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C0533/424

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1932.

Kenya

No. 18117. (P. Q. FILE.)

SUBJECT C0533/424

Land Commission.

Previous

Main file.



Subsequent

*- House of Lords*

The Lord Sanderson—To ask His Majesty's Government whether, in view of the appointment of the Commission to undertake the inquiry into land questions in Kenya, the question of the additional appointment of one or more Europeans who are independent both of land tenure and of financial interests in Kenya, and who are not associated in any way with the Government, and who would represent on the Commission the point of view of the African population of Kenya, will be considered. Further, to ask His Majesty's Government whether the appointment of one or more Africans to the Commission will be considered; and whether the African population will be allowed full opportunities of meeting and discussing the land question during the sitting of the Commission.

*(Wednesday) 4th May*

*Please see minute by the Lord  
attached.*

*I submit the draft of a brief  
for consideration. In preparing it I  
have of course had regard to the  
remarks made by the Lord & Sir R.  
Hamilton on the subject of the Commission  
in his course of the Commons debate on  
the 22 April.*

*W. Allen*

*(See also 17312 below)*

*28/4/32*

*W.C.S. 28.4.32*

*W.C.S.  
29.4.32*

*W.C.S.  
29.4.32*

*W.C.S.  
28/4*

4 copies

Draft of Brief in regard to Lord Sanderson's Motion in the House of Lords on the 4th of May regarding the Land Commission, Kenya.

A list of the personnel and the terms of reference of the Commission are appended.

Reference is invited to the remarks made by the Secretary of State and by Sir Robert Hamilton in the course of the debate in the House of Commons on the 22nd of April - see columns 1794, 1844 and 1845 of the attached report.

The Motion deals with three points. The first two are related, they are:-

- A. The addition to the Commission of (a) European, (b) African members representing the point of view of the native population, and
- B. The freedom of the natives to meet and discuss the land question during the sitting of the Commission.

The Commission was not intended to be a body representative of the various interests concerned, but rather in the nature of a judicial body to hear the evidence which those interests may desire to bring and will have every opportunity of bringing before the Commission. For this reason Sir Morris Carter was selected as Chairman of the Commission and it is common ground that he is eminently suited for those duties in view of his knowledge and experience, not only on the Bench but of enquiries into land questions elsewhere in Africa.

As regards the remaining members it was felt that the Commission should combine local knowledge with expert experience and that it would be preferable to secure the services of two fair minded local men rather

*Give part of the  
 1/2 of the work  
 in Rhodesia  
 See p. 1  
 on 1/2 of the  
 work*

*Insert "P" here*

His  
Sir Homelaster's General

service include the tenure of the  
office of Chief Justice of  
Uganda and Tanganyika  
Kenya from the latter of  
which he retired in 1924.

P

He had ~~long~~ <sup>considerable</sup> experience in  
committees dealing with native  
land tenure & settlement and  
land legislation in Uganda.

He was Chairman of the  
Commission appointed in  
Southern Rhodesia in 1925,

to enquire into land questions  
analogous to those to be dealt with  
in Kenya.

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Southern Rhodesia in 1925,  
to enquire into land questions  
analogous to those to be dealt with  
in Kenya.

—

rather than to appoint persons outside the Colony without local knowledge <sup>It is desirable to</sup> encourage <sup>the</sup> co-operation of the non-native community in the <sup>has to be</sup> difficult administrative problems which ~~be dealt with~~ <sup>be decided</sup> ~~is~~, in fact, in accordance with the

Paragraph 67. following passage from the report of the Joint Select Committee on Closer Union in East Africa:

"The Committee are of opinion that the trusteeship of natives must remain the function of His Majesty's Government, but that the assistance of the non-native communities in carrying out this obligation should be encouraged to an increasing extent. In setting up machinery for the detailed administration of the trust, the Government should avail itself to the full of the local knowledge and experience of the unofficial elements".

The Secretary of State is satisfied that the capacity, knowledge and experience of Captain Frank Wilson and Mr. Rupert Hemsted render them admirably suited for service on the Commission: and although

*Some one who knows Frank Wilson is*  
 Captain Frank Wilson ~~was a settler in Kenya~~

and Mr. Rupert Hemsted ~~an ex-official of the Kenya Government~~, they may be relied upon to carry out their duties, <sup>Reasonably & fairly</sup> ~~not as partisans of any particular section of the community or of the Government, but with that sense of justice and fair-play which is essential.~~ Also in view of their local experience they are well fitted to appreciate the native point of view as represented to the Commission. ~~It would therefore be a mistake to enlarge the Committee on the basis that the impartiality of any of the existing members is suspect by~~ ~~appointing~~

*There appears to be no reason for adding to the number of a Comin so well equipped for their tasks.*

6

~~appointing other members on the grounds referred to~~  
~~in the Motion.~~ In any case the appointment of an  
African or Africans would involve the difficulty of finding  
an individual or individuals sufficiently capable of  
representing the native community generally.

As to the last point the Secretary of State  
will gladly bring the Noble Lord's remarks to the notice  
of the Governor of Kenya but the Secretary of State is  
confident that the Governor will be equally anxious  
to ensure that the natives should have full opportunities  
for meeting and discussion not only during the sittings  
of the Commission but also in the preparation of the  
representations which they wish to make.

In conclusion I should like to take the  
opportunity of expressing the gratitude of the  
Government to Sir Morris <sup>Laboy</sup>, Captain Wilson and Mr. Remsted  
for consenting to undertake what will necessarily be a  
laborious task ~~in a field which has been fruitful of~~  
~~dispute in the past.~~ The Government trusts however that  
they can proceed relying on the good-will and cooperation  
of all sections of the community and in the knowledge that  
every section of the community shares the hope of the  
Government that the outcome of their labours will be a  
material contribution to appeasement by stilling ancient  
controversies and allaying mutual fears.



6

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material contribution to appeasement by stilling ancient  
controversies and allaying mutual fears.

Mr. Allen

Notice has been given of a Question by Lord Sanderson for answer in the House of Lords on Wednesday 4th of May, on the land enquiry in Kenya.

Mr. Fitzgerald, Private Secretary, War Office, telephoned this morning to say that Lord Stanhope would be unable to answer this Question, as he will be in Geneva, and that Lord Stanmore will do it instead. Mr. Fitzgerald said that a rather different kind of brief would be required for Lord Stanmore, who, it seems, is accustomed to read his speeches. ~~He is~~ ~~not~~ It is suggested that the Department should prepare the material for the answer more or less in the form of a set speech.

*Ed. Lloyd*

28.4.32

*Plans are being from Capt. Graham (Lt. Hinchliffe's P.S.) that Lord Stanmore\* will answer for the Govt.*

*Ed. Lloyd*  
*29/4/32*

*(14 S. A. 26, 27)*

Kenya Native Land Commission.

OLD HALL,  
RAMSDEN,  
CHARLBURY.  
2nd May 1932.

Dear Sir Robert Hamilton -

I expect to be speaking in the House of Lords on Wednesday next on the question of which Lord Sanderson has given notice, and as no doubt you will be dealing with material for a reply to that question I write to you on the subject.

*Kenya Native Land Commission*

The terms of reference to the Commission appear to me textually quite satisfactory, and, as they will be interpreted by a Judge of Sir W. Morris Carter's qualifications, there ought to be no reason for an unsatisfactory interpretation being placed on them. Nor does it appear to me very necessary to urge that skilled assessors should be added to the Commission, when its Chairman is a man of Sir W. Morris Carter's experience, which it would be difficult to rival. What is much more important is <sup>that</sup> adequate and reliable evidence shall be led; and in this regard also I should feel complete confidence that the Chairman would take every possible pains to ensure that this is done. The only point, therefore which I intend to raise with any expression of desire for fuller assurance, in order to abate

-8-

OLD HALL  
RAMSDEN,  
CHARLBURY.

My excuse for distrust and suspicion, which it is the purpose of the appointment of the Commission to allay, will be aimed at making perfectly clear what is the intended scope of the reference.

The possibility of ambiguity seems to me to lie in the circumstance that in Law the natives have no claim whatever: any more than they <sup>have ever</sup> held to have in Southern Rhodesia. Sir W. Morris Carter was Chairman of the Southern Rhodesia Land Commission, and I have in my mind the findings of that Commission on the question of Natives in European Areas, particularly para: ~~355, 356, 357, 358,~~ 356, 357, 358, and 359: also the last paragraph of Para: 361. Paragraph 364 expresses an opinion of policy into which I do not propose to go: though of course it has been a question of much controversy in Kenya.

The findings of the Southern Rhodesia Land Commission took no cognizance <sup>of</sup> of equitable claims on the part of the natives to the lands they were occupying or had formerly occupied: but contemplated that the principles accepted in Rhodesia should continue to be applied. But the whole case in consideration of which, as I judge, this present Land Commi-

OLD HALL,  
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CHARLBURY.

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OLD HALL,  
RAMSDEN,  
CHARLBURY.

mission has been appointed is that the principles adopted as their guidance by the Southern Rhodesia Land Commission, namely that natives not only had the legal rights, but had the equitable rights which could be recognized or evaluated, <sup>an</sup> ~~it~~ not the principles by which this present Land Commission is to be guided. The whole case for the appointment for this Commission has been that the Select Committee desired that it should be recognized that native occupants had rights that could be recognized and evaluated and that the claims which are to be enquired into are their claims in this aspect, and not merely in the aspect of established Law in Kenya, whether that Law be based on the judgment of the Privy Council or on local statutes or on accepted Government Policy.

It seems to me. I admit, that it will be very difficult for the Commission to make a Report, without making some pronouncement or recommendation on policy, and it is, I think, on this account that questions have been raised on the part of the Labour Party as to the composition of the Commission. All that I, however, desire to have <sup>now</sup> declared, with regard to

11  
OLD HALL,  
RAMSDEN,  
CHARLBURY.

the Reference, is that native claims are to be taken cognizance of from the point of view of native Law and custom antecedent to and irrespective of any deprivation or expropriation which natives may have suffered in regard their interests under those rights, through the operation of British Law, Statutes or Policy.

