the point of order that the bill wasta new bill, he unhestatingly toflmed that the practice of the house had been, In a case of this kind, to withdraw a bill which had beet 10 dealt wilh, gnd to introduce snother bill to the amended form, on which the decision of the house could be obisined on a second seading The bith was thereupon wibhrawn, On the 27 th lanurry, 1913 , the Speaket was asked to express his opinion as to cet tain amendments which it was proposed 10 move to the Franchise and Regitro. tion bill which was then bcing considered In commitiec of the whole House. The Speater while dectaring that the proper time for raising such a that the proper time for bill had beta
[Mr. Amin]
not eidmif that the contention of the twon. Atopney General is or is net right, and 1 will not deal with the matter Ginther becaine I have trade my point, and it in a point that has got to the deall whith. The amendment of this parficular claure, deleting certain portions of the Hat botane warme cruse and the Government mist firs the the advice of the boord before compubory acquinition The amenument of that clause should not have taten place wihput the aproval of Counci, and having said that I will not such on the maliter further. Taking purograph (d) of sub-clause If of clatise 7 and clause 17 of the ariginat hill together, here deletions and additions completels change the whole character of the hilh. In the original bill
the power to determine the price that the power to determine The price that whath be mide by the Crown for ony hand which it is proposed to acquire gom. Board when no arrangenent for sonte or rxchange colld be reached This power of the board has luen raken away and by ameridments to claises made by the select commitiee report the board is made an adejory board in this respect. and by the invertion of nev chatess 8 (\%) and 24 it bew machinces has been cicated in the fom of an establishment
of a thoard of nimesument and the power of a thoand of duxsmment and the power
Hiss Excketsert, 1 uquol wish to intermipl the hon, member, but he must. not reail hislspech.
Mta Adin, 1 would readily obey the ruling of Your Excellency but 1 would suggest that soing throug out clause by
His Excruescr: Onder 1 Order: Will the hon, trember resume his sent? The hon. member has the fultest permission maturaily to refresh his memory from hit noles, but t called the hon, mernber to order because he was clearly reading his sperch, thich is contrary to the Standing Orderit of this Council
Ath, Avike pant vitot the bill, is Uniended by the committee provides for the Computsory acquisition of land by the Crown, and is entirel, new, and chases 15,00 and, 21 involer new
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a comprehenive procedure to be fol lowed when land is compulsorils: acquired under the ordinance by the Crown. The proviso to clause 19 nneets the considerable body of opinion whets masinained that land which is being adequalely dpeloped and ulifized by the person having control of if should not be compuntily new principle which fas been included in the bill, and in my opinion it was not tithin the competency of the setect committer to have done so. This new machinety which is created is, in ty submission, also a matter of great significitice, sind I would say that the hon. Altainey Genernt is Yery far in admuting that it is a new, thige machinery it is not only a jew machinery which is provided, but there ate new matters of principle which are aso included. In the original bill there parno protsion to compet the Crown to tequire adjotning land or lana which might sulfer by being divided tup. or chatels on the land-Now-sir. I would reter to clauses 20 and 21 of the Bill as amended th the select committee. These are deseribed in the marginat noles as Where part only of land is being compulanily acquird, Givernor mas ke repuired to acquire the whole", and Acquisition of chatiels al option of owner". Thios provisions, the elauses Under that section. the hon, Attomey General has stated, are only a transla tion or the rule-making powers in the original bitt. Then one woild ask. Whether, The Governor's rule-making power as described in the original hill would cover this sort of new provision? In my, subbission, hif, rufe-making powers could not have meluded such malters, nd did not include them Bringing in these clacises in this way is not righi, because there was nothing in The original bill to suggest the Crown uat to be compelled to buy Jand ol chatels on the land wheh the owner was nol skled to sell but which he coopted to celt. Now withemelocluse an brould stgect that there was anjelinge in the polnt that rules which are nol rules but are mitters important chough to be included in the bill they should be sa included, then one could which that provisions tinder clause 22 Which ate more or less in the nature of these cinuses have no place of the of
[1/, Amin]
icelf. This clause only provides powers $\sigma$ istue notices of aequisition and the putiestion of such intention to acquire: Lind in the Omicial Gazette, the period of such notice, ere
Pat Va is hesded anquiry and award s) Board of Assessment". That is deale oith in the Attomey General's meme orindum on page 3 , under glatse 18. He admits that Pat VII is hew and lays. town the procedure to beffollowed in the avard of compensation. 1 would comment on this by saying that such net parts of a bill providing additional mashinery, jn place of other machinery thich was provided by the original bilh. were not in the competency of the select conmittec, and fat my authority for soing so is May's Parliamentary Prac. fice There are provided in Appendix 2 the class of amendments which a select comaitite can or camol make, and li divide the amendments Into the categories classes 1,2 and 3 . These are of some importance, and some of these amendments of this committee by parts VI, VII and VII come within ithe ategory of which May's Parliamentary Practice says that even by the instruclion of the House such new machinery cantol be incorporated thto a bill which the orginal bill had not contained. I will refer 10 the heading + Pages 899 Appendix 1I, Class 1, subelause (8). There is also a reference in another place dealing with this particular point: Appendix If, class it (6) In my sub$\therefore$ mission, this machinery could not have bety added even by reference to this. Council, beenuse then you provide a rew methed of approach to the whole rabject matter of the Bitk the principle. $5{ }^{6}$ that the Councl should thave an oppontunity of discussing the matter in the first instance. Instruction from the House fulfils the necessity by first discussion, and then only examination in detail, and possibly amendments at 3 Liter swge by a select committec follow. 1 would now deat with claise 12 (4) of the new bill, which states: The board may, in its discretion, award to any person or bis represcntative who appears - before them under the provisions of sub. sertion (1) of this section, out of mioneys. appropriated by the Legislative Council of the Colony for the purpose, such min by way of traveling expenses and sabsitence allowance is to the board
may sem jusir, This provision on the. public chire is a matter not within the compeieney of the select committec, and should be so treated. Alter consideration of ceriain of this class $t$ malter, one finds it is of great signifieance that the several amendments which are ficturdei in the new draft and indiented in the memorandun jnclude several matiens of importance, and when 1 suy amendinents 1 mean also detetions which are not obvious in the teport of the committee and the provisions of new parts So that this bil has become a new bill and has been so extensively altered, so that the original bill, which occupied only if few pages, has been turned into a new bill twice or thrice the size of the original bitit.
On that particular point, withoul soing Into the prineiple of the thing as to how the nature of the Bill is altered, I woutd only quote from May's larliamentary Practice a case where, although the amendments were perfectly tight and legitimate within Standing Role No. 34 of the House of Commons and the relevant rule here, this is evading the practice established in Parliament, It states this:- When objection wav thken that it had become a new bill, the minister in charge of 1, while denying the alleged extent of the amendmenty, consented to withdraw the bill. In 1889 appeal was made to the Speaker resardling extensive hiteration made by the commitiee on the Tithe Renb-Charge Kecovery Bili. He stated that, whilst be desired to safesuard the rights and jurisulction of the chaiman of ways and meins in giving an opinion on a malter of committe procedure, and alitough he could rot, as Speker, stop the bill on the point of order that the fill wat $n$ new bill, he unhesitatingly affirmed that the proctice of the house had been, in a case of this kind, 10 , withdraw a bil! which had becn so dellt with and to introduce another bill In the amended form, on which the decision of the bouse could be obtained on a second reading. The bill was thercupon wilhdrawn On The 271 Januan, 1913, the Speaker was asked to express his opinion as to cer. tain amendments which it was proposed to move to the Franchise and Registra: lion Bill whith was then beine considered in committer of the whole House. The Spenke while declaring thit the proper time for raising such a thil the proper fict the bill had been

## [Mr. Anin]

teported to the house, aid that the admission of any one of the amendment to Which his attention had been dirceled would to alter the bilf as to make it a ntw bill, and that he would gdvise the Hotise undef the circumstances that the bill should be withdrawn and leave te diked for the iniroduction of a new bill". This quetation is to be found on P1ges 412 and 413 of May' Parliamontay Practice I beg to submit that, even although these amendments may be perfeetly relevant, which t deny they are 60 extenive that they sre not in she Torm of the clavs I amendmentis but"the provilion of new prits, and that this Coundil hes had no opportunlit of coin. sideripg them on a recond resding, and That what is not consideted on at second reidiag at a matter of principle is nal really whith the competency of the aclect committec to add to the bll, The prottice lias been that the $u$ ill should the withdrawn and felnttoduced in the new form which is atisfactory to the com. munity in emernl-ar as mogested thy the hon. Attorney Generai in this Instance.
There In another thing that 1 must emphasice, that the antendments inken ogether amount in something niaggering if was first suggested when we dis. cussed the pill on the second reading. that the objects and reasons civen with the Dill were the real objerts and rearons-that land Jransactions should be conifolled for the purpose of ensuirIne the mosi benelicial une of the lana, acquilition ot land for mettientent ini a minner that would not be injurious to poal-wat settemient, and that speculation in land wauld be prevented. 1 will give one Instange to prove thal the intention of this new bill is not what it was in cended It to be and the reason is this The new Asxestment board provided now as compelled by new elause 28 (4) Io take Into consideration the market value of the land on the day of the publieation in the Gazette of the inten tion to aequire land, It also provides that to Adsesment Board shall take into consideration the matket value of the chattels which are on the lant which the Crown is compelled to stave is it sug gexted with any senne of reality that the market value of the land and chattels at the time of the publication of the notice will be a Galit which will nol be a speculative value $2 \ln \mathrm{my}$ submission.

If there of 10 be any prevention of speculation or any prevenition of ipecu. litive price, some other way will fave to be taken into consideration. We hive provided machinery whereby the owner of the land will know in advance that his land is 10 te sequired, because fint the board considers the matter, and the board consists of people who are monty land owners of representatives of them and then the board' deals with the derirability of the land and the price, ond by the time it takes the matter in hand the notice will have appeared. Isubmif that the notice should appeat before the question is determined by the board, and not before consultation with the own the The owner, having once zot the idea that his fand's to oe aequired. has cvery opportinity to prove to the stisfaction, of the Control Hoard, the Assessment Board and Appeal Tribunal that the market value of the land was something far besond what the Crown intended to pay. The proviston thould have been that payment will be on the basis of the land value at, say, Auguit: 1939. or st some date when speculation was not at all rossible and there was no chance of incfecsing artificially the value of the tand. That applies its 10 the volues or chattels. You are now bound, to sequire the chatuels if the owner chooses. This provision has so aliered the Bill that It plays directly inta the hands of the land holders and in. crestes their opportunities so much in cegard to the value of the land on. paticular date that that value will not be 4 fair one or a reasonable value for Tentement, but $r$ speculative valie, and a speculatise ylue only.
Now I wifl deal with the polnt of stilement. There was noihting in the origimal bill as 10 what particular kind of seitlement it was il is now sugersted that the Crown's or His Majesty's right Europeire land for seltement mean for European or white sentlement onlyo. In my submission, if that is relevant it stould te in the bill or ordinince, But there is nothing. and 1 am quite right in suying that His Majesty is Goverament Will not be right nor willing to acquire land only for white seitiement, If one assurpes that it is right to say the settle ment is to be whitc, even then the Lind Conirol Bilt as, now proposed, the Assessment Board as now proposed, and the Appeal Tribunal now advocated, all
[Ms. Amin]
bite rogether with mean that the land. oners from whom you wish to atquire fod will have every, opportunity to oberruct, and in certain cases prevent the mequing of land. What will happen is wis, that with the use of all this mathinery and money provided even for trvelling expenses, and obstrucilonist udics land owners will thate sulficient opporiunity and tipe in which to put an end to the acquisition of land. Therefore, urless Government a grees to by the owner what he wants you Dil nol be able to take the land in time for any useful purpose In my submission, even although the amendments may be relevant, which 1 deny, taken legther they change the very basis of the Bid. Even if they are relevant, they bould nof be taken into consiticration: beause they change the nature of the Bit In my submission, when the whole intention of the Bill is likely to tbe defaled by the amendments proposed by the select oommittee, it is for this Courcil to say it should not be taken up. or the Bill should be withdrawn or recommitted to this select committeo to competently deal with ti and make protifion, for what was originally intended. Ay ippeal to you, sir, is this that the porlimentary practice I have referted to is a matter of grent importance. It jrevents selecl committers meeting in ecret conctave or composed of people of one particular group of interest. aning if as an opportunity to change the crifinal intention of the Bill in such, manaer that something diferent is mposed on the Council or the country. I cubmit that merelly looking at the Bill II amended ls enoigh to convince one hat it is a new bill which should be re introdured as a new bill ind desto with texodingly, That is all 1 have to say.
CoL. Grocian (Ukamba): Sír, I have pol spoken hitherto to any great exten on this particular issue, because 1 had boges that the sponsors of these legishatie fantasies, when they had had time to mate contact with people conversint Th lind and the operation of the land. might postibly reduce the onginal efforts to some tolerably comprehensible form of legislation. It is impossible to dis socite these iwin bils from one another and thercfore 1 am going to ask permisson to deal with both together, because Ley are interlonked, and if will save the
time and patience of the Council on another occavion. These twin bills are really the offspring of two clearly defined public demands The first one was, that the Imperial Govermment's polity on the white highlands teserve should be consolidated by atertain amount of legisha. lion, so that the real purpose and intention of the Imperial Government to that connexidif should be given ellect to The second public demand was that land hould be prevented in war time from betting finto what the) belifer to be, from a social paint of yiew and the print of vicw of the future, improper hands, und also that land. uriociopied and un Jeveloped land, should be made avalifale for settement afier the war so at to fincrase the white element is this sommunity. Without any sort of question therewas general agreement on those tho objectives, and all the Europetit elected members agreed that hey obviously had emantited from the publice and agreed hat those two objectives should be purs. sued ond siven eflect to by legislation. and they lett certain memberi of, the community to set on with the job.

Nomally, the easy and uncontroecrial method of achieving those two objeciver would fiave been, one, to make an amendment to the Crown Lands Ordinance, which is 10 , atl latents and purposes given complete effect to by the amending bilt before us, whereby the Covemor's véto should be restored. 1 remember very well when the Governor's veto was operntive, and the result was that there was an entomois congestion of besiness. The Governor at that time was busy showing pictures to Kikuyu in the Meru district and was ungyailable here. The result was a violent proteti, and the veto sank inlo atey yance, ind people were oltowed to get on with thel ordinaiy business. But this new losus has arisen, and undoubredly there is a genera Jemand that the Govemor's veto should be restored, becuse fhat is the only constitutionat method wheteby we can in lact give effect to the policy which tas been agreed to by the Imperial Govern ment. The other objective could very easily be achieved by -2 verfraligh amendment to the Land Acquisition Act by merdy extending the definition of the term "public jurpose", 1 do not think that would be even secescary. ff previats Governors were honest people, beciuse
[ Mr. Amin)
teported to the house, wid that the aumisuion of iny one of the amendments to which his aitention had been direcied would so alter the bilk an to make it a new bill, and that he would advise the House vinder the circumstances that the bill thould be withdrawn and leave be atked tor the fatroduction of a new bilt, Thin quotation is to be found on pager 42 and $4130 f_{\text {M May's Patliament }}$ ary Practice 1 beg to submil that, even alihough these amenuments may be perfectly releyant, which t deny, they are so extensire that they nre not in. the form of the chass amendments but the provition of dew parts and that this Council has bad no opportunity of cont. sdering them on a second reading, and that what if not considered an a second rading as a matier of pinciple is not really wifin the compelency of the select committe to ad to the bill. The practice has been that the bill should be withdrawn and reintroduced in the new form which Is xnilufactory to the come muntiy in general, at is suggested ty the hon. Aliorncy General in this insiance
There is another thing that 1 must emphasize, that the amendments talien togethet amount to something stapger ing if wastirst sugeted when we dis. cussed the bill on the second reading, that the oblicts and reasons given wifh the Bll wore the teal objects and ressons-that land tranmetions ihould be controlled for the pirpose of ensur Int the mont beneficial tut of the land dquisition of land for settlement in a finmer that would not be injurious to pest-war cetlement, and that speculaton in land would be preyented I will give one inflance to prove that the intention of this new bill is not what it wast in rended it to be, and the reaton ts this The new Assessment board provided The new Assessment boand provided now is compelicd by new clause 28 (d) 1o tale lato consideration the marke valius of the land on the day of the pubiration in the Garefte of the inten tion to acyule tard It also provides that the Aisesment Board shall take finto consideration the matket yalue of the chattels which are on the land which the Crown is compeiled to secures is it sug cested with any metise of reality thit the market value of the land and chattels It the time of the nublication of the gotice will be a value wheh will not be 4 , peculative value? In my subrnission
if there is to be any prevention of speculation or any prevention of apeco lative prices, some other way will have to be taken into consideration. We have provided machinery whereby the owner of the land will know in advagce that hil land is to be acquited, beciuse fint the boatd considers the matter, and the hoard consists of poople who ate mosly land owners or representatives of them, and then the board deals with the desirability of the land and the price and by the time it takes the malter in hand the notice will have appeared, I submit that the notice should appear before the question ts determined by the board, and nol before conislitation with the owner. The owner, having once gor the lden that his land is to be accuirede has every oppottunis; to prove to the stitisfaction of the Contral Board, the Asessment. Heard and Appenl Tribunal that-the markel tatue of the land wa omething for beydod what the Crown niended to pay. The provision should have been that parment will $b e$ on the basis of the land salte at. say, Augtsi 1939. or al some date when speculation was not at all possible and there wa no chance of inereating artificiaily the the of the land. That applies also to the values of chatels You nire now bound to acqulre the chattels if the owner chooses. This provistion has 20 altered the Bilt that if plays directly into the hands of the land-holders and in creases their opporiúnilies so much, in regard to the yalie of the land ona particular date that that value will no be a fair one or a rasonable value for sellement, but a speculative yalue, hind a speculative value only

Now 1 will deat with the point of setulement. There wes nothing in the of of inal bill as to what particular lind of settlement it was. It is now sugetsted that the Crown's or His Atajety's right to acquire land for setucment meane for European or white setzement only. In my submission, it that is relevant it should the in the bill or ordinance." But there is nothing, und 1 am quite right in sying that His \$ajesiye Governmeat will dot be right nor willing 10 acquire land only for whise seltuenent. If one assumes that it is right to ssy the setile ment is to be white, eizn then the Ynid Control Bill- as now proposed, the Assesment Board ds now proposed, and the Appedt Tribunal now advocated, all
( $10 \operatorname{sinin}$
tren together will mean that the land, wirs from whom you wish to acquire find will bave every opportunity. to otstrues, and in certain cases prevent the curiring of land. What will happen is pis, that with the use of all this mithitery and mones proyided even for rarelions expenses, and obstructionist wies land-owners will have sufficni opporfunity and time in which to pu is end to the aequisition/of land Thedore, untess Governmeit agrecs to pay the owner what he wants, you will not be able to take the land in time for siny uselti purpose in my sut mision, even alithough the amendments may be relevant, which I deny, taken logther they change the very basis of Le Bith Even if they are relevan, they soould not bs taken into consideration because they change the ninture of the Bill, 1 m my subinission, when the whole Intention of the Bill is likely 10 be dealed by the amendments proposed tr the select committe, it is for this Council to siy it should not be taken up, or the Bill should be withdrawn or ce commited to this select committee to mopectently deat with it and make protision for what was originally intended My appeil to you, sif, is this, that the parlamentary practice I faye refersed to is a manter of great importance. It privents select commiltcen mecting in ever conclave or composed of people of one particular group or interest, tiking it as an opportunity to change the originat intention of the Bill in such a manner that soncthing different 15 mposed on the Councit or the country. I tubait that merely looking at the Eill 14 amended is cnough to convince one that it is a new bil which should be re gutoduced as a nev bill and dealf with tctordingly That is all I have to say,
Col. Grogan (Ukimba) Sir, I have sol spoken hitherto to any great extent on this paricular issue, becase 1 hod hopes that the sponsons of these legislatie fantasies, when they had had time 10 mako contact with people convergant with land and the operation of the land, might possibly reduce the original eflorts 0 torne lolerably comprehensible form of tegistation. It is impossible to dis sociate these twin bills from one anothet ad therefore $/$ am going to ask permis hoi to deal with both together, because they are interlocked, and it will save the
time and patience of the Council on another occasion. These win bilts are really the offspring of two slearly deffred public demands The first one was, that the Imperial Government's policy on the white highlands reserve should be consolidated by a certain amount of legisla tion, so that the real purpose and intention of the Imperial Goverment lia that connexion should be given eflect to. The second public demand was that land should be prevented in war time from seting into what they believe to be, from a social point of view and the point of view of the future, improper hands, and also that land, tinoccupied and tindeveloped land, should be made available for settement after the war 10 as to increase the white element in this com: munity. Without any sort of quetion there was general agreement on thase two objectives, and all the European elected members wireed that they obviously had emanated from the piblle and agred that those two objectives shguid be pursued and given effect to by legishation, and they left certain members of the community to get on with the job.

Normatly, the casy and untonitoversial method of achicving those two objectives would have been, one, 10 make an miendment to the Crown Lands grdinance, which is to all intents and pupases given complete eflect io by the amending bill before us, whercby the Govemors veto should be restioned iemember rery well when the Governor'' reto was operative, and the tesult wa hat there was an enomous congestion of bushess, The Governor at that lime was busy thowing pichures to Nikuyt lit the Mera distrist and wis trnayílable ticre. The recult was a violent proteti, and the veto sank finto abeyance, and people wert allowed to get on with their ordinary butinest. But this new lisué hat arisen, and undoubtedy there is a generbit demand that the Govemor's veto should be resiored becatise that is the only constitutional method whicreby we can in faet give effect to the policy which hat been agieed to by the Imperial Governfient The other objective could very easily be achitved by a verg slight amendment to the Lind Acquisition Act, by merefy extending the definition of the tem wublie puipore"- 1 do not think this would be even necessiry, if previous that would be even necesserngle, because

D7 Lond Cumbot BH

## [Col, Gtogan]

I teriember very well an occasion when This benign State, this benevolent land. lord wished to acquire a certaim property of mine, and having tritd to blackmail me out of it on all sorts of pretences and by ver objecionable methods, as my hom. Ifiend the Corlmistioner of Lands prob. abl) remembers, then wet in motion the Compulsory Liand Acqutistion Act. They tmok aclion for-compulsory acquifition of the la nd under a cerfificate that if: was requited for a public purpose, which was dinned by the Acting Govenor of the day, That public puftose was 10 acquire If for subdilsion and yeselling to soms. hody else. Whether that was a proper inerpestilan of public purpose 1 am not atemptiag to say, but that was the intetpretation given to it by the fiovernor of that time. I think it fight and proper that whit way rather questionable procedure by the Governor at that time should te legishatively anmered by an ex. temtion of the deflnition of publec pur. poie! If thase twi ituple amendments thad been brourghta, the whole intention and real demands of the public would have been mel There was no disagree. ment that 1 met any uny to these wo obfectles, except a minar ditagrecrisent on the part of some of our tidian friends in respecs of the consolidation of the white hehlands policy.

If I may wa 10 10 my Indian friends, they are extrenely foolish to harp on that nerticular issue, Arter all, it was the definite and conalderd decision of the Imperial Government. The whole of the rest of Alrica is open to them. practic. ally the whole of the rest of the Colonial Empire also. and thes are loolish to go on harpint on that pariculat issue. of course, glitic cleatly their only reason for so doins is for putely political propa. eanda purposes shd that is proved quite clearly by the event already referred to by the hon, Commissioner of Lands. Whereinder Taveta land was oftered to the lndiant and was never taken up. This would be a good opportinity to puit on Whe permanent record of this Council What the history of that happering was What huppened uss this When the bowring Conmitte was sitting il cime to the conclusion that it was esential that they showld fictane white sempement lety materiaH: in orter to enable the burden of governmen, then dise
turbed by a series of finatncial factor, to be a tolerable burden. My colleanue, the hon. member Mr. Shamsud-Detn. wai alvo a member of that Rowring Com mittec, and he found himselt in a tery dificult position, because at the pariku ler time ald land transters were held up incabeyance pending the decision of the Secrefary of Slate on this question of the White highlands Therefore tivas impassible for us to Jmplement out policy unless that embargo was temmorily temoved The hon meniber Mf. ShamsuddDeen took on very benerous view of the position He agreed ie was very destrable that white settement shoukd be facreased so that the burden Hould be dittibuted, but he said $n$ find myselt in an impossible position with my people if Isgree, 10 this' policy without come comperisaling advantage*. So it was proposed that a definite orea of land should be set aside and reserved excius. ively for Indian setticment. The area selecied was the area referred to by the thon. Commistoner for Lands the other day. and t say-and I am in a position to know-that that area then reserved cxclusively for Indian setuement is nealy, if not quite, the richest area of band existing in this Colony and the most sultable land for close settlement because of the admirable water supplics available. That land way surveyed into sinall farms -you an lind a record of it in the Land a Onfe-and oflered for applleation by Indians, Of course, it had a serious disodvantoge, of bsing at that time ocetrifd by, a consiterable number of tions and thingecros and various other tigricultural disibilitfes, and the net result was that nof one single Indian eter applied for the Ind, They never wanted land. Thas Imply wanied lic political propaganda. That is the history or that matter, which should be put on permanent recond of this Council and it ean easily be confirmed by refcrence to the minutes of the Bowring Committee which, if thes did nol 50 dawn in the general flre, are rresumbly still ayailable. Also I think Shat rexped is due to my old friend Mr. Shamsud-Deen

To contitue, what 1 have suggested by way of amendanent to the two ordinarices would have been quite simple methods of meeting those two publiedtmands which 1 have explained already. Ve are naturally faced with the question:-
(col Grogan)
Col Grogan carth were they not fole pred? 10 the preliminary periods of pis discustion 1 did suggest to my hon. fiend the Commissioner for Lands that that was a very easy solution and 1 maderstood him to agree that that would Give been an alermative method of doing EThereforc $1-\mathrm{am}$ cnliticd-to ask why Gis highly controversial how-d'yedo thas ben grafted on to those clearly delined gabtic demands, with consequential condusion? The answer, of course, is Wht some of the parties to whom the amulive work of giving effect to these tibies was entrusted by the eleeted memters 10 whom the public entrusied it. tududed a certain number of sentiemen sith strange ticis on land, and 1 think if 2 matter of common knowledge that the two parties miínly responsible were: No. H, the Commissioner for Lands. Well. I have hau a great many dealings - vith the thon senticman, and I have uredy made it clear in this Counct that aot onl have 1 ar great respect for his opucity but 1 also venture to say that! tuve 3 personal allection for him. but thes stopected for a long time that behtnd that scraphic smile and disguised Gy that-what shall we say-ecelesiasQal timbre of his theroricil appeats Which have so often moved us to lears, there lutks what the inhabitants of the Eist End of London, the Cockney, mould Uescribe as a prety downy old tind (Laugher.) l charge him here and Dow with definite inconsistency, becsuse Ad so long ago thad the privilcge of Tting under his chairmanship in study It the question of land senure of this country, and I would take his mind back. to a recollection or Part I1, clatse 8 , of our report, to which there was no limita. tion whatsoever in his minority reports. It reads as follows:- We sre howeter manimous in holding the view that while It bessential to impose preliminary Ue; Elopment conditions to secure that the hid will be used in an approved manner, the functions of the State in protecting the and from mistuse con best be fulfilled by manas of ad hoe legistation, such as the Land and Water Preservation Ordin. ance which will be applicable and this is an imporians point-to all land, thether leasehold or frechold and Whether occupied by Africans or ime impant races".

I suggest if is quite obvous that my hon friend there could not resist the temptation. He saw in this panicular Tegislation, which way lelt to themito prepare, an opportunity to sneak in-10 sneak in a whole lot of these curfious land nostrum-or nostra, whatever you call it - which have atway sencted him so and have excited so many of us in olt youth, and which indeed excite a few of us in our old age- Behind ti all, of course. was another enormously atractive feature. and that is that the functions of the Land otfice, which in the eyes of sll men finse virlually expired, would be cosily resuscitaled and uoubled, with the consequential requirements of slaf accommodation tennis coutts (fatighter) and what not and the whole thing would foal up again with renewed life"and with all banmers thing.
The inconsistency lies In this Why. cnicusted with the task of giving legs Lative elfect to the above pwo proper purposcs did he, contrary to blis beliet quoted above, sneak in all this what I call blah-blah stuff about sonebody clse decidtag how much Xir Jones oughe to puy Mr. Smill for his lard und wheithet, Snith toes or does not do what somebody in auhority tells him to do with Ari lones' land? All: or, whish seenil lo me tery ternaikable tegistation All that sont of stult ought to be included in ad hior legislation, it it applies at all, if applies not only to the land of the High. lands but to all the land of the country If this sort of stuft is essential in order to saleguatd the tand of the w-alled Hightands, why is it not cqually ensential to say, the land that 1 opente down at Taveta, which happens to be outside the Highlands? Why does it not operate equally with all the enormous areas of Ind bought up by ladians at the coast and which have had nothing tone to them? If was, to fich, an ingenuous tick of niy ton. (riend which I lunk 1 am entiled to resent The other party who is primarijg responsible for this legistation is 1 my hon, friend the Member for Nairobi Norlh. 1 am not going 10 chatre him with any finconsistench for during the whole of my long and intimate $t x$. perience of him he has been entirely consistent in, this one respect, he believes in cominttest He is what may be describud as a commitiec contysh You hive. only got lo drop him into the most limpid

## [Col Grogan]

I remember ten well an occasion when this benign State this benevolent landlord, wished to acquire a ceriain properts of monec and haviag triell to blackmail me out of it on all sonts of pretences and by utry objectionable methods as my hon. frited the Commivioner of Lands probably remenbers then set th motion the Compulary Land Acquitition Act. They soot action for compulioty $*$ acquistion of the land under a cettifiecte that if was required for a publie purpose, which was
 day. That publice purpose was to acquire it for subdivision ond re-selfitig to some. tody cise Whether that was a proper intepretation of public purpose 1 am not altempline to syy but that was the interprefation given to it by the Governor of that time. I think if ofthi and proper that what was rather questomable pro. cedure by the Governor at that time hould be leghlatively assured by un excenivion of the definition of public pur. posel If those swo simple amentmens had been brought in, the whole insention and rat demands of the public would have been mes. Thete was no disagreement that I mel anyway to these two objectives except a mbar disegrecment on the patt of tome of our Indian fiends in respect of the consolidation of the white hishlande policy.
If 1 may so 30 to my Indian ficends. they are extremely foolish to barp on that particular tssue Alter all it was the definite and consdered decition of the Imperial Government. Tlie whols of the rest of Africa is open to theme prictic. Eill the whole of the rest of the Colonial Empire also, and they age foolish ta go on harping on that particular issue, of course, quite denisy their only reason for to doing is for purely political propa. gandz purposes, and that is proved quite cleatly by the cuent already referred to by the hon. Gommisioner or Lands whereunder Taveta land was olfered to the Indiant snit was never laken un This would be a good opportunify to put on the permanent resord of this Councit What the history of that happening was: What happened was ihis, When, the Dowring Comnittes uas sitting it came to the conclusion hiat it was estential that they should increase white seltenent sery materialls in order to enable the bunden of govemment then dis
turbed by a series of financial factor, to be a tolerable turden, My colleagus, the hon member Mr. Shamsud Deen, was also a member of that Bowring Com mittee, and he found himself in a very difficule position, because at the particuJar time all land transfers were held up in abeyance pending the decision of the Sccretary of State on this question of the white, highlands Therefore If was impositible tor us to implement our policy untess that embargo was temporarily removed. The hon, member Mr: Shumsid-Deen look a very generous view of the position. He agreed ft wh very desirable that white settement should be increased so that the butden would be utstributed but te sald "I find mysetr in an Impossible position with my people if 1 agree to this policy wilhout some compensating Edvantage". So it was proposed jhat a deftnite arcea of land shoutd be set aside and yeserved exclersively for Indian tetlement. The arta sclected was the niea referred to by the hon. Commisionet for Lands the olher day, and I say-and 1 an in a position to know-that that aren then reserved. exclusively for Indian settement is nenily, if not quite, the richest aica of hand existing in this Colong and the most shilable land for close sctilement because of the aumirable whater supplies gyailable. Thas laed was surveyed into small farms you can find a secord of it in the Land Office-and offered for application by Indians. Or course it had a serious dis. advantage, of bsing at that lime occuptitd by a considerable number of lions and rhinocertos and various other agticultural disabilities, and the net result was that not one single Indian ever applied for the land They never wanted land, They simply wantel the nolitical propaganda That is the history of that matter, which should be put on permanent recond of this Council and it can ensily be conirmed by reference to the minutes of the Bowring Committee which, if thes did not so down in the general fire, are presumably still asailable. Also I think Sheat respectio due to mo old friend Mr Sharnsud-Deen.
To continue, what 1 have sugsested by way of amendment to the two ondinances would have been puite simple methods of meeting those two public de. mands which I have explained niready We are miturally fared with the question:
[Cot Grosan]
that on earth were they not fol. tin discussion 1 did sugeest to my. hon. thend the Commissioner for Lands that hat was a very easy solution. and rederstood him to agree that that would bur begn on aternative method of doing 1 Therefore 1 am entilled to ask, why this highly controversial how dye do has ben grified on to those clearly defined whic demands with consequenial confusion? The answer of course, is tht some of the partics to whom the Buculice work of giving effeci to these vibhes was entrusled by the elected memkes to whone the piblic entrusied it: faduded a certain number of gentlemen with trange views onfland and 1 think in matter of common knowledge that te two parties hainly responsible were: No 1. the Commissioner for Lands. Well $I$ have had a great many dealings with the hon, gentleman, and 1 have aready made it clear in this Council that oo only have 1 a great reppat for his epacty but I also venture to soy that I hue a personal attecton for him. but 1 hate sispected for at long time that tenind that seraphic srite and disguised by that-what shall we say-ecelesiastial timbre of his rhetorical apperal thich have so ofien moved us to tears, here lurks what the inhabitants of the Eat End of London, the Cockney mould describe as a pretty downy old bind (Layghter) I chorge him here and now with deflite inconsistency, because tonsolong ago 1 had the privilege of utting under his chaimanship in' study ar the question of land tenure of this ountry, and 1 would take his mind back to a recollection of Part It. clanse 8 , of our isport, to which there was no limita tion Whatsocver in his minority report. It trads as follows:-"We are, however. mantmots in holding the view that while it is essenial to impose preliminary developrnent conditions to secure that the labl uill be used in an apposed manner. the lunctions of the state in protecting teland from misuse can best be fulfilied ty neans of alt hoc legislation, such as the Land and Water Preservation Ordinase which will be applicable-and this is an important point-to all land, Whether leaschold or frechold and Whether occupied by Afriens or immigrant riess.