If this intention of the Reference is clear then the words, "adequate settlement of such claims", if and when they are established, may, I think be relied upon to ensure proper consideration and compensation being given <sup>for</sup> any unavoidable damage suffered through the operation of an approved public policy which it may be, and obviously is in some respects, impossible to undo.

I hope I have made my point perfectly clear.

Oliver

11  
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RAMSDEN,  
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I hope I have made my point perfectly clear.

Oliver



The point raised in Lord Olivier's letter has been discussed with Mr. Bushe and Sir Robert Hamilton, and it is suggested that the reply should be

[ "It is for the Commission to interpret their terms of reference but ] the intention was that they should accept the facts as they exist today, and on that basis deal with the native claims upon grounds of equity and should not be prevented from so dealing with them by any considerations of law."

*J. H. Allen*

3.5.32.

I submitted the above to the Secretary of State when he was having a talk with Lord Strathcona, and he approved the suggested reply, subject to the omission of the words in red brackets, which he did not regard as suitable.

*J. H. Allen*

575/32

*Woods*

Transfer  
later to  
main file

I attach a copy of the report of the debate in the House of Lords on Lord Sanderson's question on the 4th May. It includes one important variation from what Lord Strathcona said, i.e. the use of the word "equality" instead of "equity" in line 23 of column 321. I have spoken to Lord Strathcona, and he has agreed to get it altered, and the word "equity" should be substituted for "equality" in the copies to be sent to the Governor. Lord Strathcona ~~would~~<sup>will</sup> also have "sections" altered to "section" in the sixth line from the end of his speech (column 321).

In sending six copies it will be necessary to invite the Governor's attention to Lord Sanderson's remarks (column 310) on the third point in his question as to allowing the Africans freedom of meeting and discussion, and also to the reply made by Lord Strathcona on this point (column 320). It would also seem desirable to invite the Governor's attention to Lord Strathcona's reply (column 321) to the point raised by Lord Olivier as to the scope of the terms of reference in regard to native claims.

Draft herewith.

J. H. Kell  
5/5/32

To Gov. Hya. (w/ps. debate) 6 eds. 10.5.32  
(air mail) on main file

Transcript  
copy to  
manuscript

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Draft herewith.

Joy Hill

5/5/32

To Gov. Hya. (no p.c. debate) 6 eds. 10.5.32  
(air mail) on main file.

*[Handwritten mark]*

14/6

2

HOUSE OF COMMONS

WEDNESDAY, 8<sup>th</sup> JUNE

- \*18. Mr. Thomas Williams. — To ask the Secretary of State for the Colonies, if he will state when the Kenya land inquiry committee proposes to start its work; whether the question of adding independent Europeans and Africans has received the attention of His Majesty's Government; and, if so, with what result. ORAL REPLY

Labour - Don Valley.

1. The postponement of Sir Morris-Carter's date of sailing, and the reasons for it, were stated in the "Times" and "Manchester Guardian" (and possibly other papers) today; see the Press cutting attached to 18117/2.

2. The suggestion made in the second part of the question was fully dealt with in the House of Lords on the 4th of May; see No. 1 on this file.

The draft reply herewith attempts to compress the line adopted by the Government spokesman on that occasion.

3. A supplementary question may impugn the impartiality of Captain F.B. Wilson on the lines foreshadowed in No. 5 on 18117; see also the minutes thereon. A reminder is being sent today to the telegram to the Governor of May 24th, No. 6 on that paper. The point is dealt with at some length by Mr. Hobley on pages 9 and 10 on No. 7 on 18117/2. His conclusion is that the suggestion that Captain Wilson is occupying land which the African population regard as "stolen" from them, has no foundation in fact.

? Reply as in draft.

W. H. ...  
4/6  
W. H. ... 1.32

EXTRACT FROM OFFICIAL REPORT OF

8 JUN 1932.

M/S to Sir  
J. H. Allen  
9/6  
above

To Gov., - (M/e Q & A - 2) - 17/3 - 16.6.32

M/S

HOUSE OF COMMONS

3<sup>15</sup>

15/6

\* 5. Mr. David Grenfell, — To ask the Secretary of State for the Colonies, whether the Land Inquiry Commission in Kenya Colony will be asked to report on the question whether any of the Crown lands should be alienated to Europeans. [Thursday 16th June.]

ORAL REPLY

Labour - Power

The members of the Commission  
of the East Africa Administration of Crown lands  
of Europeans are necessarily interrelated  
with the Land Commission did not suggest that  
the European matter is not to land also  
to the subject of inquiry! This is a  
matter of policy to be determined by the  
Government & the members of the  
Commission will necessarily have to  
be taken into consideration.

Off-submitted

J. H. Allen

15/6/32

W. G. B.

15.6.32

J. H. B.  
15.6.32

EXTRACT FROM OFFICIAL REPORT OF

8 JUN 1932.

17/3 to Gov.  
10/4/32  
9/6  
10/4/32

To Gov., - (1/2 of A = 2) - 17/3 - 16.6.32

~~MAN~~

HOUSE OF COMMONS

3<sup>15</sup>

15/6

\* 5. Mr. David Grenfell, — To ask the Secretary of State for the Colonies, whether the Land Inquiry Commission in Kenya Colony will be asked to report on the question whether any of the Crown lands should be alienated to Europeans. [Thursday 16th June.] ORAL REPLY

Labour - Gower

The inquiry of the Commission  
of the system of alienation of Crown lands  
to Europeans are necessary interrelated  
but the latter Commission did not suggest that  
the European matter in regard to land was  
the subject of inquiry! This is a  
matter of policy to be determined by the  
Government & the conductance of the  
Commission will necessarily have to  
be taken into account.

Off-submitted

10/4/32

15/6/32

W.G.S.

15.6.32

15/6/32

EXTRACT FROM OFFICIAL REPORT OF

8 JUN 1932.

m/3 to Gov  
J.W. Allen  
9/6  
april

To Gov., - (m/c Q & A = 2) - 17/3 - 16.6.32

HOUSE OF COMMONS

3<sup>15</sup>

15/6

\* 5. Mr. David Grenfell, — To ask the Secretary of State for the Colonies, whether the Land Inquiry Commission in Kenya Colony will be asked to report on the question whether any of the Crown lands should be alienated to Europeans. [Thursday 16th June.]

ORAL REPLY

Labour - Power

The inquiry of the Commission  
of the system of alienation of Crown lands  
to Europeans as necessary interrelated  
with the Land Commission did not suggest that  
the European needs in regard to land was  
the subject of inquiry! This is a  
matter of policy to be determined by the  
Government & the conclusions of the  
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be taken into consideration.

off submitted  
J.W. Allen  
15/6/32  
W.S.B.  
15.6.32  
J.H.G.  
15.6.32

EXTRACT FROM OFFICIAL REPORT OF

8 JUN 1932.

MJG to Sir

M. Allen

9/6

at once

To Gov., - (M/c G.P.B. = 2) - 17/3 - 16.6.32

MJG

HOUSE OF COMMONS

3<sup>15</sup>

15/6

- \* 5. Mr. David Grenfell, — To ask the Secretary of State for the Colonies, whether the Land Inquiry Commission in Kenya Colony will be asked to report on the question whether any of the Crown lands should be alienated to Europeans. [Thursday 16th June.]

ORAL REPLY

Labour - Cropper

The inquiry of the Commission  
of the extent of alienation of Crown lands  
to Europeans are necessary interrelated  
with the fact that the Commission did not suggest that  
the European need not regard to land also  
to the subject of inquiry. This is a  
matter of policy to be determined by the  
Government & the conclusions of the  
Commission will necessarily have to  
be taken into consideration.

Offt submitted

M. Allen

15/6/32

W.S.B.

15.6.32

J.H.G.  
15.6.32



16 JUN 1932

M/3 Q. 52

with 17/6  
at all

To Gov. - (M/c. Q. 52) - 7/3 - 23. 6. 32

23. Mr. Morgan Jones, — To ask the Secretary of State for the Colonies, if he can state when the Kamba reserve (Kenya) was first delimited; and at what date the Akamba Natives were subsequently removed by the East African protectorate government from the Mua hills and other lands near Machakos and Ulu. [Wednesday 6th July.]

Labour Kenyaphilly

ORAL REPLY

These three questions arise from the reference in the Debate last Friday which I have flagged D with the attached Hansard.

The map in 14851/26 makes it clear that Captain Wilson's land, which is near Ulu, can hardly have been affected by the removal of the Wakamba in 1908 from the Mua Hills, which lie considerably to the north.

H. E.

A. P. 5/7

(16 JUL 1932. attached)

M/3, to cover N<sup>o</sup> 4.5.6

A. P. 7.7

To Gov., - (M/c. Q. A in 4.5.6) - 7/3 - 14. 7. 32

16 JUN 1932

M/S G.S.

with 17/6

at all

To Gov. - (M/c. Q.A. in 3) - 7/3 - 23. 6. 32

16  
4

HOUSE OF COMMONS

25. Mr. Morgan Jones. — To ask the Secretary of State for the Colonies, if he can state when the Kamba reserve (Kenya) was first delimited; and at what date the Akamba Natives were subsequently removed by the East African protectorate government from the Mua hills and other lands near Machakos and Ulu. [Wednesday 6th July.]

ORAL REPLY

Labour *Encyclopedia*

These three questions arise from the reference in the Debate last Friday which I have flagged D ~~with~~ the attached Hansard.

Plg E.

The map in 14851/26 makes it clear that Captain Wilson's land, which is near Ulu, can hardly have been affected by the removal of the Kamba in 1908 from the Mua Hills, which lie considerably to the north.

*Amante*  
5/7

EXTRACT FROM OFFICIAL REPORT C

6th JUL 1932. attached

173 to cover N<sup>o</sup> 4.5.06

*Amante*

7.7

To Gov., - (M/c. Q.A. in 4.5.06) - 7/3 - 14. 7. 32

5/7

HOUSE OF COMMONS

\*24. Mr. Morgan Jones, -- To ask the Secretary of State for the Colonies, if he can state the land office number and size of Captain F. O'B. Wilson's farm in Kenya, which forms part of an estate alienated to a Captain Slatter about the year 1908 subsequent to the eviction of Akamba Natives; what was the size of the estate alienated to Captain Slatter; and whether any of the Akamba Natives, living under a headman named Mohindu, who were resident on this land have remained as squatters on the land after the re-sale of a portion of it to Captain F. O'B. Wilson. [Wednesday 6th July.]

*Labour Campaign*

ORAL REPLY

16 JUL 1952

*HW*

16

97

HOUSE OF COMMONS

\*25. Mr. Morgan Jones, — To ask the Secretary of State for the Colonies, if he can state what was the form of the inquiry held in 1929 into the delimitation of certain lands in Kenya; whether the inquiry was held in public or in private; by whom it was conducted; at what place and on what date; and whether public notice of the inquiry was given beforehand. [*Wednesday 6th July.*]

*Labour* *baophilly*

ORAL REPLY

EXTRACT FROM OFFICIAL REPORT

*6 JUL 1932 attached*

*To Gov. - (W/c Qv A - 6) - 17/3 - 14-7-32*

*his*

OFFICIAL



REPORT.

# Parliamentary Debates

HOUSE OF COMMONS.

VOL. 267. No. 124.

FRIDAY, 1st JULY, 1932.

## Contents.

### SUPPLY [12th ALLOTTED DAY—SECOND PART]:

Considered in Committee:

Civil Estimates, 1932:

Colonial Office.

Colonial and Middle Eastern Services.

### RATING AND VALUATION (No. 2) BILL [Lords]:

Not amended (in the Standing Committee), considered; read the Third time.

LONDON:

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## HOUSE OF COMMONS.

Friday, 1st July, 1932.

## [OFFICIAL REPORT.]

The House met at Eleven of the Clock.  
MR. SPEAKER in the Chair.

## NEW WRIT:

For the County of Cornwall (Northern Division), in the room of the Right Hon. Sir Donald Maclean, K.B.E., deceased.  
—[Mr. Rea.]

## PRIVATE BUSINESS

Gateshead Extension Bill,

Lords Amendments considered, and agreed to.

Weston-super-Mare Grand Pier Bill [Lords].—(King's Consent signified),

Bill read the Third time, and passed, with Amendments.

Metropolitan Water Board Bill [Lords],

As amended, considered; to be read the Third time.

Ministry of Health Provisional Order Confirmation (Hertford) Bill [Lords],

Read the Third time, and passed, without Amendment.

Ministry of Health Provisional Orders Confirmation (Elham Valley Water and Heres and Essex Water) Bill [Lords],

Ministry of Health Provisional Order Confirmation (Hailsham Water) Bill [Lords],

Ministry of Health Provisional Order Confirmation (Henley-on-Thames Water) Bill [Lords],

As amended, considered; to be read the Third time upon Monday next.

Leven Burgh Extension Order Confirmation Bill [Lords],

Considered; to be read the Third time upon Monday next.

Kilmarnock Gas Provisional Order (No. 2) Bill,

Read a Second time, and ordered (under Sections 9 and 16 of the Private Legislation Procedure (Scotland) Act, 1899) to be considered upon Monday next.

Public Works Facilities Scheme (Shrewsbury Corporation) Bill,

"to confirm a Scheme made by the Minister of Health under the Public Works Facilities Act, 1930, relating to the Shrewsbury Corporation," presented by Sir Hilton Young; and ordered (under Section 1 (9) of the Act) to be considered upon Monday next, and to be printed. [Bill 115.]

## ORAL ANSWER TO QUESTION.

## IRISH FREE STATE (LAND ANNUITIES).

1. Sir ASSHETON POWNALL asked the Chancellor of the Exchequer, if the £1,500,000 half-yearly instalment of Irish land annuities due on 30th June has been paid?

The FINANCIAL SECRETARY to the TREASURY (Major Elliot): No payment has been received from the Irish Free State in respect of the half-yearly instalment of the Irish Land Annuities due to be paid to the National Debt Commissioners before the end of last month.

## MESSAGE FROM THE LORDS.

That they have agreed to—

Amendments to—

Patents and Designs Bill [Lords], without Amendment.

That they have passed a Bill, intituled, "An Act to amend the constitution of Malta and to remove doubts as to the validity of certain letters patent and other enactments relating to Malta." [Malta Constitution Bill [Lords].]

And also, a Bill, intituled, "An Act to include offences in relation to dangerous drugs, and attempts to commit such offences, among extradition crimes." [Extradition Bill [Lords].]

## HOUSE OF COMMONS.

Friday, 1st July, 1932.

## [OFFICIAL REPORT.]

The House met at Eleven of the Clock.  
MR. SPEAKER in the Chair.

## NEW WRIT:

For the County of Cornwall (Northern Division), in the room of the Right Hon. Sir Donald Maclean, K.B.E., deceased.  
—[Mr. Rea.]

## PRIVATE BUSINESS

Gateshead Extension Bill,

Lords Amendments considered, and agreed to.

Weston-super-Mare Grand Pier Bill [Lords].—(King's Consent signified).

Bill read the Third time, and passed, with Amendments.

Metropolitan Water Board Bill [Lords].

As amended, considered; to be read the Third time.

Ministry of Health Provisional Order Confirmation (Hertford) Bill [Lords].

Read the Third time, and passed, without Amendment.

Ministry of Health Provisional Orders Confirmation (Elham Valley Water and Heres and Essex Water) Bill [Lords].

Ministry of Health Provisional Order Confirmation (Hailsham Water) Bill [Lords].

Ministry of Health Provisional Order Confirmation (Henley-on-Thames Water) Bill [Lords].

As amended, considered; to be read the Third time upon Monday next.

Leven Burgh Extension Order Confirmation Bill [Lords].

Considered; to be read the Third time upon Monday next.

Kilmarnock (Gas Provisional Order (No. 2) Bill,

Read a Second time, and ordered (under Sections 9 and 16 of the Private Legislation Procedure (Scotland) Act, 1890) to be considered upon Monday next.

Public Works Facilities Scheme (Shrewsbury Corporation) Bill,

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And also, a Bill, intitled, "An Act to include offences in relation to dangerous drugs, and attempts to commit such offences, among extradition crimes." [Extradition Bill [Lords].]





## Malta Constitution Bill [Lords].

Read the First time; to be read a Second time upon Monday next, and to be printed. [Bill 116.]

## Extradition Bill [Lords].

Read the First time; to be read a Second time upon Monday next, and to be printed. [Bill 117.]

## WRITTEN ANSWERS.

## CROWN PROPERTY (REPAIR).

**Mr. BRACKEN** asked the Minister of Agriculture whether his attention has been called to the dilapidated condition of No. 38, Kensington Square, the property of the Crown; and, in view of the historic interest attaching to this house, will he take steps to have it put and maintained in good order and repair?

**Sir J. GILMOUR:** The lease of this house contains the usual repairing covenants, and the external painting is due to be done next year. Meanwhile, I am advised that the condition of the premises is not such as to justify any action by the Commissioners of Crown Lands.

## COLLIERY ACCIDENT, DURHAM.

**Mr. LAWSON** asked the Secretary for Mines if he has any information concerning the accident at Pelton Fell Colliery, Durham, whereby three men lost their lives on Tuesday last by the cage falling down the shaft and whether he proposes to have an official inquiry into this accident?

**Mr. ISAAC FOOT:** I have received a preliminary report from the divisional inspector on the regrettable accident at Pelton Fell Colliery, Durham, on Tuesday last. It appears that the second outlet shaft (which is only used on rare occasions) was being used on that day by a small party of officials. During the lowering of the cage from a mid-inset it caught and was suspended on the flange of a girder which supported the platform at the mid-inset. The rope continued to be paid out and slack rope accumulated on the cage top and in the shaft. After a short interval an attempt was made to

get over the difficulty, but before the necessary steps could be taken the cage slipped off the girder and fell to the bottom of the shaft, the three persons then in it being killed. I propose to await the report of the inquest before deciding whether any further inquiry would be of value.

## ROYAL NAVY (OFFICERS' PENSIONS).

**Mr. HALL-CAINE**, asked the First Lord of the Admiralty, whether, as the present pensions of naval officers were based partly on the cost-of-living figure, as calculated by the Ministry of Labour, and as this cost-of-living figure does not properly represent the living costs of retired officers, he will consider the advisability of evolving a special cost-of-living figure which will fairly reflect such costs?

**Sir B. EYRES MONSELL:** No, Sir, as the Ministry of Labour cost-of-living index figure affects the remuneration of public servants generally, retired Naval officers cannot be regarded as a class having a claim for separate treatment in this respect.

## TRADE AND COMMERCE (EXPORTS).

**Mr. T. WILLIAMS**, asked the President of the Board of Trade, the total value of exports from Great Britain and Northern Ireland for the 10 years ended 31st December, 1931, respectively, to the Irish Free State, British India, Belgium, Denmark, Italy, the Netherlands, and Sweden; and the purchases per head of population by these countries, respectively, during the same period?

**Mr. HORE-BELISHA:** It is not possible to give complete particulars for the 10 years ended 31st December, 1931, as trade between the United Kingdom and the Irish Free State was not separately recorded prior to 1st April, 1925, but was part of the internal trade of the United Kingdom. The following table shows the aggregate declared value of the domestic exports of merchandise from the United Kingdom consigned to the countries specified during the years 1924 to 1931, together with the value per head of the population of the importing country.

## Exports of produce and manufactures of the United Kingdom.

Country to which consigned.

Declared Value. Value per head of population of importing country.