I suggeri it is quite obvious that my hon. friend there could not"rcsist the temptation He saw in this particular legislation, which was left to them. to pre pare an opportunity 10 snesk th-to sicak in a whole lot of these citious land nostrim-or nosers, whatever you call itt-which have always excited. him so and fatye exiled so many of os in our youth and which haded excite a dew of us in our old age Dehind it all, of course. was another enormously atractive fealure, and that is that the functions of the Lanis ollice, which in the eyes of all men five tirtually expired, would be easily resuscitaled and doubled, with the consequentiol requirements of staft accemmotalion tennis courts (laughter) and what not and the whole thing would Hoat un again with senewed life and with all bannery nying.
The inconitrency lies in this, Why, entrusted with the lask of giving legis. talive effect to the 3 bove tro proper pur. poses, thid he. contrary to his belief yuoted above sneal in all this what 1 cell blah-btah stut about somebody else deciding haw much Mr. Jonet ought to phy Str, smith fur his latid and whether Smith does or does not do whal some body in authority telle him to to with Mr. Jonest land? All of whish seems to me very renarkable legistalion. All that sur of stuil ought to be foltuded in od hertesistaiong if it applies at ail, ti applies not only to the land of the Highlands tur to all the land of the country. If ihis sont of stuft is essental to order to suregurad the land of the so-cilled Highlands, why is 4 not equally esential 10, siy, the Eand that 1 operole down al Tatcu, which happens to be outside the Hightands? Why does it not operate equally with all the enbmens areas of land bought up by Indians at the coas and which have had nothing done to of them It was, tn fact, an ingenuous trick of my hon. friend which 1 thing 1 am entiled to resent. The other party who is primarily responsible for this legilintion is my hon. friend the Member for Nalrobi North. 1 am not going to eharge him with any triconsisiency, for during the thute of my long and intimate ex pericnee of him he has been cnitty consistent in this one respect: fie believes in committes: He is what may be der cribed as a committer catalys You haye only sot to drop him fne the most himpid

## [Col. Grogsn]

poot of water and instantly the whole thine cratalliter tnto an intellacte mass of edminittect (Laughith.)
Ldo 2 y this, that I have 4 seal odmiration and, mudeed, a considerable amoint of thluw fecting for the ery thutiamh of thene therdids of the new dawn. 1 uen through tiat process myself: I ani of chough to liave lived-not yuife old enough ;o fiave lived through the hifd dawn-but to have fived through suo darna, hecrite 1 aas an sctive participatst in these problem and a debater in thaye diys frind a deborer of no mean efliciency in the great batile fof these preat pinciples at the time of Dick Sedton of New Zcaland, about 50 yan apo. The nexi time, the thing bubbled un all these things bubble ur ciery 35 ycirs Whan you set atew yentration compan tons-I was inwifrel in the disceston of the batile for the land, 1 ued to speuk on the platiom on all that vort of stuffi athi it took nic. incidentally, terterns to And olit what a sifly young ass I Has, and having found that out anit hiving recovered eompletely: 1 foind nyscif $2 s$ scars later involved In another dawn in a kiem butle for tic sulne moniman for nostraty by Ltoyd Geurges I ala participated In that ceampaige for a matter of live sears, and in cach case the reople involved believed that they were the heraldy of a new dawn. These two gentlemen canesty and honesily believe this archaic sutf1 can sec when they leap into these debates the fanatichl glituer 11 hal almost sald plare) In their cyes when they rush Into the fray-but 1 think, sir, that it was reatly rather naughty procedure on their mitt to trich the cost of us, the Eerfectly innocem tind well intentioned members of Council on this side who were expeeted by the pubtle to give elfect to the iwo proper objectives, think it was rather nawghty of there to suprimpoys all this contruversisl stinf
an ton of it
Lam oot going to shat in tetail m! ahfections to the Bill now because thind. in has ben 66 completely, cmasculated Tmost to be, described as a cinuict. There are, of course, teviduary parches of a which are highly objectionable and utitrly wrons. turt $t$ im nol coing to deal with them in detai, $\ln$ nol coing to the probstie results of this Bill will te
very much as follows We thall get two new committees. The members of thote two committes when they have dufy nequired the necessiry accommofation and the pleawint little lady clerts and atr the parapheriatia of commitces, xill consolidate their fes and emoluments We hiall then get an appent to an in the Standing. Finance Committec, of uhith thope 1 shall no longer be a member. from the hon. Commissigner of Lands for a vastly improved and new land office-which I hope will not sprawl al a slummy patch of bad buiddings actoos the town planing development of Nairobi. The Commissioner will come before thes Standing Finance Commitie wilh an appeal for vast new buildinga with an conomnusly increased stiff, to give ellect to thece sugestions. Apan from that fe the fact that, at long fast, he is going to get legislaive tathority for the blackmail meihods which have bertueatried on without intermistion from the year one to the preseni day without legislation. (Laughter) I cay that without any hesitation. and 1 do not think my hon, friend opposite will dare to, take up the challenge, because 1 hisis used that term gitite deliberately. 1 soy here and naw, and I have said before. that the methods consisienty adopted by the Land Office in respect of the Crown tenanis of this country have been in many cases imperinent, insolent and, in fach blackmall, and I am in a posifon to conifin all that by documentary efdence, 1 have tried ggain and again here ta provoke somebody on the other side to challenge ine so that 1 cin put it on recotu, but so fir 1 have not suceeded. These will be some of the results of this Bill.
1 think it is also goins to lead to a large toncentration of monejs on short deposit in the banks, because people Ining to give effect to transactions whi finding everything blocked in the way of business witl have to depotif their moncs somewheref they witl be wondering when things are going 10 happen and the banks will reap lhe adrantage in the Way of interest. There will be another adrantage, which is incvitible, and that is a vast infux of himyers, because all the ordinary citizens wanting to cary out a nomal business trinsaction will be compelted to go and fet the adivice ot a member of that vulturine fraternity. I think there will also be a diminution

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4 Lind Contol Dill Quaricuis 186

## (col Grogan)

d positive settlers really able to develop te lind-all the worthy people of my ue who have, in faç, made this Letively confortable worid in which all peo gentlemen live to-diyl (Laughter.) Toint thetrypenof yenteman will be fightened away to some glace where be on get a bit more fredom, and where te can handle his land properly and core beneficially than with any advice Is an get from Govermment. You will if a certsin, number of spoon-fed palles who will say, Will you teach ace to farm? 'Yes-" Will you find me a kit of land? "Yes" "Will you edance me the money to buy the land?" Wial fou give me 1 little bit more mores to develop the land?" You will set that type of setter, but if you accep chit as a principte, that it is the bounden ents of the State to find, train finance ad cquip a new brood of capitalisis out - al pople without experience or money why should not merchants come along add sy. Will 3ou kindy come and teach me how to run one of these big mpe places?" "Will you sub-divide my nial's accommodation over there: divide it ino a lot of smatl uneconomic units w thet you can tum the fellow out? uxd $s 0$ on and so forth. 1 cannot ste any difereces. What always happens in this conntry is that all this controversial and dificult legislation creates enomois actitment at the tinie, and then when neryone has forgotten, such a , thing crist it sinks into oblivion and joins the mixisoleum of the laws suhich you ean poly find in the Liaw Library-a compricted series of laws that nobody tooss anything about. for those ressons, and one other, support the Bill (Laugliter) My only olher reason I this that I hope that when you have wi the Bill and when this country his sol the result, when the next war comes along it will learn this lesson, that it is ctitely wrong for Goverament to inroduce controversial legislation in watlitre, and that it is very very foolish of Government to be switched and swayed ityo this kind of stuff by the hysteria that is the inyariable concomitant of sar, (Applause)
The cebate was adjourned.

## ADIOURNMENT:

Council adjourned till 9 am, on Friday, 9th Iune, 1944.

Friday, 9 th /une, 1944
Council ussembled in the Mtemarial Hall, Nairobi, at 9 z.m. on Friday, 9 th Juric, 1944, His Excellency the Governor ISit Henry Moore, G.CM, Gi) prefidias. HIS Exellency Opened the Council with prayer.

## MINUTES

The ninities of the meeting of Thursday, 8 th Juhe. 1944, were confirmed.

## ORAL ANSWERS TO QUESTIONS <br> No S1-Mizze Conirol and <br> Controlema

## Mr. Wachr:

In view of the fact that e period of four months has clapel sinee the Council resolved that Mate Control should be reorganized, will Government state when the new organization will bemome aperative and when a new Maize Coniroller will, be appointed?
Nr, Revsin: The Government hopes to introduce a modifled bystem of Maize Control un the lis of Septertief, when the marketing of new conp mite heyins and the Control acsounts (or the corren peried will have been closed.
A new Maite Controlter will be appoined with eflect from the ist of August.

## LAND CONTIOL BILL

SLLECT COMAITIEE REPORT The debate was resumed.
NR PATE: Your Excelicncy, I rise io oppose the select sommite report before Council 1 rise with a complete sease of Gwareness that whatever I shall Lyy will prove lneffective, beciuse most of the merribers who desire 10 pass this Bill duting this session will not be prepared to fisten to the voice of reaton in prefer. ence to the dominating and influential vievs of the European fiterests, I Enow that even the dictites of patianientary prictice will be over-ruled in their practitnee to get this Bill through as eariy as possible. I Atrengly oppose this report for vatious teisons. In the firsi place 1 oppose it because, In spite of requests made, no Indian member was included on the selet commites on very aliny grounds aiso oppoie it becuuse by doing so this Council attempls to follow a practice which shows thatonly

## Mr. Pacl]

that section of the community which is nflected by the meavute thas the right to thit on the telect committer, whish in my submiston is agoint als principles of democrac: All elements in the Council hhoutd have the fight to express an opinion on any mesture thith dircells or nditectly affeets the country. I am Alon opposed to this report because the orisinat bill, at 1 stsid at the second readiog of the Dill. is in furberance of the principe of laying down a poliry which declares to 50 many words that our civilitation in this coumtry is to be based on racial ground and that there will-be no convideration whalsoever for ethics 1 also oppose it lecause the Cormation of the board findicates that the Crown desires to ablicate in tavour of The teprentalives of a very sinal group, In this country who want to have conWor of the land in a very mportant area. Whateven ont may say in justification of thin Bilf and the constitution of the board. if fi rery-etear from the pro. vislons, which allows six members of the boatd to be elected by a mall section of the population of this country, and also provites that the quorum will be such that thes gan obstrict the work of the hour at uny time, that, in my sub frission, is nothing but 2 complete nbrogation by the Crown and by the Government in favour of a very small Influential secton of the population of This county, and is a direct opposition, in my opinion, to the policy which was decised in 1923 of the paramounicy of native interests because this Bill and this select commitice report shegest very clearly that the Interests of the Euronean coumbinty remain paramount in this country.
Lond Frivals Scort: On a point of order, are we fiscunting the select cons milte report or are we once more discussing the maln principles of the bitl which were deatt with diring the second. reading?

Bik- PARL: I refet 10 this matter because the constitution of the board has been chansed by this select commitiec report, and the quorum of the board has been changed to as to give sreater power to the section about whom I am tslting, Therefore tn my submistion a have the right to make refremene to that. $\leq-$

I Jo not propose to reply to any remaiks made about Indians ohn deafy to take land, ete, because it has toen already commented on, bul whatever thas be sald I Ean state with cenfidence that there is a sirong desire among the Indian community to day-whatever pas hitory may be-to take to agricuthure. and it is not only a sfrone desite which has to be taken joto consideration tuit it Witl be an absolule necescity atfer the War if we want to settle Indian youth now being educated in Indan schools. and the Government has shown th inabiltry, its lack of interest, by nol taking any serious steps in regard to Indian youthe and their desire for land. While they have shown a keen desite, 1 Leen tinterest, in tegard to ihis Bill Another reason why we wish to oppose this Bill is to show our stions texeniment pagainst the neglect of Indian in. terests as regards agriculture 1 am not doing this with a view to political propaganda, but to draw the attention of Government to the serious necessity for proceeding with the work of the Indian Land Seillement Board. 1 strongl, recent and protest against the misleading words used by the hon Attorncy Gencial when moving the motion before Councll 1 uld to at the tlime of the second readite, and I. wish to repeat it, because it gives a very mileading impression 10 - peopte outside. The hon. mover sald that this report is the ratilt of the views of peopte of this country. The corredt thing to suy would be that it it the result or the views of the small European section of this country. The hon. mover said that it is a revolutionary measure It would have, been correct to sey that it is a measure which could have been introduced and passed tome centuries back at the time of the landed anistocracy. The hon. mover sild th was in the best Interests of the country, but we Indian members say that it is only in the in. terests of a small section of the population of this country li is very easy for the hon. mover to reply to me that indirecily it does sood and bencfits the country, Whenever in the, pist measures have been introduced to cater for the wishes of small cligues nad small grotips, it thas always been claimed that It was indirectly in the interests of the whole society?
Lastly. 1 opose this commitiee report becuse it coniravencs parlimentary

Mir. Pa (el) pectice, as was pointed out by the hon. panber Mr. Amin yesterday. The hon. ember pointed out that two important detions have been made from the bill, and one of them was the provida 10 duse 1 exclüdes residential land not aceding 20 acres in extent. No mention has been made nbout that No exphation has been given in the select cominitiec report, and the erefore subfrit that it is absolutely irregular. He alo pointed out how important ehapters hat been added and tow very impoitwit chases have been added, and that Wreby this Bill has become an entirely bew bill. The select committee report puts the original bill in a form which will make it a new bill and I submit, sir, that If partimentary practice is consulted it will be clearly shown that the Speaker in the House of Commons would order the withdrawal of this Bitl and would muire that it should be re-indroduced. The Bill has been, amended in 50 many rapects, introducing so many important chuses, liat any reasonable person in my subrission will cohsider that it is mol the bill which wats pascd a second time, but a new bill allogether. If we consult Rule 71 of the Slanding Orders of this country and Rule 34 of the Sanding Orders at home governing the procedure of the House of Commons, if will be found that the words "rele van to the subject" mater have been copied from Rule 34 governing House of Com mon procedure 1 can give one instano 21 least where it was held that the ameridments were not within the rights of the select committee. That was in regard to land purchased under a bill of 1888. It was an enabiling bill, and the original bill provided that a tenant could purchase the land which he held. The tetet committec, of the committer which Ths considering that bill, introduced a Ese provision, giving the right to the tetant to acquire also the adjacent grassand ond land not devoted to tillage That was field as being not within the righ of the committee which considered the bil, and it was held that the commithe should have received instructions from the House. Whatever may be said, and whaterer the necessity 10 see that this Bill is passed in this session, we must ako give consideration to the privilese of this Counch.

His Exchiscoly Oruet Order! hink perhaps if the hon member wister to pursue further this point of order, it might be desitable 171 dcall with it a once. It hon members remecmber, Rulc: of ous Sianding-Rulerind Oidets Iaty down that resort shall be thad to the rules, forms, usages and practices of the Commons House of Parliamient of Great Britain and Northern Irrland which thall be followed so far as they may be applicable to the Council and not incon. sisient with the rollowing Rules and Orders not with the practice of the Council., So far as the prictice of this Council is concerned, it will be found That in dealing with bilts referred to select conmittee and ofternaids detaled in this Council, we do not follow closel) House of Commons procedure, no doubt for good reasons of our own, as we have buitt up here a procedure which is suite able Ior our local conditions. We have local precedent for the action taken on this Council by the hon, Attorncy General who-and I think all thon. members of Council will agre-in pres senting the select comnittec's report in the form be has done, attsching to it the full slauses of the bill that it is now proposed should be nade law, hay done so not with enty desire of cubletfuge or of concealing any alterations which misy have been made to the original bill, but because the thought for the convenience. of members this was the most desitate form.

I therefore feel that, on the point of order raised by the two hone nembers. we have the practice of this Councll behind us at least on one, if not two occisions.

As regards ithe remedies that the hont members may have, since as they ate opposed to this bill they are naturally entited in all posibie manner to oppose If within the four wally of out Standing Rules and Orders, would refer the hon. members to the terms of Standing Rtale and Order 80 (ili), which lays dawn thist on a motion for the adoption of the report of a select commitice, the report shall be debated in Counci, but at the request of any ten members piesent the Bill shall be referred to a Comnititec of. be whole Council, and t think one of the hom members ysterdsy sugested the hon that would be desirable io vizw of that that wo mode weti it is oren 10 the alterations made. Wetl; it is oren 10

## (Mr. Patel)

That section of the comminnity which is Gifected by the masare has the right to it on the select commitec, which in my subttixion is againt all principles of democtact. All clements in the Council thould have the tight to expresy an opinion on any mestite whith dícely or inditectly alfets the country, I am alu ojpord to inis report because the orixinal bill, as 1 stated at the second reading of the bill, in in furtherance of the principle of laying down a policy which declates in se many words that ota civilization in this couniry is to be based on racial grounds and that there will be no consideration whatsoever for ehice 1 also oppose it becatise the formation of the board indicales that the Cown devites to abdicate in tavour of the reprecentatives of a very small group in this country who want to have con. trol of the land in a very importans area. Whatever one may siy in jutifitation of This blt and the constitution of the board. it is sery clear from the provitions, which allows six members of the board to be electied by a mall section of the popalation of this country and alto prowics that the guorum will be such that they sin othinues the work of the hoard al any lime, that in $m$ y sub. mistion, is nothing but 3 complece abrogation by the Crown and by the Government in ravour or a ivery smalt Influential section of the population of This country, und is a ditect opposition. in my opinion, to the policy which was. ©eclared in 1923 of the paramountey of native interests, because this Bill and this selest committer repont suggest fery cleaty that the interests of the European community temain parmount In this country:
Lord Funcis Scott, On a point of ordery are we diseusing the select commitie report of are we once more discussing the main principles of the bilt Which wire dealt whit duritrg the second
reading?

- An Pame, 1 refer to this matier because the constitulion of the board has tien ehanged by this select committec repart, and the quotum of the board har been ehanged so as lo give sreater power to the section bbout whom 1 am talking Therefore in my tubmission a have the righ to mate reference to that.

1 do not pronose to reply to any remarks made abaiut Indians who eetirr to lake land. ete. because, it has been already commented on, but whatever may be sald 1 can state with confiderice that thete is a strong tesire anione the Indian communily to-day-whateier pasi history may be-to take to agticulure and it is not only 2 atrong desite which has to be taken into consideration, but it will be -an absolute necessity alien the wat if we want to setile Indian vouthe now being educated in Indian schools and the Government has shown 15 inability, its lack of interest, hy not thking any serious steps in regard to Indian youlhs and their desice for land. while they have shown a keen desiri, 2 Keen intertst, in regard to ithis Bifi. Andthe reason why we wish to oppoce this Bill is 10 show our strong fesent. ment egatmuthe neglect of Indian in. terests as regards aggiculture I am not Joing this with 4 view to political propaganda, but to draw the atiention of Government to the serious necestity for procecding with the work of the Indian Land Sctlement Board I strongly resent and protest egainst the misleading words used by the fion. Attomey Generot when moving the motion before Council. 1 did so at the time of the sccond reading, and 1 Wish to repent it, because it, gives 2 very misteading imprestion to poople outsise. The hon, mover said that this report is the retult of the views of people of this country The correct thins to shy would be that it is the result of the views of the small European section of this country. The hon mover sald that it is a revolutionary mezsure. If would have beef correct be say that it is a measure which could have been iniroduced and passed some cenluties bock It the the of the landed aristocrecy The hon mover suid it was in the best intercis of the country, but we Indian menibers say that it is only in the in. terests of a small section of the poputh. tlon of this country if is tery caty for the hon mover 10 teply to me that inbirectiy if does good and benefits the country. Whencver in the past measures have been introduced 10 cater for the wishes, of mali cliques and small groups, it has always been ciaimed that it was indirectly in the inieresis of the. whole society,
Lastly, I oppose this committec report because 71 -coninavenes parfiamentary
[Bf Puel
patice, as was pointed out by the bon. papber Mr. Amin yestenday. The hon. ember pointed out that two impottant detions have been made from the Bill, ded ont of them was the provico to axd ont of extudes residential land not eceeding 20 aeres in exient. No men for has been made about that. No ex daration has been given in the selest cenmitte report, and therefore' 1 sub nit that it is absolutely frregular. He tho pointed out how important chapters bair been added and how yery imporlmo clauses have been added, and that thereby this Bill has become on entirely new bill. The select committee report puts te original bill in a form which will make it a new bill and $t$ submit, sir, that if palliamentary practice is consulted it will be cleath shown that the Speaker it the House of Commons would order the withdrawal of this bill and would tequlte that it should be re-introduced. The Bill has been amended in 30 mony mpects. introducing so many importan diuses, that any reasonable person in my stitmission will consider lhat it is not the bill which was pased a second litue, but a new bill altogether. It we consul Rute 7 t of the Standing Orders of this country and Rule 34 of the Sanding Orders at home governing the piocedure of the House of Commons, it will be found that the words "relevan to the subject matier have been copied from Rule 34 sovernins House of Commons procedure $I$ con give one Intance a least where it was held that the Anendments were not within the rights ct the select committee. That was in repad to land purchased under a bill of $1888.1 t$ was an enabling bill, and the celinal bill provided that a tenant could purchase the land which he ficld, The sdeet committec, or the commitiec which was considering that bill, introduced a ane pravision giving the right to the tenant to acquire also the adjacent grass. had and land not devoted to tillage Thit wis held as being not within the tigh of the committee which considered the bill, and it was held that the committee shoutd have received instruclións from the Holise. Whatever may be said. and whatever the necessity to sec that thit Bill is passed in this session, we must also give consideration to the privilege of this Council.

His Excruciever: Orderl Order! 1 think perhape if the hon. nember wistes to pursue further this poing of ordem it might be desirable 1 t dealt with it at once: If hon members renemiber. Rule of our Standing-Ruler ind ${ }^{*}$ Offers Inys down that resort shall he had to the rules, forms, usages and practices of the Commons House of Pafliatient of Gieal Briiain and Northem lreland which shall be followed so far as they niay be applicable to the Council and not inennsistent with the following Rules and Orders not with the practict of the Council. So far as the practice of this Council is concerned, it with be found that in dealing with bills referred to select committec and aftetwatus debated in this Council, we do not follow closely Hause of Common' procedure, no doubl for good reasons of our owne as we have buill up here a procedure whith is suitable for qur local conditions. We have locil precedent for the action laken in this Council by the hon, Allomey General who-and 1 thinh all ton. members of Council will ages-in pre serting the select committe's report in the form he fas donc, stachine to to the funl clatises, of the Birt that it now proposed should be made law, has dons so not with any desire of subterfuge or of concealing any allerations which may Gue been made to the original bill, bul betause he thought Tor the contenience of members this way the mosidesirable form.
therefore feel that, on the polnt ol order raised by the two hon, metribers we have the practice of this Countal behind us at least on one, it not two occasions.

As regards the iemedies that the hon. members may have, lince is they are opposed to this Bill they are naturally entitled in all possible manner to oppose it within the four walle of our Sanding Rules and Orders, 1 would refer the ton. riembers to the terms of Standing Rule and Order 80 (iii), which lays down that on a motion for the adepion of the report of a selest cornmittec. the report shall be debated in Council, butat the request of any ten members present the Dill shall be referred to a Commitice of the whole Council, and Ithink one of the hon members yesterday sugested that that would be desimble in view of that that would be desirablit is oren 10

## Whiy Excellency]

the hon member to have recourse to that Standing Rule and Order 100 not know What the fecling of Council is but it he can oblain the support of ten members he has the remedy atht this Bill should be coniderch in commillee of the whote Conncil
T would (urther draw his gitention to The detims of Standing Rule and Order *3, trider which "on the third teading of a bill, May member tho desiter to amend or delete any proviston contained in the bilt or to introdice any frah nrovision, mhy move that the bill be recomintited" If the lion membert cin ger suppost for such a motion, there again particular dauses can be reconimitied. So that on the rulting eiven, $t$ would say that the procclare which we are now adopitige ${ }^{15}$ nol contrary to the mactice of the Councit, and l felicis it to be in the besinnerement Council who ore in this manner obtalnitg the very fullest information as to the contents of the Bill. Which thay are being ushed to approve. (Apphase.)

An, Paill: In liew of Your Excellency t ruling I have nolhing fatther to any on the mathe of procedire, but for the bunious reasuns 1 have mentionse I ongose this treari very strongty,
Lomis Frascis Scomt str, 1 tice lo support the motion and of speak to that motion, Firnt of all, I should tike to congratulate the selesl cotmitter, and eppecially tis clialiman, on the tremend. ous amount of trouble that they have Enken in pioducing this report, They musi have fiad ane etrentely timecult job, and 1 do feet ue une all or then a great debi of emitituc, eprcially if 1 may may so the hote maver of the motion who so therty alice ariving in the country. Tound htimself livolved in such a dificult and controversial meastire 1 am only going to reter to a few points and wilt not waste too much of the time of Council. $12 m$ eviremely glad to see that clause 19 has heen smended by the proisc, minking it quite cear that this measure only refers to land which is not

- being properly feveloped. There is no question about th that there was a very areat feling of insecurity it the country. cecause as the Dill was worded before thete wa noltians to sar whether is applied to dercloped or undereloped land, exent tor the part whith deals
wibh that particular subject I do hope that this proviso wilt remove the fars of niany of my friends who were quite seruinely very apprehensive I know many people thought that this wat I measure for confiscation; in fect, enly tiwo days zgo a certain resident of this. Colony now rervigitime army spoke $t o$ me on that subject and was very sutprised when 1 told him ithat if his farm whs taken he would get a, faite markel value, and 1 am very glad that that provision in clause 28 (I) (at has been inverted. 10 feel very sitrongly that It the object of this gil is to be achitved, which is the increase of settie. ment In the, Highlands area of this Colony and increased development in that area, it is absolutely esseptisi that owners of land should feel liat thes hate a proger security in the tenite of their land, Like the Hon. Member for Ukambi, 1 am not an apostle of these new bright ideas for the new wonderful world so far as land tenure is concerned, nor did layer in my youth stry from the stratght and narrow path as he says he didl No donbt that is becaure of my more phlegmatic Scottish, nature as opposed to his mere inagimative Jrish onel Hut while I stili hotd to the same vens 1 dn fed that owners of lond should have just is much right and Irec: don to deal with their property as owners of any other fom or properiy.
I am supporting this motion before Council to-dpy, because 1 believe that it is the only way in which we can achieve our objects, Ay hon, frend thinks it could have been dane in 4 much simpler forty, and personally 1 nalways prefer simple measures iff possible, but. 1 rather Uloubt if in this particular cise it could have been done, and lf one is goites to a rather complicated method of achieving an object 1 believe one shoults go into the full detatis such as we have before us In, the select commites reporth and Iam niore optimistic thon my hon. friend, becsuse 1 belicve it can be made to worty although 1 realize there will be great dilfsulties There is only one point 1 rather regret is not in the Bill, and thas is that there is no time limit. 1 am harp. ing back on this thesis about the security of the tenure of land. The object of his Bill is to obrain sufficient land to put new. prospective sentiers on, and to see that when they are on that land if shall be properly developed, but that should
nord Francis Scolt
por take such a breat many years to cediscr. I should have liked to have seen cone time limit. so that by that tipe the utole of his Bill would have to be once wire considered in this Council as to bether fh had achieved what-wat-inoded or whether it had failed, whether it hould be continued or whether it hould be wiped out it should not thke $1 /$ grat many years to-find out what land a avaliable and should be acquired, tand G our belief is right thit there will be Ihere number of people who wish to cone and take up land, it should not bee so many years befare they can be ented on the land. I do feel that unless tey feel in their tum that they are going whave security of tenure, you may not col so many of them wish to cpmic. I wegest hat after a period of lime, 1 do not say how long, the whole of this Bill could very reasonably be wiped out with the exception of Part IV, non compliance with development conditions. 1 think we all agree that if people have tund they should develop, 1 properly, aed if you keep, maybe in some othe ordinance, these conditions, or have them in an ordinance by themselves, so korg is bou keep these development onditions in existenee, I hope that alte 2 cetain number of years it will not be eceesury to keep this ordinance going Whd wo have no undue interference with the owners of property 1 fed strongly Wat once pe have pot the land selled and sot the people on fi doing hair very tea to tevelop it the freet powers they have over their land and dealings in their luve the betier it will be for the country und the belter it will be for white sette ment in this country. With those iew tmaks 1 support the motion.
Mne Coones Your Excellency, 10 My Thy of thinking the strongest argument in hrout of this Bill is that it has been oposed by the Indian memberst There han old syying that the onlooker secs most of the game, and the fact that the Indian menbers have always been opposed to European setilement of the country and are opposing the Bill shows, lo my mind, that lisey realize that the Blis going to hetp European settement. And ts may be some comfort to that dimporotis minority ouside the Councl opposing the Bill that they fre associated *ith the Indian members in that opposic tont There are one or two clauset
hat I do not like about this Bill, but 1 am supporting lf nevertheless, because It think that perhaps later on these clases may be manded if necessary The first is clause 3 (2) (u), that the beat shall contist of six sher persons Permanally i mina 1 mustake and shows suspicion on the part of those merribers on this side of Council that the Government thembes orithe :boad will not use their Yoting powers faitily. 1 would certainly hase preferred to see only four non-ofleials on the board. The second clause which It do not like is clause 4 (2), that appointments may be cancelled at a meeting convened by two dected members. 1 think it would tave been much better to have kept the clatese in the origima till, by which Your Excellency had rower to cancel any appoinimen, because to my way of thinking this amending clause might tead to the lobsying of elected membets. and that would be a most undetirable practicr. If by any chance this Bill is not accepted-we know such things do happen-1 hope Government which has shown mon tremendous patience in the matter and has gone out of its way to meet the wishes of the people on this side of Council, will bo straighe ahead in the next Council with $a$ real honest. to-sod exproptition bill and that they wilh push that through with the un officit majority whom will ceritinly support for I think that if this gill does not become liw Government, in is obligations to the soldters, milors and alimen, mut bring in some kind of bill to make certain they get the land they want af er the war.
Me Fósten Sution If 1 may inter pupt the hon member on $a$ point ol explanation, when he referred to the original bill conceming the cincellation of the appointment of members, 1 think he muit have been thinking of the October bill, becaute the bill which was read a second time had the same pro vision except that we are adding to th.
Mr. Coozre Yes, 1 was releting io the October bill
 Exellericy as a member of the select comaittee $I$ naturnlys ise 10 sipport the molion befort the Councit, Thete are one or iwo remarks that 1 should tike to make in answer to some made in the last day and $a$ hall. In the firt in-
[Major Cavendish-flentinck]
tianct. 1 thould hike to deal with the "uhmistongest I think they, called thent, of the hon Indian mernbers. Although you, sir, have dealt with the conmtitumal point which they have rist at great langth, 1 would like 10 núntuot that fil was in uny event faltiy. roundtes Iheik ctiletabjectionsto the report, especially those of the fon. member Sif, Amin, were, Aistly, that we took advaniege of his obvious simplicity and innocence by placing before him a document withou in some way diawing altention to omistions as between a redrafted bill and the bill ha had had beforeh him a few weeks sgo; secondly, that we have so changed the bill that it should be rccommitted, As regards thic firse whimistion, I do not think amthing has leen unne on this oceasion which dilfers from procedure which has taken Dlacetanthis Council In the past Both those hon. gefitlemen are legal gentlenet, and leerelore, 1 presume, are capable of rending and walting, and therefore they surcly can see quite elearly the differences belween the bill now before them altathed to our report and the bill which was the subjeet of the cccond reading. As regnods the constitutional pottion, 1 beliteye is is setierally laid down, and the hon, menber Mtr. Amin guoted some authorily, that If an amended bill contained matiers of pinciple not discused diring the sceond resding and came back in that form there might be some objection to 1 t . 1 do not belicre, and I am gure that my cols leaguts will suppoit me, that thefe is any aingle master of principle which we have inetuded in our new draft bill Which was nad direetly or indirectly dis cussed Uuring the debsle on the second reading. Certalinly the 20 acre clause Wax: certainly doubls werc expressed whether owners of land woutd get a fair deat, for whith reison we put In this new lorm of assessment, anit certainly the question of thic number of members of the board, unolficials, was raised.
Therefore 1 contend that, granted that we have added to and considerably changed the form of the nilt, in principls alt we did was to try and meet the ex. pressed wishes of members of the Councit in the course of out deliberations on the select commitiee ot course, in point of fact the tion, Indian members are
nether lnnocent nor simple. In laci; I mighe say that their manoruvrings on this occation are fairly obvious What they wanted to do, I submit, and 1 alsa make "submissions" now, was 10 score a rew debating points and play for lime, so that the opponents of this Bit outiside this ebuntry might have 4 longer petiox in which7oty lo take action to oppose I. That is what 1 think wap at the bask of their minde I feel-althgush is is departing a litle from the clauses of the Bill and 1 do nol want to statt another second rending debate-I should draw the attention of the hon. Indian members to this fact, that this Bill is purely a dotnestic megsurc, a domestic measure in whith they are in no why concented. This Bill mercly provides for the control of land transactions within the High. lands In pthec words, all the Bill seeks 10 do is to lay down a procedure whereby within the area in which Europeans enjoy a privileged position, they can advise His Excellency the Goyemar on the disposal of land as pro. vided by the Highlands Order in Coun: cil. This Bill in no way changes what has been the procedure in the pasi, titin no way changes what is the procedure today and in no way does it change what 1 can assure the hon lidian members will remain the procedure in the Iuture.

Yesterday we found, at least 1 did. the proceedings of thir Conacil some what tedious, 1 am afrald, but ar lenst they were much relieved by the sptitely and invigorating performance of the hen Member for Ukamba just before we rose, He gave us, as usual, a rematiably able and amusing spech. 1 da nat think he relerred to the report, except in very eeneral terms (Laughter.) am atrald that I connot cmulate him. bezuuse 1 personally fel sery serious. about this 日ill. He stated that he had outlived three periods-(Col Grogns: Twol)-turine which wetl intentioned and somewhat foolish people had trici to alter conditions as rcgards land tenuire: in other words, there were people, who had reised the theoryCOL GKogans. That is not quite correts 05 to what 1 did say on a point of cyplanation, Well. as 1 understood the Hon. biembet, 1 cathered that he contrasied sharply the opinion he held when he was goung peihaps foolish but had TUeals, with, the opinions he holds now
phar Cavendish-Bentinckr
zin he is perhaps not quite so youns on pechaps. has landed possessions! huuther.)
Col Grogare On a point of explanacon what 1 did say was that 1 had lived drough two periods and that we were Pwimsred in-thind-when-people ibo did not own propersy would blike to ule other people's over for their courpation; and that on two previous oceisions the policy was applied and Gimalls tailed, and that this resusci: ard the same idea and would probably fid equally as dismally.
BHor ChVLNDISH-BENTINCN: That, $d$ course, 15 exactly the point! (hathter) This Bill was opposed by the kon member because he feels that it Wox to some extent, although he admits if his been emasculated a good deal, treaten complete and uniestricted omership of land (COL Choain, No.) Wht, no (Laughter) Anyway, the whole obits of this Bill is, of course, 10 give the stie some say in the one asset tit has an order to ensture that that asset is made er bert possible use of to the benent of Ite ereatest number of people, and that of the wiew 1 firmly hold whellier $I$ am 2 dily ass or not, and shall continue to bold unil lam put away. The hon. mmber atso tither poked Iun as the npe of setler that has to be thught 10 Jhmi that has to be provided with moriey to kant with; in other tyonds, the spoontIf ceiler 1 woutd draw Councils staption to the fact-and I must answer the hon member's contention-that these teng countries go through threc stages. Ve first have the explorer settler*, Geite a fine character, and yery fine poople some of them, who first made it posible sloghtly 10 develop this country. We have a specimen here whom we lope very well and haye grent affection ior, In the person of the hon, member CoL Grogan himself. The second sthge as that of what 1 call the pioneer senter, uni most setlers here to day; I think, cone under that category, and we have 3 great deal to thank them for They bave been itrough dificult times, and hut phyed a very great part But, sir, E Gnipi siop there The next further une when you are really rendy, 10 xtiourly develop the country must be lat lype af setter whom you get out nizt a regulated scheme of closer settlenetr and more especintly so is that the
a
case alter a pertod of war when there are lage numbers of men who would like to come to these sott of countries. who will not have any money lbenselres. The fact that they fought for us for five years will not fave siven thent any opportunity of Searning tarming or any Other trade, ind if in is not our duy to do something for these men 1 think it is very thard for, me to say any more. because we all know that it is our duty to do something for them. 1 therefore suggest that we should not poke fin at "the spoon fed" setler, bit do our best" to provide for him, which is what 15 proposed under this measure.
I am now caming to the chief reasion Why 1 have iniervened in this debate, to poine out that in several clauses, nolably $4,12,15,21$ and 37 , of the new bill the phrase occurs "out of moneys appropriated by the Legislative Counci of the Colony for the purpose". Yesterday the hon. Member for Ukamba, as 4 partins shot, sailu that one of the first resulis of the Bill would be that the hon, Commissioner for Lands would be aisking Legilative Council for money, Welt, 1 ame golas to save him the trouble becalise if this bill dies become law, obvtously we niust have money to implement 14 therefore ask that we shont be infomed thy Government in the course of this debate whether they are preparell io provide the money necessary to carry out the provisions of this Bill as soon an lithas been given the Royal Assent, because if not. I Teel That I shall have to ath hon meribers on this side of Council whether they would ask Your Exce!lency's tenve to suspent Standing Rutes and Orders to set in 2 motion on the subject, Obviously we must have money if we are soing to proced with the intentions of this Bill Lssily, the aug gestion has been made that his Bil should have 3 clatse finsested in it providing for a time limit There are two points of view, and both are worthy of investigation, The hon. Member for Rift Valley hat put up one, I would like to ptit up the other. In my view, this gill represents a turning over of the pase, a new philosophy fr regatd to land folding in this country. I cantol see how we are song-10, curtail or limit our setlement schemes to $2,3,4$ or 7 yeart1 tope 10 ste our plans in operation for. 1 hope to see our plans in thi be, so then

ADapor Cavendith-Bentinck]
1 suggett that cither we have sat to be whole hearied aboür it and bring in a bill in which we really believe, in which case it is idiculous to haye a time limit. Only if we do not Intend that, and confes that we and in lact hals-heasted. hhould we put in a lime limit. 1 think that even ff we were hall-hearted about il che thould finve to realize that, If a time limifis put in, towntds the end of that periol it is golng to be very dimeuli Inded to operate this meavure it not imposithe 1 personally am vilerly and entizely opmoed to the invertion of a time limil clause
In cinclation, 1 would like to pay ribute builh to the chairmint of the select commitsee and the woth he gld in diating this Bill between the times we wete stiting and also I should like to Dy tribute to one or two members of The pable who came before us on several occolions and were very useful. Indeel.
 Escilency, 1 tise to uppose this motion for the adoption of the select commiftec's terost on the Laid Conirol bith. I whe nol iry to oppose this motion on legal ground, that the select committes. has etred in not veclaring cerfain dele. Tons or fn havins expanded the Dill to a very large volume, but 1 will base my the one and my opposition mainty on The one ptinciple that the select commitiee har falled to temove the racial Implicilion th the bill On the contrary they have strengithered the racial disctimination ty substituting six members for tour In clause 3 (2) (a)-by giving powct to the Euronean ciected members of Council to Elect six members instend. of foir. The Bill fiself, 1 think, so far his seen several pciods. $A$ measure such as this was conteraplated Last March, a scoond bill was Introduced for criticim lant October, and the actual Laid Control' Bill on which the select commitce has rephried was uebated in this Coumeit last Anrit, and within a month and a half We have seen it grove fron 6 pages to it. According ia Hindu mythologhe a sout which contrits sins can never find peace: It has to be bort again and again. 1 con lend that until the sinful clause of racial discrimination is remoyed from, this Bill. this Bilt can never, firfa pence
The hon. mover, in introducing the motion for the adoption of the select.
committee report, stated that the objocs of the Bill were, first, to prevent specula. tion in Iand and, second, to enable setle. ment after the war. The word tettlementr, 1 think, might be misleading, ard 1 hope that when replying to the debate the hon. mover will make it clent, so that there misy be no doubt in the minds of people outside, that settement is meyot not for all those who are discharged from the war or from military service. but only sctitenent for the white popis. Istion of this country, To prevent speculation is stated to be the second object. Under clause 19 it is staled thai. when the Crown aequites land, the Crown will haveoto pay the market value of the land, and that, market, vahic wilt Uefinitely be an inflated value In lact. the hon, mover staled that probabls prices will be six times the cost to the land-owner, and this rieans that al the moment the land-owner can speculate by Just sititng and wailing for an oppor. tunity to get his land acquired computsorily by Government for settement purposes and setting a vers inflated pice. The real object of this Dill has been yentilated in the speeches of memlers on this side of Council, and it is clear that the object of this bill is noth. Ing but to secure the sanctily of the White Highlands The second object. Which has also been made ciear by members on this side is that all the white powers interested on the Lend Control Hoard are to establish a white man's inderendent colony within the Colany. I think that is what some of them are iryinigle do, and I would no be sur. pised if the children studying in sencol lo-day were asked to rebonder in the allases and maps a new bonder for the white rolony in the Colony. Under this Bill the Governor is also detcgeting his powiers which so far he has held. Clause 19 reads ${ }^{*}$ Provided that the Governor shall not, subject to the provisions of section 20 of this Orditiance, acquire any land compulsorily which in the opinion of, the board, whose dacision in any such matter shall be final and conclusive, is being adequately teveloped and uhilized by the persof having control thereof. I would not be surprised it the board just gave the land over for shooting purposes.