Country to which consigned.	Declared Value.	Value per head of population of importing country.
Irish Free State	£'000	£ s. d.
British India	294,658	99 8 3
Belgium	590,801	1 15 3
Denmark	133,540	16 16 11
Italy	82,678	25 14 2
Netherlands	114,598	2 16 4
Sweden	185,347	21 13 8
	81,225	13 6 11

## CROWN LAND, FOREST OF DEAN (SALES).

**Mr. RHYS DAVIES** asked the honourable Member for Rye as representing the Forestry Commissioners, how many plots of land for house-building purposes have been sold on the Crown land of the Forest of Dean; the average price per plot; and whether the Commissioners have any definite planning for this purpose for the future?

**Sir G. COURTHOPE:** During the past five years 177 plots of land have been sold at an average price of £26 per plot and 19s. 6d. per perch. The Forestry Commissioners have no definite information as to how many of these plots have been used for house-building purposes. Consideration is given from time to time to the question of planning house-building development on definite blocks of land, and endeavours have been, and are being made to clear up the small isolated plots surrounded or partly surrounded by private property.

## HOUSING (EXCHEQUER CONTRIBUTION).

**Mr. L. SMITH** asked the Minister of Health what will be the approximate average Exchequer contribution per week up to 1960 in respect of each house built under the Housing Act, 1919, provided no alteration is made in present contractual arrangements?

**Sir H. YOUNG:** The average Exchequer contribution up to 1960 is estimated at about 13s. per house per week.

## POOR LAW RELIEF, LANCASHIRE.

**Mr. G. MACDONALD** asked the Minister of Health the number of persons in receipt of outdoor public assistance in the administrative county of Lancashire on 19th November, 1931, and at the latest date at which figures are available; and similar information for Wigan and St. Helens?

**Sir H. YOUNG:** The numbers of persons (men, women and children) in receipt of domiciliary poor relief in the areas mentioned on Saturday, 14th November, 1931, and on Saturday, 18th June, 1932 (the latest date for which figures are available) were as follow. Persons in receipt of domiciliary medical relief only are not included.

	14th Nov. 1931.	18th June, 1932.
Administrative County of Lancaster	18,661	23,256
Wigan County Borough	2,496	2,904
St. Helens County Borough.	3,293	4,285

## ORDERS OF THE DAY.

## SUPPLY.

[18TH ALLOTTED DAY—SECOND PART.]

Considered in Committee

[Captain BOURNE in the Chair.]

(CIVIL ESTIMATES, 1932)

CLASS II

COLONIAL OFFICE.

Motion made, and Question proposed,

That a sum, not exceeding £27,875, be granted to His Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March, 1932, for the Salaries and Expenses of the Department of His Majesty's Secretary of State for the Colonies.

Mr. LUNN: I suppose it would be impossible for us to live every day in the midst of sensations such as we had yesterday on the Irish question and the War Loan Conversion question, and so to-day, I take it, we shall come down to a placid discussion of administration in the Colonies. When we discussed the Colonial Office Estimates on the 22nd April, the Secretary of State for the Colonies gave a general review of the administration of the Colonial Empire by his department, but I think it was generally agreed that one day was not sufficient, in discussing the Colonial Estimates, to cover adequately all matters affecting the Colonies. That position was taken up very strongly by my right hon. and gallant Friend the Member for Newcastle-under-Lyme (Colonel Wedgwood). I may remind the Committee that the Colonies cover an area of 2,600,000 square miles, and have a population of not less than 20,000,000 people. There are very many of them, but three-fourths of their area and four-fifths of their population are in tropical Africa, and we are concerned, not only with their economic development, but with the health of the people and of animals and with all forms of education of the people. Therefore, I make no apology for coming back to this subject on a further day in the present Session.

I do not desire to repeat what I said on the last occasion, but there is one thing that I must say, and that is that we are profoundly disappointed at the constitution of the Morris Carter Commis-

sion which is to inquire into the land question in Kenya. In my opinion, this Commission is overloaded in the interests of the settlers, and we asked on the last occasion, and we ask now, that there should be placed upon it a representative of native interests. It is not sufficient to say, as the Under-Secretary of State for the Colonies said then, that these gentlemen are British and have a sense of fair play which we hope is inherent in all Englishmen. That may be so, but what we want is confidence, and the best way to secure confidence and co-operation would be to give some form of representation to that part of the population which forms four-fifths of the people concerned with the conclusions of this Commission. We hope it is not yet too late for the Secretary of State to remedy this defect, which, we believe, were the present Government a really National Government, we should not have to raise in this manner in the House.

There have been so many Commissions to East Africa, and so many reports, that only an expert in Colonial affairs can keep up with them. There seem to have been so many commissions from the Commissions' reports, that commission and mission and committee and reports are never-ending. Within the last few days we have received a report of 128 pages by Lord Moyne, who has been out to East Africa as a financial commissioner. Many of us here know Lord Moyne. We remember him as Mr. Walter Guinness when he was a Member of the House, and we remember him as a Minister, and I should be the last to criticise his ability or his suitability for the inquiry which he has just completed. He had to make recommendations for the adjustment of taxation and expenditure, and he has done so. It would be impossible for me on this occasion to deal with all the points to which he refers in what I may say is a good report, but I should like to call attention to some of the things that he says. In paragraph 1 he says:

"I have understood it to be the main purpose of my inquiry to satisfy the anxiety of Parliament that a fair balance of taxation and benefits be achieved between the various racial communities."

and in paragraph 2 he says:

"In approaching this inquiry, an attempt must necessarily be made to interpret the principle of trusteeship for the natives."

It would seem that the objective to which policy for native affairs should be

directed is a general improvement of the standard of native life."

He then sets out to discuss the question of taxation in various forms. He makes recommendations as to changes in the hut tax and the poll tax, and in the taxation of widows; but I wonder how many of us would agree with him when he says that wives are a very popular form of capital investment. He suggests reductions in certain railway freight charges and certain import duties, and he urges that a native betterment committee should be set up to co-ordinate native services, such as education, health, agriculture and roads, with a separate fund. He never fails to let you know that taxation is very unfairly levied on the natives and that, in all the economies, they have had to bear the lion's share, sometimes, he feared with possible danger to the health and well-being of the native community. He favours the levying of an Income Tax in Kenya. I should like to quote again what he says in paragraphs 115 and 118:

"I am forced by the condition that fresh taxation is called for. It can be imposed in a well tried form which need involve no serious hardship. Increased burdens cannot strike any levies to home by the native population and, if imposed, they should be graduated according to the ability to pay. The comparison of the burden of non-native taxation in Kenya with that borne by taxpayers in other countries is indeed striking. Whereas elsewhere civilized communities have had to maintain their economy by adding still further to the burden of direct and indirect taxation which had already become almost intolerable, the non-native population in Kenya are in the probably unparalleled position among civilized nations of bearing no direct taxation at all beyond a small poll tax of 2s. a male education tax of 2s. or 3s. and a comparatively light scale of death duties. The resource of direct taxation in some degree proportionate to the needs of the territory is, therefore, at present practically unutilized, and the treasury balance could be restored by a relatively low tax on incomes."

There are some of the recommendations that I call attention to. There are many other matters which I will leave to other hon. Members who have devoted any time to the study of what is an excellent report to deal with. I would particularly invite the serious consideration of the Secretary of State to it, and I hope he will see that some of the conditions that are laid down are put into operation.

I also wish to raise the conditions of labour in the Colonies and Labour

organisation and administration. I believe there ought to be a well equipped Labour Department in every Colony. Development in some parts has been going ahead, and systems which were in operation in the past are now quite inadequate. In some Colonies there is not an abundance of human labour. That may seem striking with the large number of unemployed that we have in this country, but it is a fact. We should not have men carrying road metal or water for long distances on their heads, nor should road surfacing be done by human rollers in the form of hand rammers, as is the case to-day. We ought to have got beyond methods such as those. They are too antiquated. Mechanical means should be encouraged more than they have been in the past. If there were an efficient Labour Commissioner with a staff in each Colony, they would see that necessary work properly planned, that labour was recruited at the most suitable seasons, that the health, housing, food and well-being of the workers were looked after as they should be and that wages were paid not as in some cases now when natives have had no pay for months for the work that they have completed.

I should like to ask if these things are inquired into in any way and how the various tribes supplying labour are affected by the habit of wage earning? Is there any compulsion or forced labour in the Colonies? Is there any medical examination of recruits on engagement and at the end of their task to see what is their physical condition? I understand that in French and Belgian territories vital statistics regarding feeding and health and allowable recruiting are kept. Where can I find any such statistics in any part of the British Colonies? I should like to ask the right hon. Gentleman if he is aware that, even when labour has been obtained, arrears of wages are assuming great proportions? Does he know of any prosecutions of offenders? I should like to ask him if he would consider copying generally the legal provisions laid down in the Nyasaland Ordinance which makes the employment of natives without adequate means of payment punishable by a fine of £100 or one year's imprisonment. I ask the right hon. Gentleman to have these matters seen to at the earliest possible moment.

## ORDERS OF THE DAY.

## SUPPLY.

[18th ALLOTTED DAY.—SECOND PART.]

Considered in Committee

[Captain BOURNE in the Chair.]

(LIVEL ESTIMATES, 1932.

CLASS II

COLONIAL OFFICE.

Motion made, and Question proposed,

That a sum, not exceeding £97,875, be granted to His Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March, 1933, for the Salaries and Expenses of the Department of His Majesty's Secretary of State for the Colonies.

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[Mr. Lunn.]

I should like to ask how many of the staff of the Colonial Office are going to Ottawa and for what purpose the right hon. Gentleman himself is going. Does he know that Colonial questions are to be discussed there, and will he tell the Committee what he believes it is possible to come out of that Conference in the interests of the Colonies? I think we have a right to know more to-day than we have been told up to now. I noticed the question that was answered yesterday, but there was nothing very much in it as to what is the purpose of representation of the Colonies at the Ottawa Conference.