The hon. Atember for Ukambar res fetfed to the quesions of Indians who were offered land in Tavet distriet some

## [HT Parool

jan ago. A similar point was raised by bene Commissionct of Londs a few bus ago, but I think both these gentie. en are not ignorant of the fact that anis was effused because the Indian ommunity refused to tecept second. onde cilitenship in this country, and did. po wint to prejudice thelt bigh over is White Highlands, Therefore, this difer ras vefused: The poini has been rade very elear on this side of Council th hree speakers. Firsly, yesterday the zat. Mertber for Ukamba said that he doth knell was rung by the Orver if Council by the consent of His Hajesty Government 10 the White Hifhinds. The second point was raised by the hon. Member for Nairobi North wis moming, when he said it is a donetis ulfai and the Indian comtaniy, has no vight to interfere in ti: 1 whicrstand that last, April, when I sppenes to be absent on a Goverament. mistion to India, a similar waming twas Eien b) the hon. Member for Nairobi South when he warned the Indian community to kee hands of these White Highad. It is a vety well Known lact that the Indian community has nevef warendered its right to clalm these White Highlands. They have asked for cquality in inis couttry As a matter of lat, fust a feve wecks ago in conversa. tion with a European friend, he even vent further and said ltat the Indian comminily could pui up other questions lor setternent but they should refrin frax interfering in tand control or in the Hhite Highlands, and then he added a turat and suid that otherwise there rould be bloodshed. The seply thatI gare him was that if a few thousinds of Codians were massacred on this point I des not think the Indian commenily voold lose much. I think perhaps Covenment, which has recently enacted Le immigration restriction regulations: a the understanding that there is 4 Lree Indian population in this country, might consider relaxing these 11 -adyised and unwarranted regulations. Nor will udia lose much by a few thousind less latians from a population of 318 million frepte As we have nos disclaimed our that to the White Highlands, we demand tot lidian oud Arrican representation' thoold bave been included on the Land Control Board to sive beir wicus in the
managemen of the land of this country For these ressons I oppose the motion.
Ma, Fositr Sumiav, I did noi like to interrupt the last spealer, but 1 fet that 1 should rise on a point of order. He suggested that I made a statement to the effect that persons whose lanu was acquired lunder this measure might get as much as six times the value of IL 1 sid nothing of the sott, what l said was that this measure in designed to get orer the type of, sitiation which had arisen in a case recenily where Governmeit, under the India Land Acquisition Ordinance was compelled to pay six times what 1 considered the real value of the land.
Mr AOxtimer, Your Excellency, in suppoting the motion 1 hope not to sate up the time of Council too lons in an alreidy somewhat prolonged debste, but there are, certion important matters 10 which 1 uught to reier First of all. 1 should tike rery cordally 10 join in the tributes that have been paid to my hon, Triend the Attomey General as chaleman of this select compitter, Soon atier his artival in the Colony he wais plunged timo this importint, conpliceled and controtersial measute He proyed yety quick th the tiptake, and soon got a real appreciation of the background 10 the measure and of all the factors concerned. He his worked on this miesture with the gratest enerty end without regard to his own the or convenience, and I think this Council and the counry owe a great Jebr tomy hon friend for the work he has put in in this way. (Applatise)

Reference has been made to variout Issit points, which thaye already teen deall with, as to the tight of the select committe to makéalecrations in the Eill of $a$ somewhat fafresching charactef. 1 will not rect, rgain to the legat side of the question, but mectly refer in general tems to the kind of altemtions that have been made li has alresdy been. stated quite correctly ihst allemtions were mide lasgely , in fact almon entirely, ss a result of the second reading debate and in an endeayour to interpict the wishes of this Council on the pofnts at Issue. That appties to the exclusion of areas under 20 acres it applies to the appeal provisions in the Bill, gind to the provise that no land that is in flie opition of the board in beneficial occupation shatl be taken compulsorily: It was alpays the intention that that

## [MIn Monimer]

patticular provio would operate. In was celt out of the otiginal bill mercly because of the dificulty of finding a ativfactory definition of whist was meant b) weneficial oecupation": Under the proviso to the till an fl now stands, that secition is left fo the boad who cant, 1 ant aute be tuited to exercise authority
 If the parts in agpileved, proweyer, he will have, his sistit of appeat. The abolition of the exclusion of areas under 30 seres from the operation or the Bif was at the reques of Eutopan clected fiembers and in actordance with many remesentationy that were mode outide this Council. Allhough there were divided opinions, the select committer fels- -hat It would be prefergble ta deleie the extfusion and rely for further exclusions. unote hatast ctause of the messure. clatise 47, Which flows Your Excellency, "nfler consultation with the Hoard and the Highlands boatd. by notice th the Gaxelte, fo exemm गomitall or any of the provifions of this ordinance such clanses of land, and such dealings or transacitons relating to land', as Your Excellency may think flt. I have foen aiked to pive an assurance tipat one of those exenpitons will be the residenial arest on the periphery of Nairobl, such as the Karen Estate and the Spring Valley Estats. 1 cath , str give the assuranee that as sion ai the Controt Doatd if lunctioning that will be one of the mallers brought hefore it at one of its cady metings, and the sugestion will be mode that representations be made to the Governor that those areat hiould be cxemph.
Without takine the yarious points made In debale in due order, 1 thould like hist to deal wih the cenarks made by my hon. frend the Member for Ukamba. As always, I enjoyed listening to his specch limiticnsels and I reciprocate his expressions of esteen and warm. allection wilh which he pavoured me. Now 1 , ath sacrised of laconsistency, I have never claimed to be consistently conslitent, no do 1 clain liat now, and tor my moral suppot! 1 Tall back on a remark atributed to Dr. Johnson, that consisiener is the hobsoblin of litule minds. Hi this maflen havever. 1 do claim to have been consistent-more consistent than the hom, niember him. Sedf-for he admits to haying changed
his vieus perhaps even more than once on this important subject duting a long cousse of years. The original bill, which was prepared when a tequest was made for an acquisition bill to accompany $a$ control measure, was brought in in March of last year. That firxt bill was dralted on a New Zealand model. The model from which it was tuken may of course, bise ben infuencec by the reveiberations of the hon, member's opulent oratory or persuasive eloquance coning down the years long after the hon. members ro-aserted itself be that as Tf may it wis a New Zealand model that we woiked from, ansl we found when we wor x a all the all the dominions and some of the colonies bad either muroduced of were considering the introdtaction of legislation some what on our lines. l have here a very imporant report cilled "The Reconstruction of Agriculture", prepared by the Reconstruction Comminte of the Department of Agriculture and Forestry of the Union of South Africa, In that report, reference is made to an act which is on the statute book of the Union. ealled the Unbeneficial Oceupation of farms Acr of 1937. That Act provider that farm that have been unduly fragmented may be acquited compulsarily by the State. It goes on to say mit la evident that this Aet could be applied for the expropriation of any or all farms which are of sub-economic size and which should be pul to much more effective use In my chse it has no preventive implications, nor daes 11 restrict unbeneficial occupation in so far as large holdings and land held zite for spectlation pirposes are concerned. Here should definitely aliso be included land held as labour farms The Act should be anended 10 permit of thes: aspects being properly deall with". That is a clear indication of the trend of sublic opinion in the Union of South Arica:
Col Groger: On a point of explanstion, 1 unserstand this hotity is addressed to me. Ay charge of ineonsistency against the hon gentermanswas contained in the sentence that all this class of legishation should be covered by od hoe legislation. That applies to all land iriespective of whether it is native land or immigrant land and the hon. genuleman's ansper, as understand it.
[Col Grogan] is a complete evasion of that charge of poonstitency and supports my suspicion ofens dominess to which I referred the of that dow
Mr. MORTIMER: Well, sir, on that chiticular point 1 have nol varied one poticul still feel that legishation should exish, and lf it does not exist that I should be enacted to ensure that all land hall be properly used, whether held by Eurodenis, Indians or Alricans. (CoL Gimain: Then yhy stick in this?) 1 belicye that every opportunity should be seized of inserting. wherever possible, measures for the control of tind, for the improvement and beneficial occupation of the land, and to ensure that the State, the community as a whole, gets the best couth out of the limited supply of tand vilable to the community The paricula development clauses in this particuIs measure which the hon. member ist measure to mee it should not be issumed emanated from me As a malles of fact they did not. The hon niember. said that this was merely a wheeze in order to enlarge my Land Department and to obtain increased staff. That certaing was furthest from my thoughts and hever occurted to me, nor did the idea occur to me that I might use the opportunity by means of a kind of blackmailing to obtain some more dignificd. und warthy accommodation for my department. It is certainly an idea that 1 will keep in mind (Exughter))

Con Grocan: That is a complete ciscepresentation of what 1 shid. My thalleoge was against the methods udoped by the Land Oflice for: a very logs time, during which my hon, friedd knew they were ones of hackmail. 1 did not refer to his application for hundreds of thousands of pounds for housipg for Hingel and his friends.
Mx Mortiner, 1 think when the tori. member sees the Hinsird report he will see that he used the other expression too, but 1 am open to comection, Howevet, 1 commiserate wis member that he failed to nduce 10 his me or my predecessors 10 sise to dis challenge, and again dam sord bird appoint him. The downy, of hoo delines to sumllow the bait and the hoo on which it is supported

Referting to some of the details to the pecth of the hon member Mr. Amin. I have already teferred to the abolition of the exemption of land under 20 acres On the point of the consitituion of the board, six elected members instead of four, thete is no real change of priaciple. The object of the ofiginal provision was to ensure a majority of unofficials on the boand. The object af the amendment is 10 make that aisurmice sedute at ail fines and in all circumstances. It has been suggested that the members elected in that way will or could stultify the whole operation of the measure by refusing to function and attend mettngs. Such a siluation is so temole and ridiculous that I do not think we need think of Lh There in not the slightest reason to sssume that the people who accept this responvibility will reluse to carry out the obifgations they have accepted. The hom member alio criticized the restrictions th the right of compuisory roquivition and its limitatlon to undeveloped fand. That way alway Intended, and therclore In coming Into the open with the proviso to the particu. he clave the select committee is dolig. ar clause then making clear ibe istentor no more than making cicat ine intemion of the gill which was repeatedly sated. On the quettion of the time lifith ralied by the non Membet for Rlit Valiey, 1 share the opinlons expressed by the bon. Member for Nairobl Southe 1 do not think 4 will be wise to intert $\pi$ tims limit to the operation of this measure, as 1 resard it as a permanent, addition to the statute book of the Colony. If, hoverer, the time should come when the Bill ceases 10 , have any value, when it is no longer required, or if is operation has not worked out as admirably as hon., membert expect 1 l will be willin tho competence of any member of this Council to bring forward a motion that the measure te teppaled or that a celect commitict be appointed to bring it Under review, I feel conident that 1 ean sy that if such a motion had the support of the European clected members, Government would resdily accept.it Goven therefore see no useful ofject to 1 ean theretare be gnined by pur inesure at his slage.
In reply 10 the hon. member Mr. Paroo, I will again say unequivocally paroo, $t$ will again this mearure is to further white senlernent in the Highlands further white sellemen There has pever been any,
of this Colony, Ther $n$
[Mr. Mortimer)
doubt of ihal, There is no subterfure doubb it The object of the measure is abundanily licar and f once miore ico fllm its
Mx. Anint On y Moins of explana. tion--
Tis Excturacre 1 - 50 not think the fon, member was tefering \{o you, but to the hon, momber Mr. Paroo.
Ma Amiv, 14 Was athing out of that-
Hos Excuurser There wat no refer: crice to ant slatement by the hone member

Mn. Moribira: That intention is $\ln$ becordance with the dectaced policy-oul Its Aajesty Govertinent and whe from. which lhere 19 no intenition of the Alsfles tepature, 1 think It have covered all the Impottani points that ghave been made so far, and belore sit. ting down liefe tre 14 g smalt anend. nents which 1 wifh to move nt this: stage. t beg to ninve thit the selcet combmittee report be anended by the rollowIng nmendnienis to the draft bilt atsiched In shendnents (a) by the tetetion of thr. fili siop al the crd of prastaph (c) of ciause 30 and the sitmsitution of a semicolon thetefor, and by the addition of the following as paragraph (d) t "(d) cnter upon and take postession of the land described In the award in cases. Where be hat not already so encered and taken poscession of such land", and (b) Hy, Inseriting hetween the figures and brackets"Ith and the word "members" which apmear in paragraph (c) of clause 38 the followine words: "the chaimman and". The oblect of that fint amendment is to make at abundjnily clear that ufter all acquisition procecdings lisue been completed the Govertor may insiruci tho Commissioner to enter and take poisestion of the land so aequired, That In. in order to suoid any poussible legal quthbles as to when or how or with what uubhority the Commistioner shall enter The second aniendment is 10 make if clar that the chaiman of the Asces: ment Board 15 also entitled to he lees. or allawanees which ere given to the members In cirfing out their dutics.

## MK ZRONX senonded.

His Exciiliner, As explained by the hotementer, these amendments are
merely to correct deafting omissions in the Bill as presented As the motion is of a formal character. 1 will put the question, untest any hon. member wishes 10 speak.

The question of the amendment whs put and cartied.
The detate on the molion as amended was tesumed. .
MAOR KLySER (Trins Nzoia), Yout Excelfency, at a member of the $/$ select committes I tise to support the motion. There are only one or two points to which I: thould like to make relérence, and one is the question of the time limit. I am definicly ort the opinion that the insetiton of a time limit would weaken the Bill vers considerably, but in view of the statement made by the hon, Con:missioner for Lands ond Settement that If the European elected mombers supported a motion for the repent of this Bill the thought Government woild acecpt the motion, and as that statement. was presumably a Government-inspired. tatement, I presume we can acoept it, Ihat that will happen 10 such 2 motion put up to this Counctl. That, in my opinion, is sumeient securily for 110 e who are doubtful about the Bill in its present form without a time limit. Tie other point I shotide like to briag up it the reference by the hon. Member for Ukamba to spoon-fed sefters: Well, was one of thoses oldier-sctuers whio was one of those out here afler the last war, and we were not spoon fed. Perhaps the more robust ones of us survived, but we sow. a very considerable number of cxtrently. good men, who would have made excellemt setpers, go down because of this lack of what the hon, member calls spoon-feding To-dyy we are considerlag what we are going to do for thase of our countrymen who nee serving in the Forces, and quite definitely those of us wha took part in the jast soldier-setile. ment scheme will no sil ide and wath those men whe come out of the Services athowed to go under again as they were aler the last wat (Hear, hear) The only other point 1 should like to refer 10 is that of the hon, member Mr. Paroo, who spoke of the Indian rights to the Htghlands by, 1 presuric local Indians Agnin 1 shoutd liec to bring to his notice, as has been done mony times before, that they cannot pay very much value to a right for which, when it was
[Mion Ketserl]
challenged witho possibility of being compleiely abolished, they did not tate onmp one obsious and practical means of defending it 1 should, before 1 sil down, que to pay tribute to the hon and lamed Allorney Gener3l for the extracly hard and ible wotk he nut in diring the sittings of the select comuitet and the very great assistance he Tha to us.
Ne Vincent: Your Exceliency, 1 must rik for a moment 10 support the Bill. ind also to ask for da announcement of a defnite principle, The hon. Commis. sioner for Lands and Setilement did state that two porions of residential property adjoining Nalrabl woutd be considered by the new boatd for a recommendation to you, sir, that they be excluded from the operation of the Bill, 1 would like the hon, and learned Altorney General. in reply, oo let this Council know if it is Government's intention to exclade all retidential aress which the hoard considen would not profitably and rightly come under the provitions of the Bill.
I am afraid that 1 must btielly refer to the statement made by the hon, member Mr, Paroo that 1 have warned Indians some time ago-int terms of "hands oft'. That is not true. What 1 did tate, and 1 state again, was this, that haless the British Europeans had orizinally come to this country years ago I did not think there, would be any squatters to squat or Asialics to agitate roday, and I wamed His Majeslys Govermment at home that we would not For 2 moment tolerate any interference with our rights in the While Highlands. 1 did tol attempt to cmbroil lie local Indians, for many of whon, I have a censiderable respect, The only oppert pe only point on. which there is $\pi$ the only pomit onion on this side of Council, is the possibility of the insertion of time limit in the bill. I um goanst that, for this reason. that 1 nm supporing this Bill because 1 betieve it to be an carnest endeavoúr to follow a course which is in the best interests of the people. But I warn this Council, and I wam Goveriment, that unless we take. the logieal steps which must follow the pasing of the Bill, as even though we fasert, time himit of four or five years it might never run tor that period,
because I regary this bith as belis tied up with a much reater widet planned developmeat of this country including, as I have referted to before, the question of siabilization of prices for primary products if we are soing to. encourage men on the land and then not sec. that they-are-protected-in-the matter of prices in some way or othet the whole of out cconomic, fabric falls, and this bill will be of no use whatsoever 10 the communify One can so on 3 long time talking along these lines, and ! stiould probably be accused of not adhering to the matter before. Council. bui I fcel that Govemment have shown a deternination 10 met out wishes recenty in altering and amending bills when in actual practice that has been found necessary I fed that the select cominituey report before us and the bill in its present form is an excellent statt is uchieve our object, and 11 am quile certain that if it is cartied oul with commonsense and taleration and in. telligence it may erndially, on the begh of experience, be moulded into one of the finest measures on the statute book of this Colisny.

Mń Mownomrky Your Excellency. n accordance with Standing Rule and Ordet 43, Section (viti), and with your approval, 1 bes to move that the question be now put
His Exculencr 1 am arraid I 10 not agree ta give my consent.
Ma, Renvie: Your Excellency, the hon. Member Cor Nnirobl North raised a question which is really the sole resson for my intervening in this debate. Effore 1 go on to the question of Bnance which he raised, howercr. I shatld.tike 10 associate myself whth the tributes which lave been patd to the work of the select committec, and I lhink one must realize that even before the committe began is deliberations a great deal of preliminary wotk had been done by the hon. Member for Nairobi North and the hom. Commistioner of Lands and Seilement before the hon, and Ieatred. Attorney General came fold the picture. How much work my hon. triend the Atomey General has done since then we are all aware, and 1 think that to thous three genilemen is particulir we owe a deep debt of grathuce for the carc, cone demen and hard work they have given to this mesturce.

## [Mr. Rember)

Now to deal with the quation of Ansuce. 1 nm wirr the hon. Member for Naifobl Noth is abret at the presen Lime, but the pint he taised mas thiss with the Goveromeng sive an: asismance thit finince will be provided to ensure
 Gaphemental The fact in that sou000 implemented? The fact the than schedule or int yesi's Estmate for closar setilenent and athourth t thial the hon wetrine's print to that that SO,000 wa inelinded for the purpore of implementine the old prewat clover ctillement chenc. the tiew of the Government is That inat csumx as well as the CSupuo which his been approved in principle as a lown ate both uirected fowarde the same purpose, namely the futheritig of slower sctilement in this soinne-So far as inmediate finance is convined. the Guvermical considers convertec, 150 how that appeat in this orst's Evlimaintan he drawn tipon if neximps tor the nitupre or implement. fis the provisioni of this Hill. As regards. the gixtion of luther provision. $1 / \mathrm{am}$ autare that at the present time a sub. sommitine of the Sentenem Section of toe Agrimultural Priatustion and Setllenent buid is gons inw the question af clowe settemen ier) carcfulls, and I hare no doubl that the sub-committee will come along with a number of recone. mexiations of one the or another, So fat is fantere in 1415 is concemed, the ojw Coungit will have an opportunity of siest into that namter in connexion with the 145 dratl eximates and it will have orfurtunity than of putting formatd any viet that It may hold on the subject of fatise foe implementing the pro. whivas of this Bitl and for acquitios triot in 1046 think that it the bon. Nemper for Naribi North wen hefe at be pesent time te mould feel satisfed this ate mexcy it there and the intention is bere at the pult of the Covemment. to use that mane for dower settement parase metrth, the mpterenting of the provisens of this Bill if and when it 6 siall prest bto hw.
ate Fortit Striunt Your Excellenci. I done thiol $n$ virw of what has teen. sald that shere \& yeg math for me to raty ra Feré arboowever, one br two Ninis I tee it musut te righe and fair for fre Wromonet on One to the point
made by the hon, member Mr, Amin. He objected to the tict that the select commituec: report does not draw atten. tion to the portions of the origimal bin which have beer omitled, and I think there is semething in what he sid. 1 afe full sesponsibility for that, and 1 Tebret thärldid not-indiente in be printed draft the omissions that have becn made One of my reasong for not doing $s 0$ was the question of tint because the whole of the Bill hat ose reptinced and it would have Involved more work and 1 might have beld up the tabing of the select committee': report. Another reason was that the omission under chase 1 is purcly a formal one, and ${ }^{+}$as 1 have atready explaiaed it is in aecordance with proper practice There is nolhing tichind it; if merely puts the matter on a proper footing, and the omission in the definitooting, and the omission in the defir. tion clause, clause 2 , omitting reference to the exclusion of areas of 20 acres, 1 was under the impression fiad been agred to by the Government at the request of hon members on the second reading of the Biti 1 ups under the impression, probably wrongly, that it was the generit wish of Council 10. delele that provision, and the select committer, ater hearing all the evidence and the carious comments on the Bitl, fame 10 the conclusion that it would be proper to omit tit It did not seem to me csential to indicate the two points. referred to becouse Councit already his before it the original bill, and if is quite easy to pick out the omissions that have-tien miade The only other sub stantial omission is the omission of the uriginal penalty chuse which has been replacel by the ciause which is now clause 46 . In, view of the fact that any. transiction entered into mithout the iermission of the board is void we thought that was sufficient penaliyy As 2 nister of fact, 1 very much doubt if the Souts would inflict any substantisl fint in addition to the penalty which is inherem in the measure as it now shinds
The hon, Member for Ukambo suggested that this was rather a tortuous method of vealing with this legishation, that it could have been done in a very nuch stitpler way by a simpte amerd ment of the Indian Lapd Acquisition Aat All 1 con say, that the select Ast, All 1 can say is that the sher porpible to make the policy ectective by
[Mr. Foster Sution]
Birs oster amendments, would certainly momer done so. Very often the simple have done so the most dificult to give efet to. The Tndian Lind Acquistion Act in my respectul opinion, is our of dite if we acted under it the Crown. on the compulsory a cquisition of tand. wodd be compelled to pay a very much bigher price than it ousht to be compelled to pay. I do, however, agree with him that we want a modern ad hoc Land Acquisition Ordinance which can be spplicd to any acquisition for any public purpose or ahy other purpose. There was pot time to embark on that En the tine we had available, but I have po doubt Government later on witl consider the possibility of introducing such legitation. One or two hon members have indicated their desire that Governpent should give an undertaking regard. ing the action that it will take under the etemption clause, clause 47, and you, sir, have'authorized me to say that you will. of course, give favourable consideration to any recommendations that may be made by the Land Control Boate and the Highands Board, Hon. members will papteciate that both of these bodics have to be consulted by His Excellency the Goverior betore he takes any action on exemptions. It was never the intention of Government that this legistation should Include within is orbit buit ug urban. sreas. 1 think it is a matter of common. cense. What on earth would be the good of interlering whith yiban areas, that were buith up, tor the purposes of land sellement? That is nos the sort of land which is necded, and 1 have not the slightest doubl that if these two bodies 1 have referied to recommend that certsin buill up areas, residential arens, should be exmpled from the provisions of the measure, you will find His Excellency the Governor will accept their advice and exempt them.
Ido not think there is anything else 1 can usefully add except 10 siy this, and 1 am sure that the commtte would like me to suy it, that we are in mast gratefut for the generous remarks that have been pased about our anbours. 1 in perfectly eerthin that, laviig heard at the witnesses we henrd, having moved about she country, it increased our devire to do our leyel best 10 do what was igh by the decent people who camce and igh by the decent people who casif was
give evidence, before ws. 1 mysch
inmensely impressed with the honesty and decency of these people who wanted a measure of this kind becsuse they. thought it was for the sood of the country, and they came before us and were frank 1 am perfeclly certain that. theit representalions were not made by renson of selfintered, but-were umada because they thought it was right they shoutd make them and that they were doing what was decent and honest in coming before the commiliee and urging the various points for consideration.
The question was put sud cartied.

## CROWN LANDS (AMENDMENT) BILL

Select Commitiee Report
Mr. Foster Suriow Your Exeellency. 1 beg to move that the select-comnitiee. report on the Crown Lands (Amendmen) Bill be adopied.

In moving this 1 do not propase to ake up vely much time of the Counsil. This stect conimitter report follaws the nomal and routhe protedure We have not appended a drait, but what we have done is, athough oniy minor amendments have been made to the ofiginal clave 70n. we have fiad it reprinted in. our select committee seport, for the ceacon that we thought it was catief for members to follow, It you jimt deleet a tew words in the fwo and line the ife is diflicult to follow what has been done. $\omega 1$ propose to draw attiention to lisa - 1 en in 70 which the commities: amendments in and have recommended; most of them are verbalit For inslance, we have deleted the words as described In the levents: scheduite to this ordinatice because they are tniecessary and redundanh This, Bht, if it is pased by this Counci, is going to become pait of and be read as one with the Crown Linds Ordinance, end as that ordinence contains the scienth schedule there is no heed to scieath sched wotds in the clatue. The include those woids we recomunend in onty major atteration ac detelion of the sub-liause (1) is the substitution thereward, hold" and the subsiti, It was not for of the word acquire, how was bave incended that this neasure should bave retrospective eflect If you uit the ward. hold it obviously includes every tmasaction prior to the enactment of the Bill, whereas if you use the word aequire" whereas or from the dite that the it speaks only rom the That is the only measure becones la wif That Sub-chure
substantial anendment there

## Art [Tovier Sulton]

21. © 70 A is new and 1 have already ex. phained the reawn for 1 th If is an enicayour to link up the ptocedure under this measure with procedurs under the Land Contiol Bill. Sub-gause (3) is the old sub-clante (2). The of thaseradidAny-instrument ghirporting to clfect any of the ramsactions., -" and we sugedt deleting purporing and auhstituling in so far as is put potis*. The resson for thatly it is not necesingy to tender the whole of an insitumant void, It might the a setilement, and the way we sussest i should mend will merely tonder any particular cortion of the intrument which is cosporta to the frovisions of this ordinance vold, and it will not invalidate the whole vold, and it will ne invalidate the wher she reference to the banks. If is an enact cony of the siatice tove found in the Land Control Bitl and th was inserted hicre tof the same reasons as we tecome. mended the alerations in the dher bill.

Clause tin is new. 14 empowers the Registrat lo trluse tegistration in any cate where the Governor's consem, if it is requitril has nol treen given, I think that it necessiry We have reommended the deletion of the old clatse 70 B because the provisions there are covertd In the proviso to 7os (ilt: Provided that nothing in this subsection contained ahall alfect (a) any such transactions made by or in favour of the Crown (b) any eift of lant by way of tesiamentary disposition". That follows the method resommended for adoption in the case of the Lind Conirel Bill. 1 do not lnow if hom menthe's are familiar witt the Crown Linis Orutance. hut the aniendment in sub-clause (3) of clanse 71 of the Bill rsferred to the select commitice would come into Pant vill of the Crown laids Ordinance, and the ilie of that path reads: "Teanster of and? dealings in land", The commitleeconsiderel that that wis not a very appro-. piate place to put an emendment such us, thise destloy with shares ve thoughs It Wgild be belter and clearer if we Iceonmendey the introderiton of. a new part and gave it anether litie which would be Pirs Vllla and the tite would be "Special proxisions relating to come pantes holding land. because that is what we are endeavouning to deal with. 74n in the new part that is recommended for adoption comfines the rinetsure to,
companies registered under the Com panies Ordinance, 1933 , or any orditance repealed by that Ordinance, In other seperds it confines is operition to com. panies who are registered and fnoorporated in Kenya, 1 do not think 1 neted. ditate on that It has been recommended Tormobvious reisonk ili-is-no- ase cmburking on somelling you cannoi enforce. The new 740 (1) is almosi an exact copy of the original clause 3 amending section 71 of the Croun Lands Oruinance. That prohibits, as the original one did, dealings in any share whartan, debenture or stoch of any kind to a person of a different rece to the person by whom such slock and so on are dismocd of. It prohibits any such dealing untess jhe consent of the Governor has teen obiained, and it merely follows the policy, is I have alrendy saide which th incorporated in the bill that ve tebated on the second reading.

Then 48 (2) is new, and is incerted With the object of making if posible to provide an appropriate procedure for oblaining the Goyernot's consent Rules will be made so that persons tho wish to make application will know exactly What to do $74 \mathrm{c}, 74 \mathrm{~d}, 74 \mathrm{c}, 7 \mathrm{Fam} 7 \mathrm{c}$ are new, and they are rccommented and have as their object the prevention of evation which could take place in cises Where bearer securifies are issued. It is guite obvlous that that left 4 loophole in the legislation, and we recomnind these claves with the fdea of buttoning if un and blocking the loophole that at present exists. 7te reguires the secretary. and directors of any conpany to refuse to resister any stock unlest the Gove crnor's consent in writiag has been obtained. 740 requires the secrethry and difectors of uny company to call in any bearer sectinities in order that they may be registered in a book kept by the compony for the purgose, and 7tD $(b)$ requires the person who is holding any bearer shates or thock 10 send them to the company for registration. it is no use leaving it onls to the company, which my use tis best endenvours to get stock in and the per. sons holding it may refuse, so this seeks to compel them to send their beare securities in. As soon as they cometito the hands of the companys the compary is required to register therd, and they cease then to be uniegistered or bearer slock or shares. For the same reason we also provide that no company shall isue
[IT. Foster Sulton] MIt. Foster Sutton), sbares, share warrant, dentures myable to beater, or un . reistered stock. That spenks. strom the menerntr of the mensure. 74 F provides maslies if any person contravenes any of the provisions of Part Vilia of the of the prond draw particular atiention w the opening words; Any person who vithout reasonable excuse contravencs the of the provisions". That is inserted - With this object to cover the position that might arise now, of a person servin with the Forces who is out of the country, The ordinance is enacied, ated it requires that person to send in his shares If he is out of the country on trice it might not come to his know. vede that he is required to do so, and he cuid be guily of an offence. It was: therefore thought desirable to insers the words "without reasonable excuse", so that if anyone comes along after the war sod he has reasonable excuse he cannot Ther be convicted. Clause 740 provides for forfeitite lt enables the court to loffeit any share of stock in respect of which an offenee has been committed. The penaltics in 74 r are faifly high, but not as high as those contained to the bill of the 94 hh October, where it was sugfered the penaliy shonld be ES, I hink the peraltics we now recomme of gre more in kecping this me2sure:
offence enkiss ged by this
These is a minotily eport by the bon member Mr. Amin. He says that. dhase 2 is mercly a repechion of the protions in the Crown Lands Ordinance und is unnecessiry. 1 presume he is referting to section 71 of the Crown Linds Ordinance, and statement It is disgree with the statemen, 71 , the nof a repetition. Under section 71, the procedure is totally different it mina enables the Governor to declare a to yold action void The newf Yov makes is yont is 65 mitio unless the Gavernors is a very fint obtained, and I think theress a very materina difference between the in my prohibits stech transactions, sutmistion it is merely a continua to inThe policy that it yas intended Gordincopporste in the Crown perience it was ance In the light of coophols. It is not found that there were loophos, continution of the original policy and an eflort to ne ong eftective. It is no good mate hal policy eltective. It
medding about with a thing like that

If you have a policy and lind your har does not properly ellect it, it is the duty of Goiernment to find some means of majing it eflectice. The recommendations of the majotily of the commities of this Bill may nol make it 100 per cent effective, but they do so n lons way tqwatd doine so, Then he sissibulife new clause $74 \cdot 10 G$ "extend the present objectionable prastice of meinal tis. crimination", and he also objects to them. on the ground that they "male such commercial Iransactions beiween Europeans: on the one hand and Asians and Africans on the other dependent on the previous consent in wetting of the Governot". Well, 1 am not prepared now to debate a policy that was decided on a very long time ago. but t submit that this does not extend if at alls As have poinied out, it mesely secks to give effect to th, there is no extension what. ceer. It is absurd really. You adopt 1 poticy for land, and it can be got over o the chooses to lorm himtulf into a company and thus completely defent the pollcy, to that far from excending it we are merely tightening the mptct up, It is no good blinking at it, the ohter of the Crown Lands Oddinthe obe was to keep $a$ rein on all these transastions, and it will, 1 ann willing to confes, if the recommendations of the eommitec become taw, mean that any comitions beiween Eutopans on the Iransached A sians 3nd Africion on one hanu and te depondent on the the other, will be we are dealing with Governor's consent. We and the policy land in the Highlands, and he, polich regarding that land in the Highlands has been selibed ind renlirmed on a. number of ocensions. We are not talking about every imanaction between different races, we are merty talking about transactions which do affect the disporition of land in the Highlands or on interest in tand in the Highands, so that 1 think the comment of is dintifed it ber is at bil wider ban is jattined. it dos not affect all commetrist (rans. actions in the way fe asumes it dost Then he objects to the penslifes, te says they are conitely new and so far beyond the objess and reasons given for the introduction of clause, 3 in the arigimal bill. All $I$ can syy is thic, that under the orivinal bill, although cerain it trangetions were prohibited, lound it. diflcult 10 see how we were going to. difficilt 10 see bow and we have prop
punith a pcison, and

Mr Junct Sultant
hibhed liece transclions we must have n phaty, mod we must moke the penatiy pretty higli. These transections penaly dificult ts controfzand it we embark ate dificult ta contron and the musi, make on trying to prevent then we mons This the metialtien high fat intrigement in an fe juestad by the commitice in an endeavois to fighten peorle from com thiting tiraches of the ordinancer That Is the parition, ond t defend it on one ground stat it lo logical do apt inink stounced comment any more on the minority-report. I have endeavoired to esplait very brithy the purport of the iecommendations of the mafority of the select commitice.