THE SECRETARY OF STATE FOR THE COLONIES (Sir Philip Cluniffe-Lister): The hon. Gentleman is rather suggesting that something is being concealed from the House. The Lord President, in his speech at the end of the last debate, stated with fullness and precision the whole of the preparations that have been made and the proposals that have been put forward.

MR. LUNN: I am quite well aware of the correspondence that has taken place but I feel that something more is needed than simply the statement that the Colonies have been communicated with on the matter and that the right hon. Gentleman is going to represent them there. We might be given some idea as to how they will come into the discussions at the Conference and what benefits are likely to accrue to them.

My last point is regarding the trade union organisation of postal workers in Palestine. These workers have been organised along with railwaymen in the past and they are affiliated to the International Transport Workers Federation and the Jewish Federation of Labour in Palestine. This organisation is a joint Jewish-Arab union, and I should have thought that the right hon. Gentleman and the Government would have encouraged this brotherhood of the two peoples in the interests of peace and amity amongst the two communities, but I understand that the Government, with the approval of the Secretary of State, has laid down conditions of trade union organisation which mean a break-up of the present organisation and are much regretted by the workers generally. I have the conditions here and the letter

of the Postmaster General and I say, as a trade unionist, that they are conditions that I should oppose being imposed upon me, and I do not believe they should be inflicted on any British subjects. They are to be allowed, I understand, to join a sick club but the limitations and regulations laid down for a trade union are ridiculously restricted and take away all ideas of liberty and freedom to combine to protect their conditions and to unite with their fellow workers. The right hon. Gentleman ought to withdraw those regulations and give every encouragement to the mixing of Jews and Arabs in Palestine in the interests of harmony among the two races.

Finally, I emphasise the fact that the Labour Party are concerned with the good government of all parts of the Colonial Empire equally at least, with any other party in this House. We wish to encourage the development of those areas, to improve and preserve life and to make for human progress. We are opposed to the exploitation of cheap native labour, but we hope that we may be considered considerate of everything which will help in the economic and moral well-being of all who have to spend their lives in the various parts of the Colonial Empire.

MR. AMERY: The hon. Member for Rothwell (Mr. Lunn) has raised some questions with which I had better leave the Secretary of State to deal, but he has raised one broad general issue connected with East Africa, or more particularly with Kenya, on which I should like to make a few observations. This House appointed a little over a year ago a Select Committee which reviewed the whole problem of East Africa, and succeeded in arriving at a unanimous report, not an easy thing to do in view either of the composition of the Committee or of the very varied schools of thought represented on it. In its broad treatment of the whole relationship of the settler community with the other communities in East Africa, the report has commanded general assent everywhere and ought, I think, to put an end to controversy. With regard to the question of closer union between the different colonies in East Africa, the report took the view, with which I fully concurred, that at the present moment anything in the nature of a formal constitutional union is not practicable.

I would, however, point out that the report laid great stress upon the desirability of co-operation and emphasised the great importance attached to the Governors' Conference as the practical medium through which that closer co-operation should be exercised. It regarded the Conference as something in the nature of a body in more or less permanent session and not as a mere occasional and casual meeting of governors. It suggested that the Conference should meet as often as twice a year and also that its corporate character should be emphasised, not only by a permanent secretariat, but by the attachment to it of a permanent adviser on railway policy, because continuity and unity in railway policy is perhaps the most important aspect of unity in this stage of East Africa's development. I confess to a little anxiety as to whether that positive aspect of our recommendations has been given quite as much weight recently as the more negative aspect.

11.30 a.m. I am a little sorry that the Secretary of State did not find it possible to appoint a permanent railway adviser, but has only asked for a report, which, I have no doubt, will be very useful but will not, I think, altogether serve the same purpose. From the reports which have reached me, I gather that the tendency of the recent Governors' Conference was to regard it as a mere meeting of governors, and not quite enough as the central co-ordinating body on East African affairs which one would like to see. However, these are matters which will naturally evolve with time, and I am not in any sense criticising adversely the line which has been taken so far, but only indicating the hope that the Governors' Conference should be made as effective a body as possible.

I now turn back to the criticism of the hon. Member for Rothwell. I confess that I rather regret his criticism of the Morris Carter Commission. Sir William Morris Carter is a man not only of the highest standard of impartiality, but of great experience in this particular kind of work and one whose broad sympathy with native interests I should have thought no one would have doubted, and in Mr. Hemsted, at any rate, you have an old Chief Commissioner, and I do not think that it has ever been suggested that the chief of the Commissioners of public services in East Africa have not

steadily and consistently championed the native interests where their interests have been in conflict with those of the settlers. I now turn to the Moyne Report, and I am glad that the hon. Member thinks that the Moyne Report is good. I think that it is more than good. It is an extraordinarily fair, understanding, practical and wise report, and all the more interesting because it is so essentially unprejudiced in its statement of the problem. It shows a real human understanding of the native situation which is found in very few reports dealing with similar problems. Lord Moyne has pointed out how infinitely better the lot of the native is to-day than it was before.

Whereas he lived in constant fear

I am quoting his words

of famine, slavery and violent death he to-day enjoys liberty and security and a higher degree of improved health and a higher standard of life.

He also points out the good feeling generally between settlers and natives. At the same time, the fact that on the whole the native of Kenya is still far poorer and less advanced than we would wish, and makes practical and helpful suggestions for improving his position. In the same way he disposes of the vague general charges of deliberate unfairness in the incidence of customs charges and railway rates and in railway construction as against the native. Where he does find a practical unfairness, as, for instance, in the railway charges on cotton goods and blankets, he clearly points the need for correction.

In the same way, the figures he gives as to the contribution and experience by the different sections of the community do not suggest anything in the nature of the overtaxation of the native in the interests of the white people. The white community, according to the figures, pays very nearly £500,000 a year towards the common services. That is to say, 75 per cent of the taxation levied on the white community goes to common services and only 25 per cent to the specific needs of the white community, whereas of the taxation of the natives, 45 per cent goes to their own immediate needs and only 5 per cent to the common service. Even so, it is true that the natives are more heavily taxed than we should like to see them taxed, but are we to sacrifice the whole fabric of the civilisation which we are

[Mr. Amery.] trying to build up in East Africa in order to give an immediate remission of taxation! There, again, Lord Moyne makes important suggestions on two or three points. He thinks that in the present financial position the Government of Kenya has made certain reductions of expenditure which unfairly press upon native development, and he earnestly deprecates excessive economies, which he thinks have already taken place, in regard to native medical services, native education and the work of research where it especially benefits native agricultural development.

Lord Moyne makes some thoroughly practical suggestions with regard to the hut tax and the poll tax, whilst realising that certain total revenue has for the time being to be maintained. We are dealing with the existing situation and the existing native habits and he suggests, first of all, a greater flexibility in the levying of the hut tax and the poll and a method of collecting the two taxes which will be fairer and easier to the natives as well as more convenient to the administration, looking forward to a gradual change from the hut tax, which is primarily a wife tax, including a livestock tax, and ultimately replacing it by a cultivation tax. At the same time he is working on the right line in his recognition of the practical considerations imposed by the actual situation. He points out very truly that under present East African conditions wives are still a very popular form of investment. He indicates the possibility of what I might to-day call a conversion scheme, and that with the spread of monogamy cattle and crops might gradually be exchanged, not compulsorily—again following the Chancellor of the Exchequer's example—but gradually and voluntarily, for wives as the basis of investment.

Lord Moyne also deals with certain other essential and vital problems. The Select Committee suggested the great importance of making sure that native interests and native development were safeguarded by the special allocation of funds. Their recommendation was that the chief native commissioner's estimates should be outside the purview of the Estimates Committee. Lord Moyne suggests, and I am by no means sure that it is not a better plan, the establishment of a native betterment fund to which half of

the average yield of native taxation should be devoted and which should be used by the council dealing with the fund for grants-in-aid to encourage the admirable work that is being done through the native councils and in allocation to various services, so gradually building up a stronger and healthier life and higher standards of living for the native community without in any sense breaking into the general unity of the administration. I think that is a very sound suggestion. I would only add one qualification, and that is that while it is in every way desirable to help the technical services for the benefit of the natives, nothing means more to the native in his daily life than the efficiency, the capacity and the sympathy of the ordinary administrative officers, who are his best friends and helpers. Those officers should not be unduly cut down in numbers, and the conditions of service should allow them to remain sufficiently long in their own district to acquire the vernacular, thereby getting a real understanding and sympathy with their people, which is a fundamental condition of native welfare.

I confess that I was a little surprised that the hon. Member for the Rothwell Division (Mr. Lunn), who has worked at the Colonial Office, should seem to think that there was no organisation in the Colony watching over the needs of the natives, particularly in connection with labour conditions. I should have thought that three-quarters of the work of the Commissioners, especially of the native commissioners, in a Colony like Kenya were concentrated on seeing that the conditions of labour were properly carried out, and that contracts were fulfilled. I do not think that I have heard any charges of the native being defrauded of his pay or that the health of the natives has not been looked after. I seem to have a recollection of not a few papers dealing with the problems of native health. On the whole, whether the native prefers to work in the reserves or on the settlers' farms, he is better off on the settlers' farms from the point of view of diet than he usually is in the reserves. At any rate, he has a free choice in the matter.

As to his inquiry whether forced labour exists, I should have thought that a little study of the facts would have met that inquiry by eliciting the information that compulsory labour does not exist any-

where in the Colonial Empire, except for very limited communal purposes among the natives themselves, for local roads, immediate drainage purposes and so on. There, I entirely agree with Lord Moyne in deprecating the direct and universal abolition of a method which is customary, which meets their immediate needs in a way they understand, and which involves far less hardship than the raising of sums of money under the present price conditions, which would make it very difficult indeed. Another point that Lord Moyne has made is the importance of effective financial control in the Kenya administration. I think there is great force in what he says as to the desirability of the Colonial Treasurer being effectively consulted at every stage in the framing of the Estimates. On the other hand, it is worth while remembering that the Colonial system is not quite the same as our Parliamentary system here. The Colonial Secretary occupies a higher and more responsible position and it would be a mistake to do anything that would weaken that responsibility.