Ate Itownseconded.
An, Anow, Your Exceliency, In rising to appote the adoption of the majority repolt or inte tedec cammitiec, nnd 10 ask Councif to reject it instend ol acecpting it and to adopt the minotity report. Inave the to sas. There is a stightimis. naderntanding which should like to re move fom lie mitd of the tion. and Icamed Attomey General, and thai is in segard to the comment 1 have made in the minority repott dealing with clavse 2 of he naln report. 1 have stated that the provisions in clause 2 adding stction 70a and 7 are repethons of certain pro Whions in the Land Controt bil and not that they tie repethions of any pro Thiont of the Crown Lands Ordinance. To winplify. mattersm would reler to clause 10 of the Land Control Bill as it now slands that is the clatise denlins. with lie exact point here, resfrictions on dealtas $f n$ lad. There is provision in The Land Control Bil for Man nad I submif that whai is staled under 70 A and in is in cfleci the same hing. If t was nieant to only aiter or subtitute $n$ clause ot the principal ordinance, 1 would not need to say so, because it vould be oul of pace. 1 am sarty, it is elause 10 In the original draft and not in the minended bill, 1 know the hon Altomey Genernt will acspt what late it is replaced by - a Juse 7 (1) of the bill asiamended by: the select committee, In the debnie which. followed on the, motion to dopl the select committe report on the Land Control Bilf there were several sugsestions made by hon, members that there night beq possibility of a repeal atter a time of thifordinance, and lit the object of this bill was to complement the
provisions in the Land Control Bal, it is fair lo ask and to point out now that if the particular provisions under the Land Control Bill were to expire after some time, then these provitions under clause 2 should atuo be put an end to. At some stage during the discussions of these particular provisions I gathered an Inipterxion that they werenotment tor use in respect of dealings between peoples of different races as defined in the Crown Lands Ordinance, and that the intention Was to prevent alienation of land to prople belonging to an allen race of to undesirable aliens. If that is 50 , I would want that essurance given right away because, as we have alrady pointed out on various occasions, these secret Intedtion which are not diselosed in the body of the ordinance may be more substantial than the actual provisions in the bill and they should be stated specificilly and made public. Beyond that, on that porticular clause, I have nothing to syy.

Coming to clause 3 of the bill as now recommended, I have a few points 10 make and they can be dealt with in a very stori space of time. The provision which this new clause 3 is supposed to have amended, is something quite difer. ent from what we have now got from the select commiltee. The bill to amend the Crown Lands Ordinance as sent to this select committee stated in effect in clause 3 that section 71 is amended by tuset!ing certain provisions and the provisiondealing with share transictions and that dealings in such shares would have to. the reporied to the Commissioner of Lands. In the original bill, ft only meant that the procedure to be Iollowed was that she Commissioner was to be informed of a particular transfer of a share so that he would hove an opportunity of reporting the matter to the Governor, and it would then be within the power of the Governor to veto the transfer, the period whin which the power could be exercised according 10 , section 13 (1) being thre months. The nature of that provision meant that the cransfer of a shate or debenture was to be treated on the same footing as the transfer of land itself, The transaction was inherently legal, if was not a prohibited act, it was not an act for which any penalties coud be imposed, il was an act legal, ab inito. Within three months the Governor could object, and when that was done the transaction would be null and yoid. What, ne man by nult phich minnot be taken to a coun of hw for cnforement of rights: 50 that a person who purchased land So that the original ordinance could be ander the orsaction was null and yoid, wit the person who sold could not go to cont cilher-and.persons whomigh know poout it cannot inform the police and say wit ai illegal act had been committed.
I want to make the distinction clear to that there will be no misundersiand. ist The aet of transfer of land onder yetion 71 of the ordinance is a legal act. and the eonsequences that follow do not make the act illegal at any stage, in the mave that it can be punished by finc or cons thatent. That is what the original manding bill intended to do about the inasite of shates. The provision requited hast he dealing would have to be inhat the dealing Commissioner of be ine formed to the Commisstoner of Lands. and ifat any stage the Governor withith taree moniths objected to the transfer the act would be nult it What has hapiped all there was to it. What has bappened in the new clause? In my submission, the nature of the act is changed, the natite. of the clause is changed, and it is ch trity new and forcign, foreign in the cuse that it is described to be an Hicgat at which can be punished, while the ofter is not That not only an exiention other is mate That is not only an exiention. of the potrcy of racial discrimination in rgand to land in the highlands bit an eneasion, of the policy to commercial transuctions, and it also makes thit par-. tinulat policy so wide that it goes lar. teyond what the policy is in prace tee in respect of the transiers of land. Dtaing with that paticutar, clause, the
bon and leatred Attomey General said bon, and leatned Attomey General sald bil all companies owning any interest in lind in the Highlands should be subject 10 tht chuse, All companits wese ins tended to be so treated. Forcign coinpanies wore expected to be so refted, ond serert expected thers in this Council rised the point that that was impossible. hat, it would be ridiculous and confinptible to treat them like that because A stetched this racial priticiple 10 contmptible lengths by requinag fareign oountries with mixed populations 10 folbow practice we ourselves are ashamed of 12 m sure that the best British tradibons would make us ashamed of a thins
like that We also found At was not possible to cnforce that principle to foreign countrics is it then tight to the foree that principle to the subjects of the British Crown? If jou cannot enforte it becuse there is no possibility to do this sott of thing gealast forcign countries, as they can and might tesish is it right then that the frople who hare asssited subjection to the British Crown-and 1 sobecto to the bits biso do not mean only lndians but alio Africans, because sooner or later theit land will be too small and they must hase a share in vecupying the Highlandsshould have it enfored on them?
Anoiher point. 1 have referfed in the minority seport to breaches in practice of the conycation tinder which centain sis natory Powers were entited to a say in this ares of the Conga Basin, to thai theit nationals shonid be treated without discrimination, and some are Gritish subjects. What happens? There are certain Povers who could enlorte this obtipar tion, and thet is why you are obliged to say now that this white Hightands policy is not a policy of Bitish Europeans only, othersise there would be no other ratas to hide it The people who were sit natories to the convention could enforet is application. Now what will liappen in. a few yents time? This convention will have to be reconsidered by the people who really matter, and those who matler in conrexion with the Congo Basin Trealy will be Un Unted Basin which tacludes Russia and Nations, which Incture and tucludes China as wen Aricans in the British Empire and lethe Conso Basin Treaty is going to be tom to pleces before the is going to be tor for the people who end of the war, becore the people who matter have any opportunty of mying anythage think you are siretching this 1 thing to untes sonabie thine is that for mean when say this thing is that for too far, We have sen for many y eats, from 1915 to 19.ty, that very litle land. from 191 insighificant portion of tind or at sery hinghand has direcily or thes dircely passed into-
His. Excan Evet: Order: Order must ask the hon member to conline tiriself to the lems of the motion and of his minoriy report. We ere dealing now with the question of the transfer or stires in ladd, and you have made your oin os recirds racial discrimination, po
[His Exceilsncy]
butt muit ask you not to tange over the whole fiets of poltical policy.
Mn Amise As Your Excellency withies If was on the basis of the note 1 hate made in my ininotily efotht, re tefing to the sefiotaness of extending tefing to the senow what I did. Having this policy that lsaid what I did. he tieaty deith with the question or the teall with obligationts and having alwo deall with the Imperial ohisatiuns to people of difterent colours within the Empire. jiselt, I wiff only deal with ihose clauses jtself. Thith oniy ucs ind clauses makins it an offence to coptrit certain pels: 1 would not refer to the ruling that Yout Exedleticy pave in the oiner intance, only half an hour back, for any phates, only evect to mahe it clear what phiposes excep fom fhat ruting that anyHhing which, can be catled tele vant to ble originat clause of ti bill is capable of being added by seleá commitsees according 10 the praclice of this Councll

Ins Exculineys Order! Odder! 1 must ask the hon mentier to contine finuelf In the notion before the Counat if he wathe to ctailienge of interpret the rution of the Chair he showits do so formally on another eccasion.

An Anus: Your Exeelemy. 1 did not intend to chalienge of question your rulling. What 1 want to $s s$ Is that StandIne Rule 71 which applies here, being exactly similat to. Standing Rule 34 which applies to the practice in the House of Conmons, states that amend menis can be moyad which ate relevant to the subject mather which it affects. In my submission these provisions making the tranifer of shares subject to the previous consent in wriling of the Governor-
Luad Frases Scoitl On a point of order, the paratraph the hom. member is referings to is on tills and not on sekct comimitere reports.
His Evcrumert That is so.
Mr. Ants, The proposal 10 turn a perfectly legsl set into an Hegal one bs mendment of the select committer is: a matter wholly torsign to the original clause and is herefore somerari to standing rules. 1 have finistied, and ! want to sy - that 1 received a gieat amount of couriery and consideration
from the chairman of the solect com. mitter before which 1 had-I will hot call it my good fortune, but rather prinfol duy-to attend severa! times The difficuliy of one mertiber whase mother tongue is not Englihh, againss so many in $a$ comunittec like shis, can be appre. ciated by anybody who scally wanted $t 0$ understand. 1 am quite sure that had it not been for that amount of couttey and consideration af the hands of the ton. Attorney Generat on that selest committec 1 would not have had even the fieart 10 sit on the committof, becuse in thisparticular instance all the members were serious and sincere in what they wanted to do, and what 1 wanted to say could not be accepted by theni in any form other than in the form of a minotity report:

Mr Foster Sution: Your Excellency, might 1 rise to give an explanation. 1 think 1 ought to have stated it in moving, but 1 was under the impression we had alfeady given an undertakits we had atready gete to do it. The lant that we were going to do wt. The hat speaker referred to the fact that the measite docs not pilempt to interfere weathre companies operating in forrign zuintios, for the simple reison that if is impracticable I have alresd) stated in this Council that it is our iatention to supplement this Bill with another one at the nexi session of Council amending the Companies Ordinance, requiriag any company owning land in the Highlands to become registeres and incorporated in Kenya, and then it will be brought under the provisions of this measure.

Mk. PATEL Y Your Excelleacy, 1 tise to oppose the majority teport before tha Council 1 will tefer to the question of transfer of shares, ece. If you look at the objects and reasons given in the firt bill which was read a second time in this Council, paragraph 2 of the objects. and reasons states: WThe objet of chase 3 of this bill is to remedy a defect in section 71 of the Principal Ordianues by providing that the sime provisions shall apply to a tranisfer of shares in 2 land-owing conpany as apply to tratsfers of hand". At that time the provision in regard to land was that Your Exccilency had power to velo any ransection with members of different mes, and that with members of alf menat that, as the ime the intention was passed Your Excellency would have the
firt Patcl|
Thi to veto any transler of shares betern members of different races in betpen company which hedd land In the Iny conds. Now Part VIlls in the Bill Hijghands. Ny the select commitee repory prented by the selce comms thing one that the provides two thingst one is that there hould be conserit at the beginaing blore any transfer takes place, and condy it provides lor penallies. It may fethat pechaps 1 do not follow the legal ontiations as the hon. und teatned ruplicare $G$ eneral bor $I$ subriil Atomey General cocs, but linal lability are decidedly matters of polics. In the criginal bill the tight to veto a transler of sthares in a company holding land cnly meant that the transteree could not acuvire ownership in the shares. There nas noihing 10 suggest either In the osiginal Crown Lands Ordinance or the mending bill which was read a second time providing criminal liability, and Herefore 1 submit it is decidedtes matier of principic which has been changed by the select conmittee. The intention of the first bill, 1 submity was mily to give the right of veto which did. tof make the uranster of shares illegal, bu nuil and void after a centain pertod. It mean that the transferee did not teconic the owner of those shares.
The hon mover said that therc was pothing in the report to indicate-that any commersil transactions were affected. 1 rill give You only one fostance. Supposing the Electric Light and Power Company requíres for its purpose to omuire one or two acres of land in the Highlands for its industifal purposes. that will meon that no shares in that compony can be tmasserred by a European to an Asian ot an Aftican. and ir thiat is not interfering with industrial or commercial purposes 1 do not see what it is. The Crown Linds Ordinance 1915, which provided the ghe of velo was enacted duriag the last wis and it is now being amended during this war. which is intended only to reto transfers to bring it into line with ifnisecions governing land. If that is the only intention-as the hon, mover tated to bution up things-then 1 sube mill this Bill is going too gar. At that time the intention was to veto only lansactions in land used for agricultural purposes Now it will mean that even in mdertaking or a company whe acquires one or two acres of land in the

Highlands for lis industial or com. mercial purposes will be debarted from transterting shistes to non-Europsans, I submit, sis, that the selet committe report has altefed the princlpal of the Bill, lfie select committe report 19 against all the intentions of lis Majesty's Government and 1 strongly oppose the teport before Council.

Ax Fositr Sutton: It is perfocly truc and i1-would be late tor me to atempt to ten' 4 , end 1 do not propose 10 do so, that the select committe recommend sibstantial changes in the original Bill, but I think it 15 going to0 far to syy it was not the intention to have renalties If is serfectly tuce thai the nill laid before this Councll did not provide for them. but it you go back over the seties of bills that have been prepared in connexion with lus mat-er-1 refer paticulatly to the one in October 19 , October, 1943-9ou the penally, ind if was the intention that there should be one. It was pubished on the Gazette and it str ofl cleatly what the intention was, und 90 lat as 1 am axare the iniention of Govern. methe in conncxion with the mater tas neter fally changed, it was in Patt IV $\rightarrow$ pecial provitions retating to, coinpanics holding land-ithat way th the. original Land Control Bill and provided I penaity-
Mn. Amist On a paint of order, it lt was In the Land Controt Bin, why was it removed from thete and introjuced here?

Mn. Fosier Surton: it was removed rom the Land Control Bill upon which from the second reading and which we had the co te select complice tor was referred to the select compitice, for the reason that in was eonsideredtitha! son of provision would mere properly come within the orbit of the Crown Lands Ordinance than the Land Contiol Lande ond 11 think my leamed fitend will agree that is the cise:

Mr. Anivt on a point of order, the transife of a share is not a land frinsaction, it camot come within the Crown Lands Ordinante cilther.

Mr fostras Suntos all 1 ean ay that we must agrte to differ on that ot to use it secm (to me that. por its logical conclution. the carfied to It pares it you tranter tr

## [Mc foster Sutton]

crotigh of them, might place fac the hands of one or mote persons contiol of land in the Hichlunds if is nim actual physical traniter of land, but if a com: pany: main butiness ts the holdips of pany, and the uperation of land in the land and the one you are in factfighlandy then, you be letally sotranseriig an ifietert in land. I do not case bow it is argued, 1 do not see how you can excipe from the argument $I I$ is inve thit our recommendations ao very mine fre further than the otiginal bill. We must temember that the peraties recommended by the commitiec only apply to Part Vills, "Any perion who without reasonable excuse contravenes any of resomitions of this part of this Ordin. ance"-that is in 74f (1). We thave stig: cested no penalty fut contravention of the new 70 - Except the fact that the trancation is void ab thifge The reasan why we fecomment a penaly for shaic transactions is that 11 is, unkertimately: mare difleutito control You can con. tral ransters of land hecause a person hav fo go to the registrat to register ti, but in the case of shares it is more dificult I think crevthing the fion.
 opinion of the select cammitte on the matter, of course, th is possible to cvade. and that is precisely what we are trying. ta do by outr recommendation. 1 con. ider if you analyse what has been said cyery single word, if, you are being ecrious about the máter, supports the tecommendations we have made.

Mar Auine Erade what, sit, on a noin of onder?
Ma. Focilse Surrov, 1 will explain that. It \&s possible to evade, and untess yut provide heavy penillies, people will to so. If you do not have any restrition on the lransfer of shares, before, you. Know where you are you might have the whole polies of the ordinance defeated. The hon, mamber Mr. Patel siss it interferes with commerrial transetions. 1 scitily agrec, it does interfere in attempts to interfac with any trans. - ation regarding shates between difter. ent races If it is a shice in a company holding land in the Highlands. That is. the intention, but it uoes nor Interfere wilh commercial transactions benerally. What is the-real haruship? It onfy requires an applieation 19 His Excel.
leney. The majority of the commitues did not lec that bringing the share pro. visions under Part V1II of the Crown Lands Ordinince was any use, Under. Pant yill you connot do certain things without informing the Commissioner, who then would inform the Governor, and the Governor's tight of velo would then atise. What is the use of that? How are you goling to prove the trans. action has laken place? There is no penalty, and if it ever does come to fight within the period named it can oniy be declared void. This docs 80 further. It makes it void ab initio and provides a perialty for contravention of the new Part VIIIA of the cordinance; and it was intended by the niajority of the select committee that our recoms mendations stould be such that thes really gave effect to what we believerto be the policy. It is for this Council to siy whether we have interpreted the wishes of Council correctly or not.
The question was put and canted.

## LOAN EXPENDTTURE

Mr. TEster: Your Excellency, 1 beg (o) move: Be it resoived. that this Cound hereby approves the expentio. lute during 1943 of a sum of 9354 upon the purposes specifed in the schedule hereto as a charge against Loant Account: Schedule-Advances pending the raising of loans authorized: (a) Setilement Loan, $£ 2381$, (b) Educe tional Buildings, $1163, E 2,544$.
Hon. menters may be aware that 21 the outbreak of war certain loans wete authorized in principle, but it was then decided to finance, certain projects by deciut to vinance, certing the raising of way of auvances pendiag the was closer setilement of lands recommended by the Settlement. Cominitice in 1939. Pare-: gruph 143 of the report rciers to the graph tecomendation for advances to retirins? pensionable Government officers for the purchase and lor development of land and 1 (a) in and lem, (a) in the schedule $1,+00$ formoton minctues the stam of the first adiance of ite tind under the Settement Commitee's scheme liem (a) also includes a sum of £981 to be spent on the trainins farm which the comnittec recommended should be established. Advanees amoutt ing to 58,028 were authorixed for thal purposes of which 56,708 had been
(Mr Teter)
apended up to the end of 1942 , and 1981 elpas been spent in 19:43. These wo sums hat 21,400 and 9981 make the allocation of 21 (d). lem (b) is a sum of $f 163$ for mader Earion School at Njoro, the full the Eqerion School 890 , of which $E 8 ; 830$ osimate being 89,800 , of which $£ 8,830$ bid ben spent un to the end of 1942. I con certify hat these expenditures - an cerbiy on projects authorized by wtre mancil from advances against?oans be Council from advances againtioans 19 be raised later, and, all coyering required for expenditure actually made in 1943.