Lastly he recognises as necessary in the present financial situation the imposition of some form of Income Tax in Kenya. No one who reads the report will dispute the justice of this conclusion. There is no reason to suppose that any community in Kenya, face to face with all the problems of the time and the efforts made here and in every part of the Empire to maintain solvency, would begrudge some contribution of a direct character to the maintenance of the general administration of the Colony. That is all I have to say on the subject of East Africa.

May I say a few words on the position in Malta; I would begin by congratulating my right hon. Friend on his handling of a very difficult and delicate situation. It is a very good thing that he has managed to create a condition under which an election has been held. The local results of that election are naturally matters which the Maltese must decide for themselves. There is no partisanship in this House as between one Maltese party or another. On the other hand, I think it is essential that the fundamental conditions laid down for the restoration of self-government in Malta should be observed, and I trust, in the interests of the children of Malta and the future political peace of the island, that the Secre-

tary of State will stand absolutely firm on the line he has taken and will not be deflected by any representations which may be made to him. After all, could anything be more absurd from an educational point of view than that children in the elementary schools in Malta, in addition to learning their own native tongue, should be compelled simultaneously to learn two foreign languages, differing widely from each other in structure, pronunciation and character, and differing even more widely from their own native tongue! Would anyone suggest that we could make any educational progress in this country if our children had to learn simultaneously two languages differing as widely as French and Japanese! They cannot have any chance under such conditions.

In view of the position which the Italian language has occupied in the history of the island and in the legal profession and the Church, there is a perfectly natural case for including Italian in the curriculum of those who are going to take up a more literary education or to enter the Church or the law and the learned professions. I understand that Italian is to continue to be taught in the secondary schools. They will learn Italian all the better and more quickly having learned one other foreign language first and for having got a good general education, instead of for political reasons being set the impossible task of trying to learn simultaneously two foreign languages, their alphabet and rule of three. As far as the manual and agricultural classes are concerned, in so far as any foreign language is of use to any of them, their employment at the dockyards or big industrial establishments, or when they can get opportunities in Dominions, where they make such admirable settlers, the only reasonable chance of succeeding is if they know English.

All these considerations, obviously, make for English as the first language for the working classes of Malta to learn, and judging by the views they have expressed in the past when they were given an opportunity to decide this question by itself, not mixed up with politics generally, they had by an overwhelming majority decided in favour of English. Nor can I imagine that any good natured yielding on this question at this moment would ensure permanent

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[Mr. Amery.] political peace. All it would do would be to preserve this language question as the main subject of political controversy in election after election, whereas there is a hope, if the Secretary of State makes the position perfectly clear, as I think he has already done, that politics in Malta may begin to turn on economic and other practical issues which more vitally concern the people of Malta. I trust that he will leave Maltese Ministers under no misapprehension on that point and make it perfectly clear that there is no question either of a former reversal of his decision or of any disregard or evasion of the conditions under which self-government has been restored.

Sr P. CUNLIFFE-LISTER: Let me tell my right hon. Friend at once that I have made that most abundantly plain.

Mr. AMERY: I am very glad to have that assurance. Indeed, I put the question having no doubt in my mind as to the answer. I should like to make one or two observations on the general problems before the Colonial Empire at the moment, and specially with regard to the Ottawa Conference. The hon. Member on the other side of the House gave us figures as to the extent and importance of the Colonial Empire. It is gradually emerging as by no means the least important part of the British Commonwealth. In trade it is now comparable to the Empire of India and its latent possibilities it may some day even exceed India or any single Dominion in trade, productive capacity and in wealth. It is also from the point of view of a balanced and financed an essential complement as a tropical producer to the development of this country or of the Dominions in temperate zones. Over and above that it has been and is to-day a wonderful field of work for our people in lifting and raising the standard of living of those for whom we are trustees. Looking back there is no task of recent years of which we can be more proud than what we have done in education in health and agricultural development for the masses of the native populations entrusted to our charge.

But the whole of this great work is in peril owing to the catastrophic fall in the prices of primary products, which has

brought every colony almost to the verge of ruin. They have been confronted with the necessity for drastic retrenchments of one sort and another, which has often meant not only the disappearance of trained administrators, whose years of experience nothing can replace, but the cutting down of fruitful new experimental services, which Lord Moyne fastened upon in his Report. More than that, it imposes on every one of these Colonies a tremendous and excessive burden of debt. It seems to me that unless the splendid work of the last generation in the Colonial Empire is largely to be wasted, it is essential that the Secretary of State should secure for the Colonial Empire—he cannot secure it for the Colonial Empire alone—the restoration of a reasonable price level. There are special reasons why the Colonial Empire is entitled to consideration in this matter. The Colonial Empire has always honoured its obligations. However hard we have made the burden of their debts, acting in a way as involuntary Shylocks to our own wards, there has never been any question of not fulfilling punctually to the minute every obligation that any Colony has incurred. Again, the fact that practically the whole Colonial Empire is linked to sterling was of inestimable value to us when we went off the Gold Standard. It is that fact, coupled with the fact that India followed sterling, as well as other countries, that falsified all the alarmist predictions made about the danger of going off the Gold Standard. That assured the bulk of our supplies of raw material and of foodstuffs coming in at sterling prices.

Therefore, it seems to me that as the Colonial Empire has helped to make it possible for us to go off the Gold Standard and to maintain a sterling standard, so we have a corresponding obligation to the Colonies, as indeed to all the other members of the sterling partnership, to raise sterling prices to a level which will make it possible for them to pay their debts, to carry on their economic life and to continue on the sterling standard. I know that the Secretary of State goes to Ottawa technically as a member of the British Government, but actually and morally his primary obligations are to the peoples and Governments of the Colonial Empire, and I know how zealous a

champion he is of their interests. I only trust that both before he goes to Ottawa and at Ottawa his influence will be used, and his voice raised, in favour of a monetary policy which will make it possible for those Governments to carry on the splendid work which British administration has carried on in the past.

I trust too, that he will be no less resolute in advocating the claim of the Colonial Empire to preference from the Empire as a whole. At present there are only two Dominions that in any measure really give preference to the Colonial Empire. They are New Zealand and Canada. South Africa, Australia and India give no preference, and yet there is in all those three Dominions a very wide field, without any interference with local production, in regard to which any of these Dominions could be made a field of favour to the Colonial producer. More than that, as the Dominions grow in importance, especially as they become industrial producers and large consumers of luxuries, there will be an ever-growing market for tropical raw materials, fruits and foodstuffs.

There is a field that my right hon. friend ought to stake out as soon as possible.

Above all Canada, to whose development no-one can predict a limit, may very well in time become Africa's greatest customer and find in Africa one of her best markets. She already has given a lead among the Dominions by her Canadian-West Indian preferential policy. I hope that that will be supplemented and expanded to an even more effective Canadian Colonial Empire policy at Ottawa. If we are to secure from other Dominions generous preference to the Colonies we must not be afraid of taking a lead ourselves. We have taken a lead in the complete freedom from the 10 per cent. duties, which is now in operation. But there are still other things that might be dealt with. Take coffee, for which there is a very fine market in Canada and South Africa. I hope that at Ottawa the Secretary for the Colonies will be able, when asking Canada and South Africa for a reasonable coffee preference, to assure them that we shall do the same. In the same way I think that a great deal may be done by a

simple, comprehensive, uniform and effective scheme of sugar preference.

I do not want to elaborate points of detail further. Just this we have to remember: All the Colonies are not at this moment free to reciprocate. Where they are free many of them have shown not only good will, but in preference have gone further than any part of the Empire. The 50 per cent. preference of some of the West Indies, given to Empire produce, should be a lead to the Ottawa Conference. In other cases I have no doubt the Secretary of State will not fail to point out the advantages, and to impress upon the Colonies the desirability of not being backward in their contribution to that general Empire development by which they stand to gain more than anyone else. On the other hand they are restricted by treaty obligations over a great part of Africa. In April last the Secretary of State referred to the fact that these treaties were framed originally from the point of view of our own interests as well as that of others. That is perfectly true. As long as we were Free Trade, as long as we hoped for an expansion of Free Trade, as long as we thought preference to be a dangerous idea, we prevented other people from adopting a policy which we were determined not to adopt ourselves. But that state of affairs has changed, and it seems to me that the principle that makes it to our interest and the Dominions' interest for us to co-operate should also unite Colonial interests with ours and the rest of the Empire in mutual preference.

Take the West African position, and the Anglo-French Treaty as an example. We are there precluded from giving preference in our territory, and the French are precluded in certain French territories, but not in all, from giving preference to their trade. At first sight it would seem that that arrangement was still to our interest. We export to the French area in question something like £2,120,000 worth of British manufactures. The French export to Nigeria and the Gold Coast, our Colonies that are affected, only £780,000 worth. As between England and France, we are obviously even now getting the best of the bargain. Unfortunately, we have to remember that under present international conditions the Anglo-French agreement includes the most favoured nation clause and the privileges



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which we concede to the French have to be conceded to every other foreign country, so while the French only send £730,000 worth of their manufactures to Nigeria and the Gold Coast, other foreign countries, under the most favoured nation clause, send over £7,600,000 worth.

There is, therefore, from the point of view of our own interest a very serious case for considering whether we ought not to try to secure the abolition of the most favoured nation clause—I believe that in international trade this clause is doomed—and that we ought to try to make this arrangement a purely Anglo-French one or else get rid of it altogether. I would remind the Committee in passing, that the Treaty as it stands not only precludes us from receiving preferences in the Colonies but precludes the rest of the Empire from receiving preferences and therefore stands in the way of the full development of, say, the West African-Canadian trade.

I need not go into all the difficulties which surround the Treaties of St. Germain-en-Laye, Berlin, and Brussels, with regard to that curious and to-day absolutely meaningless zone the Congo Basin, which includes a tip of Northern Rhodesia, a tip of the Sudan and the East African territories. All I would say is that those difficulties, though very real, need not be insurmountable if British policy consistently and determinedly is directed towards getting rid of them. I mentioned in the House the other day that the Ottawa Conference of 1894 passed a Resolution which was the first step towards the denunciation of the German and Belgian Treaties which made it impossible for us either to give or receive preferences in relation to the Dominions. May I suggest that this matter is also one for the Secretary of State for the Colonies to bring definitely to the notice of the whole Empire at Ottawa and to see whether the Empire is not prepared, now, to pass such Resolutions as would strengthen the hands of the British Board of Trade and the British Foreign Office in progressively, and in the measure of what is possible, getting rid of those restrictions.

I trust that I have not detained the Committee at undue length. There are many other matters which one naturally would wish to touch upon on this occasion

but it seems to me that, for the Colonial Empire as for the rest of us, Ottawa is going to be a great turning-point. If we cannot get an advance of preferences and a solution of the monetary problem, the next few years in the Colonial Empire may be very lean and difficult years, years of retrogression rather than of progress. If Ottawa succeeds, it may for the Colonial Empire be the beginning of a new and wonderful era of development.

**Colonel WEDGWOOD:** The right hon. Gentleman the Member for Sparkbrook (Mr. Amery) often fills me with exasperation beyond words and no doubt I have the same effect upon him. But I think that what we all appreciate about the right hon. Gentleman is the fact that when he makes a speech of the kind to which we have just listened, he does not seek to show how much better he could do the job than the chap who is doing it. In addition to that, he is uncommonly earnest. I may say, however, that he misjudges the point of view of those people who, like myself, do not think that we are conferring such a great advantage and such benefits on the natives of Kenya as he seems to think. After all, he himself has been responsible for Kenya and naturally he likes to look at the matter. He thinks that Lord Moyne's Report is excellent. He thinks it a step in the right direction, which may be followed in the future, but apart from that report I do not think it can be said that there is any affection due to us for benefits conferred upon the natives in Kenya.

I really think it can only be a mistake to say that out attitude to the natives there is solely one of benevolence. The brighters in Kenya have got to work and we make them work. [HON. MEMBERS: "Oh!"] Yes, they have to work; they are the labour problem. The problem in Kenya is how to get workers. They do not suffer there from unemployment. They suffer from lack of suitable workers and the complaint of the natives in Kenya is that under the British administration they are compelled to work. Of course a great many people think that they ought to be made to work, but it is a perfectly reasonable grievance on the part of the natives of that country that they have to work for two months in the year for a master, solely in order to earn

the money which they have to pay in taxes. [HON. MEMBERS: "What about this country?"] And how long do we work, for example? [HON. MEMBERS: "A five-shilling Income Tax."] The 5s. Income Tax does not make any of the hon. Members who interrupt work for a master for a low wage during two months of every year. Now is that all. If a native in Kenya leaves his job he can be sent to prison under the Master and Servant Ordinance.

**Brigadier-General Sir HENRY CROFT:** I can assure the right hon. and gallant Gentleman that when the natives get tired of their work they just walk off, and you may not see them again for 15 months.

**Colonel WEDGWOOD:** But you can put them in jail. I have been in Kenya too, and I know something about the conditions of the natives. Then take the fact that the working-class there and only the working-class, have to take out passes so that they may be readily identifiable and reclaimed by the people for whom they have contracted to work. Those systems make it extremely difficult for any native who understands the rights and liberties of the working class in other countries to tolerate and accept what is going on in Kenya today. These people are not savages any longer. They can read; they are rapidly becoming educated and you cannot expect satisfaction on their part in the present circumstances. Nor is the labour question the only question. We have taken from them the best land in Kenya and left them reserves. The Masai have very large reserves while on the other hand the Kikuyu have very small reserves. You have taken their land away from them with the result that the natives are compelled to work in order to live—compelled to work not for themselves but for us. I do not believe that it is generally known that the native of Kenya is not allowed to own land outside the reserves. He is not allowed even to lease land in his own country.

**Lieut-Commander AGNEW:** For the information of the Committee perhaps the right hon. and loyal Gentleman will say whether a white man can own land in the native reserves?

**Colonel WEDGWOOD:** Of course he cannot because the reserves are the com-

munal property of the tribe and not individual property at all. But the natives in Kenya can own no property whatever individually. Even in the native reserves, as I say, the property is communal and if a native wanted to buy or even to rent a bit of land for a market garden he could not do so.

**Vice-Admiral TAYLOR:** Is it not in accordance with their own law and administration—this owning of land in the reserves?

**Colonel WEDGWOOD:** Yes, but you are detribalising the natives—

**Vice-Admiral TAYLOR:** And are you objecting to that?

**Colonel WEDGWOOD:** I am. You are detribalising the native. You are driving him out of the reserves. You are forcing him to work in a civilised community for wages, and, at the same time, depriving him of the opportunity of owning land, so that he would be able to bargain with his masters as to the wages he could claim. It is all very well for this House to think that all is beautiful in the garden of Kenya, but, believe me, you have three conditions for the natives which, as those natives become more educated and you understand them better, must inevitably lead to trouble, and I am surprised at the hon. and gallant Admiral criticising the right of the natives to own land in Kenya, for I remember only the other day, on the Palestine question, he was denouncing the interference of the Jews with the land of the Arabs.

**Vice-Admiral TAYLOR:** I asked whether the question of owning land in the reserves was not a matter for the natives themselves, and for their own particular administration?

**Colonel WEDGWOOD:** Is the reserves certainly? The reserves form a small area, but outside that area the natives cannot own land or rent it.

**Sir J. SANDEMAN ALLEN:** Is not the reservation a very large area—42,000 square miles?

**Colonel WEDGWOOD:** I cannot give the details, but there are very large reserves outside for the grazing population, who require a large area; but the reserves

[Mr. Amery.] which we concede to the French have to be conceded to every other foreign country, so while the French only send £730,000 worth of their manufactures to Nigeria and the Gold Coast, other foreign countries, under the most favoured nation clause, send over £7,000,000 worth.

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Sir H. CROFT: Is it not a fact that in the Kikuyu reserves the great difficulty is that they will not grow even enough mealies for their own consumption?

Colonel WEDGWOOD: In the Kikuyu reserves the land is not enough. The men are driven out to work. The women are working on those lands, because you take the men away from them. I wonder what the hon. and gallant Gentleman would do if he were Governor of Kenya. Would he take away more land from the natives? Thank goodness we have a Government a long way from that sort of attitude, and I think there can be no doubt whatever that there will be no more land taken from those preserves in future. They are so inadequate that there is no chance of their being reduced in future. The natives, however, are oppressed by the fear that what is advocated by the hon. and gallant Gentleman may take place.

Sir H. CROFT: I do not suggest taking away land. I only say that the land in the reserves is not worked to full capacity.

Colonel WEDGWOOD: Nor is the land in this country, worse luck! Any attempt to take any more land from those reserves would be a serious matter. I am sorry to have taken up so much time on that point. What I wish to emphasise is that Kenya is only one side of a very big problem. Exactly the same problems that we have in Kenya to-day—problems of labour, land and taxation—are bound to crop up in the other African Colonies. In Northern Rhodesia the problem is a very real one to-day. Sooner or later in Nyasaland you will be faced with exactly the same problem. The Sudan is another case in point, and I wish to draw the attention of the right hon. Gentleman to British practice in the Sudan, which is under the Foreign Office, as a possible alternative to the future development of places like Nyasaland, Tanganyika and Northern Rhodesia. In the Sudan the land has not been taken from the people. There, the cultivators of the land, under arrangements with the Government, rent

the land from the Government. There they have large cotton plantations, the product of which is taken by the cotton-planting companies, and the people who produce the cotton are paid a fixed price. The system works in the Sudan, and there has been no serious native grievance there whatsoever. There has been no outrageous taking of the land from the native, no exploitation, no excessive taxation.

What we have done in the Sudan we might perfectly be able to do in the rest of the African colonies. To a large extent what has been done in the Sudan has been done also in Nigeria. There too, the problems which face us in East Africa have been avoided by being taken in hand in time by wise administration. It would not be too late now for the Colonial Office and the right hon. Gentleman to see how far the future development of East Africa could be harmonised with more of the spirit which has been shown in the Sudan and on the West Coast. But, obviously, the main difficulty in all our Colonies to-day is the question of what we intend the natives to become. If we are to have a position of trusteeship as regards the natives, we must be contemplating the improvement of their status, and the gradual development of the native mind into a capacity for managing his own affairs. I know a great many people say, "We do not want it; we prefer to keep the native as he is." But that is not the policy that any Government or this House has ever advanced. The principle of trusteeship does involve improvement. That improvement does depend, above all, on native education.

Are we doing anything to educate the people in East Africa? If you look at those Colonies, you find one thing in common—a passionate desire among the natives to learn. Education opens the door of the world. Education is an opportunity. Education is the white man's badge. All those people have a great desire for education, and they get so little. Most of the customs and habits to which we object are based upon lack of education. The chance of breaking down those customs depends upon both boys and girls getting education, and yet the amount set apart for education in the budgets of the Colonies, instead of developing, actually goes down.

I would like the House to understand that the least contribution you can make to the development of those people is to teach them English, so that they can read English and acquire what we call English culture.

Directly they can get English culture or even any kind of English education is a sort of protection for them. They can then organise their trade unions, they can then manage their local government, they can then read the laws and the newspapers, but without it they cannot do any of these things, and that is why, not only in Africa, but elsewhere, this matter of education is of such vital importance. If the working classes had not been given education 50 years ago none of my right hon. Friends here would be on this Front Bench. If it was not for education, the world would still be back in medieval conditions, but it is our business to get the rest of the Empire not merely co-operating freely in trade, but co-operating as freely in learning, in knowledge, and in industry, and I welcome certain actions that have been taken by the right hon. Gentleman during his tenure of office in that direction.