Me. Foster Sution seconded.
The question was put and carried.
COFFEE INDUSTRY LAMEND-
SELECT ComMITTEE REPORG
Ma. Brown: Your Excellency, I beg to miove that the select commitiee sport en the Coffee Industry (Amendment)到 be adopted.
We devoied a good deal of lime to a point made in debate on the second poading by the hon. Member for Rimbu about precluding any petson Kimbu about preclualed of receiving thaten coltee from obtaining a lisence. Het object was to introduce a provision texeby automatically any person who had beert convicted of receiving would Le debarred Trom holding a lience, at sny rae for a period. I believe that in - ixe recommendations of our commitiee che has achieved her object. 1 am going o deal with them more fully later on, bit that is the substantial amendinent which we recommend. There are certion ohet amendments also. First, we recompend that the definition of colfec commimion agent be amended to liclude a prion employed by a coltee deater as Well as by a grower. We also recom-- metd that in the proposed section $4 \mathrm{~A}^{\circ}$ ? perion tho deals in colfee locally only, voder a coffer dealer's B licence, should Itso be entitled to deal in buni. There is w he bill no licence for dealing in bumi boaliy. The local buni rade is small. und we recommend that a colfee dealer mader a B licence should also be entitled to deal locally in buni. The proviso 10. caise te was found in need of amend. mith. That is the proviso which sajs that no person "who, in the opinion of the Advisory Comnittes, has not
sufficien knowledge ot expericare properly to conduct the busincti speci. ficd in the licence" shall have a lietnee. It was found that, as the proviso was drfited, In the case of a cone man buxiness, where the owner had not got. sutlicient knowledge or experitace, but where a mernber of his slatl bad, no licence could be glven: We have recoinmended that that proviso be amended, and provision is now made whereby a one-man businest wih a person on his staff of sufficient knowledge and ex. petience can obtain a liennec; There is $x$ minovity note by the fon member Mr. Paroo on this proviso, in which the says it is unnecessiry. But the point here is that the last word under this proviso rents not with the Ditecior of Agrievilure bul with the Advisory Commillee, within whose srowledge the question of whether or not a person has suflicien knowted ge or experience should particulatly xest
Now 1 come to the poin of the ton, Nomber for Kiambur She pressed this matter very hatd in the debate, and has presed, it very hard lot the latt there ycars Personilly, 1 am as anxious as the is to achieve the object which she has in vigw, and I fimly telieve that by out recommendation that oblect has been pchieved. Buit it has been achteved in what I may call the right way rather than, if I may say so, the wrong wiy. The suge ction was that it should be The chieved by 2 proviso on these lines: AProvided however, thai no licence thall be lisued to any person who has been convicted of any oftence in relstion 10 coffee under Chipter 11 of the Penal Code" within a certuin number of yeart. and 10 wese surgested, preceding his application. That murl necectarily be appen to criticism, because it means that open facts of the casc on which the person had been convicied of receiving. auto. matically he would be debarred, however. smatl his culpability, trom obisining 1 licence for a period of years, 10 or what. ever if may be Legisiatively 1 think fiat would be objectionable, and the way we have cndesvoured 10 meet the object of the hon. member is by amending'to. containing the power of the Director to grant a licence, by saying ihat the Director shall refuse to is'se any Ticence. unless he is catisfled that the applicant unless he is atisfied that be hold such
is 3 fir and proper person to

CCal. Gmagon]
much impressed ty the words of the late lord Chanceilor when he pointed out that the litish people were rapidly pating moner the dominion of $a n$ nw tyrann of pioliferating buresucracy, which-isiqert, winnticantis in this country in particutat. I fuss been a member of the Water thard for wane trme The Water loand, 1 helsere, ty father a good bodra it certainly talei an enommou amount of touble in wing to ascertain what is the goper appotionment of the ery exiquous waicis of that countiy out it niturally follows that those mem era cannut all knaw the find of the water conserned, and in the vist majority of cass they ate entirety in Atienced by the hatraulic entinecr. This Colony at the moment is very fothonate an buing an sutfenely competent oflicet 15...thydratic enginet, and for that teason. to all istents and purposes, its decixions are in fact very latgely his. If may well be that a cititen of this countiy puting an for a watcr right. ininufal of his rights in these trnds under the common late of England. which were filched by the Water Orditthere to a very large extent, will find himseli ia the powition bl being cormpletely runted at a resule of a decixion That may be a perfecily honest decision of the Water hoard. and he may have a propr pricyance, 1 and very strongly of opinion that that man should have the aight of apreal to the court because as it is latd down now, there is a prauation ol appeats, as pornted out by iny hone friend the Solicior Genera but as that appeat procecds in fact it mores steatily up hrough changels less and less competent to give a decision in he nuiten It stands 10 reason that the only persen who can possibly know tuth about it a the hudratic engineet. who induences the Board who give their decision. Therenpon the man may be able to pick oul thite members of the Board who are of sorry for him that thec) will try to ect him they bearing The Dircent of Pablic Works, who is abo, entirely dependent on the auvice of the bydratice ongitecrom then decites whether those three onembers of the Boun shatl allow his faliow to 80 fort wand to the next phass. The next phase is the Covernor in Council, Nomally the last bods in the woth that could possibly hnow mathing sbout sn, in-
dividual citizen, his land, the water or the facts of the case, would be the Governor in Council. Therefore I suz. gett in all edrnestiness that theve un formate people should tee allowed theit primary right of appeal to the courth
NA-COOXE-Your Encclency, should like to support in prineiple what the hon member has said, but 1 do not see how we can atier this nilit, because it is a new principle entirely which would have to te pul in front of the country. But 1 agree wih what he ssid, that it is very litue use making an appeal from experts to people who really do not know very much nbaut it (Lomo Fruncis Scort: Why should the courts know?)

Ducchor or Puple Works (Mr Stronach): Your Excellency, I weloome this appeal procedure-arechaman of the Board and, as the hon member Mr. Brown has told you, the amenting bill was prepared by a sub-committer of the Water Bord The smendments were approved by members of the Hoard, excluding the hon Member for Ukamba, who protested on the lines he has to-day, that the appeal should be to the court When the commilte originaily considered this case. proposils were put forward that appeals should be to a court of law, but we were guided byt the report on inigation and water supplies in Kenya of Mr, A. D. Lemis Director of Irrigation to the Union of South Africs, and it is only necesciary to read one small portion of his recom. mendations to convince hon members of the dificultics that might anse:

## "In South Africa we have estrbliched

 special Water Cours, who have to deal with the apportionment of wrier, amongst other maters; but their jud b ments are alwiys liable to appen in the Supreme Courts, and the judges have to struggle with all the impossibilities of a proportional formula, The inevit able resulit is that, after abundanee of evidence has been heard and enormous legal expenditure has been ncurred in the Water Coutt and then again In the Supreme Court, the parites, who bive been rach enough to seek a quantitaite definition of their rights, settle the matter by consent, and steady men fighi. shy of this expensive and risky came of water poker-Thé question was put andcaried

11 Bith-In Commine

## BILLS

In Comminte
Sik, FOSIER, SUTTON hoved that Concil resolve tiself into comimittee of de whole Council to corisidet. clause 4 , claise, the following bills, The Coutt Eniegeney Powers) - Bill, the Criminal Procedure Cole (Amendrient) py the Water (Amendment) Bill:

Me Brown seconded
The question wos put and cartied.
Council went into commitice.

## Cours (Emersency) Bitt

 cuere 2.MR BRown moved that clause? 2 (2) be mended by insertitige immediately, before the detinition of lense, the follow. efor definition: "judgment inclutes


The question of the amendment was Fr and carried.
The quegtion of the clause as amended wis put and carried.

Clouse 8.
Hr Brown moved that chase $8(b)$. reamendel by inserting a comma after ity yod "given" in the scond line and tr transposipg the words "may take acisint of other to the next succeedtitg lite.
The question of the amendment was an and caricd.
The question of the clause as nmended mis put ond carricd.

## Cause 3.

Ma, Nicol moved that clause 3 (5) be deted and that clause 3 (6) be re numbered (5).
The question of the atiendment was pil and negatived.

## Water (A mendment) Bill

## Case 2

Me Brown moved that the following Winserted mmediately piter clause 1 : 2 setion 7 of the principal ordinance if fatby amended by deleting in pars. maph (a) the words and the cossential equifements of such farming opera. tions as are not of an hindisitial mature*, and by substituting therefor the words had such other purposes as, in the opicton of the Water Board, are essental to farming operations

The question was put and corried.
The question that the clause do stand part of the Bilt was put and cartied.
Ma, Foster Sutiex mored that the Courts (Emergency Pouen) Bill and the Watec [Amendenentis Bill be reported 10 Council with amendment and the Criminal Ptocedure Code (Amendment) Bill without amendment:

Counci resumed, and His Exeelency reportad accondingly.

Than Rranmas
Mr, fuster Surney mayed that the fotlowing bills be read s thited time and passed:-

The Land Control Bill.
Tie Crown Lands Amendmenn bill. The Couts (Emergency Powers) Bitl. The Criminal Erosedure Code (Amentment) Bill:
The lacreased Production of Ctops (Amendment) Bilit.
The Binkrupicy (Artendmentl Bill.
The Colfer indintry (Ancndmeni) The ull.
The Water (Ancounienty Bili.
Mr. Brown seconted.
The qiestion yas put and estried, and The quils read a third time and paved.

## COMMUNICATION YROM THE COMMUNICATION

His Excelianct made the followins
Comitunication from the Chair:-
This. concludes the business on the Order Paper, and since iths will be the last meethis of this Councif before if formal disolution 1 should like to icier. very briefly to some of the mote very brieny questions with which it has Jeale during tis life of just over six years.
3 3) predecessor in his Communication Irom the Chair on 81 h Aprit, 1938 , caid: The years during which this Councit will play its part in shaping the destinies of kenya will, 1 feel sure, be important ones". He then went on ater a passing reference to soll conservation, the Carter Commission Report, nalive taxation, and the propused reorganizaaxa of. Exccutive Council, 10 deal at fon of Excculse with the quction of corisiderable length wilh the quen of the Colony's, de cace. He schene of britfly our sole in the scheme

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## Dissolunton on Cousicle

Dissoumben ar cone follow
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amendmenis will be tefenct in delail in the Indian Elected Atmbers Oigatization i. im sufficien time to afford that Organization sí oppot. funtu of subniltos a abjectons 10 lite Sectetaty of state wih a vele 10. neventing sheir introduction?
*
Repls
All thece pars of the question will be answered tocether.
The Govetnment bas taken sens to consulf iepresenalise Indian opinion cenading the moposila which have been regatding the goposais which have becn formblated for and now andization of comNaite Control, and now await comnems from those convulted.

No. 57-Poriro CortroL
Mr. Pardo:
Wiil Government, in accordance widh the request of 99 par cent of the traders in Molo and in ascordance with the practice adopted, in other tennes. difect the Potato Controllet to form a syndicate to handle the talive-grown polatoes delivered at Molo?

## Reply:

It is the intention of the Potate Con. roller to form a syndicate at Molo as won as arrangements have been stis. lactorily agreed amongst traders at that centic.
danistration of Oath-
Dubner. R - 1
Amint Mr. S. G.-
Crown lands (Amendment) till. 219
Incresed Production of Crops
Umendment Eill, 16
Dand Control Bill, 166
Pob-war Employ ment Reports 113.
Storncy General-
Sre Forter Susion, Dr S. W. P.
Beccher, Rev. L. J.-
African Grown Foodstults Prices. 3
Atrican Sugat Rations, 138
Post-war Employnent Reports, 103
B 日ls-
Hankripecy (Amendment), $S C R, 4,3 R$
238 (see Vol. XVIII tor $1 R$ and $2 R$ )
Cofiee Industry (Amendment), $1 R, 2$, 2R, 31: SC, $93, S C R, 279,3 R, 238$
Courts (Eniergency Powers), $3 R .26$. Com, 237, 3R, 238 (ste Vol. XV1II Gor 1R and $2 R$ ueterted)
Criminal Procedure Code (Amena. ment, 1R, 2: 2R, 42, Com, 237 , 3R. 238
Crown Lands (Amendinent), SCR.214. 3R. 238 (ree Val. XVIIt for IR and 2R)
Increased Production of Crops (Amendment, SCR, 12, 3R, 238 here Vol, XVII for 1 R and 2R
Land Control, SCR, 148, 186; 3R, 233 (ser VoL XVILL for IR and $2 R_{i}$ etc.) Water (Antuendment), iR: 2,2R, 235; Com, 237, 3R,238

Vintsif $\mathbf{D}$.
Coffee Indusiry (Amendment) Bill, 31. 39

Brown Mr, Tit
Cotte lntusirs (Anendricnty Bill. 92 . 22
Courts (Emergency Powers) bif1,26, 11
Criminal Pioredtere Code Amenu. ment mily 4 ?
Water Amendment Bill $2 y$
Caventlsh-Dentingh, Major C. B -
Increased Prodution of Crops
Amendment Ball, 17
Lind Contsol Bit, 194
Chief Native Commbsloner-
Ser Mrehań Mr. W:S.
Commisstatier tor lands and beltie. nient-
Ser Morimet, NT.C.E.
 Dissolution of Courcil, 238 Dissolution of Couc, 106 Invasion of France, Cur Service-
Kenya Eupean Civil Amentment to Motion, 68 Kties of Detrut-Stict Compiltes Reparts, 190
Cooke, Mr 5. V.-
Agricultural Advance Waived, 19 Agficulura An Europan Civil Service, 70 Kenga Control Bill 193 . Land Control Poloyment Repors, 92, 141 Post-war Employment Rex, 1940,24 War Loan Ordianice, 190,24

Daubnes, MEAPostowar Employment Reports, 122

Director of AericultareSee Blunt. Mr D. L.

Dirtctor of Educolon, Acinz

- Ser Donovan, Mr. C.E.


## Dircctor of Puble Works-

 Sre Sitonath Mr. $1, C$
## Minforit:

Kenja Euboran Chil Service, 69

Totan Eauatona a E Employnent Reports: 112

## Hanctial Screfary-

Sre Tesiet, Str L
Poter Sutton, Mr, S. W, P,
(Jankujecy (Amendment) U1A, 4. 9,11
224,226
Crown thight of Appeal, 89
tocicascul Production of Crops tAuctudmentl 13ill. 12 18
hand Contrat Bill 148, 202.211

## Gencmansanctr, N,U,R, \& II-

So Rnhim At R E.
Gropan, Col. B. S.-
Land Contol Dt, 177
Water (Ancoument) Bill. 214
 Naber chil Hommat, Stombase, $\$ 1$ Posi-war Employnien Reports, 110

Keyser Alslor A. GiLand Control Bill, 203

Kahll, Mt. D, B.-
Iantriptey (Amendment) Bild. 9 Lomy Pices. 91
Rail Transpoti, Wyanzi Province, 243
Natrlani, MT, NG St-
Afticn grown Foodstiffs Prices, 3 Atican Slembets of Whaketere College Ansembly, 138
African Sugar Raitons, 139
Postwnt Eapiosment Reports. 116
Montautitry, M1r. A. R-
Lund Coniot Bill, 210
Bhertisur, Ma, C. E-
Kcnja European Civil Service. $\$ 4$

- Land Control Bill. 20

Post-war Emplosuient Reporls 119
Aotions- Agricultural Absices waived, 19 Interim Provisionst pensions, 15
Kriya European Cival Service, 46 Loan Expenditup, 228

Pensions. 147
PosteVYar Employment Repoits' 92,14 War Lon Ordinance 1940. 21 Wartine Contingency Fund 18

Sicol, $\mathbf{A l}$ N. G.-
3ankrapter (Amendmeni) Bils, 11 Cou'ts (Emergency Powers) Bill, 30 Kenya European Civil Service; 66, 84 Poxiwar Employment Reports. 141 War Loan Ordinance, 1940,22

Papers Lald-1,3,44.89,138

Paron, Dr, K. R.-
A criculturat $A$ dvane Waived, 20
Colfee Industry (Amendmenti $81 l_{1} 37$
Gand Control Bill, 192 (
Maize Control, 245 -
Native Niaize 246
Potato Control, 248

Patel, NPr A. I.
Admistion of Male Persons Regul. tions 1944,94
Triein Member of Ntakerere College Ascenbily, 138
Bunkripicy Anicidnciat Bint 7
Crown Laids $\{$ Amendment) till, 224
Indian Edication at Eldoret, 89
Indini Lind Settement Boand, 24, Kenga Asian Lecal Civit Service, 140 Land Contal Bill: 186
Native Civil Hospital, Nombasa, 00
Post-war Employment Reports, 10 o
Presentailon of Instgnis- 1
Questions, Onal Answers to-.
No, 33 - A rienngrown - Foodtulfe Prics, 3
No. $40-\mathrm{Naturalization}, 4$
No. $1-$ Crown Right of Appeal, 89
No. 4-Crown Righ of Ap Makerere College Assembly, 138
So. 43-Indinn Educition at Eldarth. 889
No 1 -A-Admission of Male Persons Regulations. 1944,90
No. $45-$ Native Civil-Hospital, Nom$\mathrm{basi}, 90$
No, $16-$ African Sugar Rations, 138 No. 18 Lorry Pitices, 91
No. $5 t-$ Iatize Control and Controller, 186
So. 54 - kenya asian Loeal Civil Ser vice, 140

Quedions, Vritten Ninswars to-No, 47 -Rail Transport, Nyanza $P_{10}$. wince, 243
No. 50 -Indian - Land Sctitement Bo3rd, 244 So. 52-Kenga Enropan Civil Servans Scring xith Forces, 24
No. 53-Triding Licences, 245
No. 55 -Waize Control, 245
No. $56-$ Native Maize, 246
No. $57-$ Porato Control, 248
Robias, Mr, R. E-
Kenya Eurofean Civit Service. 72
Repnic, Mr. G. M1.
Admission of Nate Persorts Regula. fipns 1944.90
Kenya $A \sin$ n Local Civil Service, 140
Kenya European Civil Service, 63.73
Land Control Bin, 210
Mjize Control and Controller, 186
Natiralization. 44
Potwar Emplaymenl Reports, 127
Scota. Lord Francis--
Kenya European Civil Service. 71
Lnd Control Bill. 191
Naturaliantion, 44

## Stect Committers

Coffe Industry (Amendment) Bill, 92

Stronach, Mtr 3.C. Waler (Anendmenil Xill, 236

Tester, M1r, L -
Agrictitural $\lambda$ dyance Waived. 19,20
Interim Provisional Pensions, 45
Kenya Eutopean Civi Service, 61
Loan Experditurec; 28
Lorry Prices, 92
Penstons 147
War Loan Orfinance, 1410, 21,26
Wartithe Contingency Fund is
Vincent, Mr. A-
Bankruptey (Amendment) Bill, 10
Crown Right of Appeni:89
\% enya Europen Civil Servants Sersing
wilh Forces, 244
Kenya Europan Civil Setvice, 16,85
Land Control Bil, 209
Post-war Emplobmen Keporis; 100
Trading Liences; 2.45
Wathins, Mirs. 0.-
Coftec Industry (Amendment Ein, 35 Collec
231
Post-war Employment Reports. 109 War Loan Ordinance 19.10,. 24

Wrinht $\mathrm{Nr}_{1} \mathrm{E}, 11-$
Whize Contiol and Controllet, 186.
Post-war Employment Reports, 125

# KENYA NATIONAL ARCHIVES <br> PHOTOGRAPHIC SERVICE <br> 1 

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