I think the right hon. Gentleman, who has spent most of his political fighting life in Departments where political fighting was the principal object, will realise that now he has got into a Department where he really does not need to fight. There is no party business here. I do not think there is any difference of opinion among us really as to the way in which these questions should be approached. I think he has done uncommonly well, both in Cyprus and in Malta, in laying down the principle that you are not going to leave education in the hands of obscurantists. It is not enough to pass pious resolutions. If you want to get decent education for the children of Cyprus or Malta, you will have to have powers of appointing and training teachers. If you leave it in the hands of other people, with the best intentions, they will not get it done, and it is really our duty to civilisation to see that education does spread and that people have a chance.

The condition of the Maltese to-day is almost exactly like the position of the people of this country in the middle of the 14th century, when the language of this country, in the Law Courts and the

Church, was Norman-French, almost Latin; and then, in the middle of the 14th century, this House suddenly decided that they really could not stand talking Norman-French any longer and that they really must talk English for a change, and so they began talking English. The Law Courts held up their hands in horror and went on for centuries talking in another language. The Church, of course, absolutely had fits, and could not think of descending to the vulgar tongue. But the position in England then is absolutely the position in Malta now. The Maltese have a language of their own. I should not care to have to learn it, but it is their language, and is there any reason why the use of it should not gradually come about, first into their Parliament, and then into their law courts, and finally, if possible, into their Church itself? It is no longer impossible to hope, I trust, that people may sometimes be able to govern themselves in the language which they themselves use and understand. It is perfectly marvellous, considering the constitution and so forth, and what they had to face from the Church in Malta, that so much has been achieved. It is none too easy when you have in power in Malta a party calling itself Nationalist, but which is really Italian, and a very small minority of the people calling themselves Constitutionalists, but in reality the Liberal wing of that party.

We cannot go wrong on education. There are people who say to-day that it was a crime when we taught the Indians to read and think and speak English. It was inevitable in any case, and I do not think it was a crime. I think it was the beginning of the dawn. In exactly the same way, the spread of Liberal English education and education in English ideas is the only foundation upon which the future of our Empire can be soundly laid with any hope for the development of the race.

Captain CAZALET: I am sorry to have to disagree with anyone who puts his case so pleasantly as the right hon. and gallant Member for Newcastle-under-Lyme (Colonel Wedgwood); but I could not disagree more profoundly with the implications of his remarks at 12.30 p.m. with regard to the condition of the natives in Kenya and other parts of Africa. I know that he considers that the only direct benefit

[Colonel Wedgwood.] for the Masai, the Kikuyu, and the Kavirondo are all small reserves, and, as the hon. Gentleman knows, too small for the growing populations. Does he deny that?

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[Captain Cazalet.] which this country has ever conferred upon Africa, and the African native was when he himself ruled, dictatorially, like Mussolini, a certain portion of the Union of South Africa some years ago. He could not have taken a more impossible analogy than that of the Sudan and the cotton plantations. I was there, on the plantations, a few weeks ago, and really the whole of that scene, as he knew, was only made possible by the action of the British taxpayer in guaranteeing a loan of £15,000,000. The proceeds of the cotton are divided as 40 per cent to the natives who grow it, 40 per cent to the Sudan Government, and 20 per cent to the Sudan plantation companies. It is very likely that, owing to the price of cotton at present, there will be nothing whatever to pay to the natives, whose 40 per cent, is nearly all gone already this year. The price of cotton is falling every day, and it is very doubtful this year whether the natives will get anything at all. They are extremely discontented at the existing state of affairs, and there is no peace in the whole of Africa where it is the duty of the British administrator to make the individual native work harder than he has to work in that portion of the Sudan.

Colonel WEDGWOOD: He works as a free man.

Captain CAZALET: Yes, but he works also to enable him, no doubt, to pay his tax. The right hon. and gallant Gentleman is up against making the native work on the land to produce something which he may eat or enjoy, but nevertheless he is also anxious to make him work at something which he dislikes much more, and that is learning the English language and other aspects of English education. I shall have a word or two to say in regard to the natives in Kenya, but may I first touch on a matter on which I do agree with the right hon. and gallant Gentleman? I was very glad to hear repeated again to-day from the right hon. Gentleman in charge of the Debate that in spite of what has happened in Malta since we last discussed this question, and the result of the General Election, he is in no way inclined to alter his opinion or his declared policy on the language question. May I, however, say that there are one or two matters with regard to the electoral laws in Malta into which I

wish his Department would look? I understand that plural voting exists in Malta and that it is possible for an individual voter to have no fewer than 10 votes in existing conditions. Also there are things called voting certificates which are liable, shall I say, to be used to develop certain very undesirable practices, and I trust that at some time in the future the right hon. Gentleman may look into these matters.

Now I will turn to East Africa and Lord Moyne's report. Lord Moyne has produced, what he was expected to produce, a fair and unbiased but searching examination of the financial situation in Kenya, and I believe his report will be accepted, not only here, but in Kenya itself, by all the interests in that country, as being unbiased and fair.

This Committee owes a deep debt of gratitude to Lord Moyne for the trouble and time to which he was put in producing that Report. May I, however, say a word of criticism before dealing with certain aspects of that document. In the development of road and air routes both in Kenya and East Africa generally we are behind both the Belgian Government in Belgium Congo and the French Government in many parts of French Equatorial Africa. I appreciate that a great deal of money has been put into the railway system and that the roads should be made primarily to feed the railways, but those roads should be adequate to the demands put upon them. Where there are no railways, we should try and produce more all-weather permanent roads. Whatever may be the arguments as to the unsuitability of the soil and the difficulty of getting labour, an impartial examination of this matter leads one to the conclusion that the administration of the roads leaves much to be desired in Tanganyika and Kenya. With regard to aerodromes, it is important to realise the revolution which aeroplanes have brought to these countries and Central Africa. The governments there have to be prepared for a great extension of the use of aeroplanes, and they should go ahead, even under the existing difficult circumstances, in the preparation of suitable and adequate aerodromes everywhere. I am glad to see the reference which Lord Moyne makes in his report to the question of the communal labour on the roads, because I

believe that that means the solving to a certain degree of the very question which I have just raised.

As to the general conditions, I have always held that in the past personalities in politics have played far too great a part in the history of Kenya, in many ways, and that they have retarded its natural growth and development. I do not think that Kenya, any more than any other part of the British Empire, wants any more committees or commissions. I am one of those who believe that there is nothing incompatible with the interests of the natives in Kenya if at some near time the white settlers double their present number of 17,000, or are even more. The interests of both the settlers and the natives are one, and the prosperity of the one is intimately associated with the prosperity of the other. I regret that the hon. Gentleman who opened the Debate once more suggested criticisms of the personnel of the Land Commission which has just been set up. I have heard and read a good deal of criticisms of those individuals, as far as one is able, from an impartial point of view, to examine their records and qualifications, and I think it is the conclusion that the Commission is the ideal body to find a solution of this problem. Whatever advice and report it produces, they will, largely owing to its admirable composition, receive the unanimous approval of every section of the community in Kenya.

I hope that the right hon. Gentleman will take us some account of the recent Governor's Conference, which is the first to take place since the report of the Joint Committee on East Africa; and that he will also tell us what steps are being taken to set up a permanent secretariat, because many of us believe that the solution of all the questions dealing with the amalgamation of various services in East Africa will lay in the proper development of the Governor's Conference. We can visit East Africa without desiring to pay his humble meed of tribute to the work of our civil servants in the Colonial Service. In lonely, unhealthy and disagreeable conditions they have for years exhibited a tenacious, patient, sympathetic and understanding of native conditions which has made our service the admiration of the world. That is brought out and endorsed in Lord Moyne's report. The idea which the right

hon. and gallant Member for Newcastle-under-Lyme has again brought forward, that in East Africa, and particularly in Kenya the native gets a bad deal, is not only a libel on the administration, but a travesty of the true facts of the situation. Anyone who has visited the native councils working without even the presence of an official representative, who has visited the native hospitals which are largely supported and managed by the natives themselves, who has seen the midwives sent out properly trained and qualified, and who has observed the vast improvement in sanitation in a variety of areas, cannot come to any other conclusion than that a great contribution to progress and to the betterment of native conditions in East Africa has been made by British administration.

Everyone admits that mistakes have been made in the past, but they have been made in good faith; and it is because of those very mistakes that we have Lord Moyne's report and an indication that the Government are in favour of many of the proposals in it; and it is because we admit some of the mistakes in the past that the Land Commission is now sitting. I am certain that common sense can settle these questions with complete fairness to both the natives and the settlers. Anyone who reads the Report will realise that the native is rapidly becoming a producer, as well as a consumer, and nothing shows the gravity of the situation or of the financial conditions better than the figures which Lord Moyne quotes of the prices that natives received this year compared with those received in 1950 for certain products. I do not know what Shikana is, but in 1950 the price paid for the natives per load of 80 lbs. was 10 shillings, and in 1952 the price was 250 shillings—a fall of 75 per cent. In cattle hides the fall is even greater, being 80 per cent. to 90 per cent.

Everyone realises that if the native is to be, as we wish him to be, a consumer and buyer of British goods in an ever-increasing degree, he must be able to sell his produce at a reasonable price. Therefore, we wish all the advantages of marketing and research to be made available to the native producers, as well as to any other section of the community. On the other hand, great care must be exercised as to the crops which the native is encouraged to produce. In Kenya the

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other day a whole 4-year-old coffee crop, which represented a large initial expenditure, had to be destroyed because the natives who had produced it had not given it adequate care and attention.

Some disease had got in, and in the interests of all coffee growers in East Africa the whole crop had to be destroyed. In Uganda there are definite regulations under which any native who grows, as most of them do, a small patch of cotton is forced, if you like—I do not know whether the right hon. and gallant Gentleman will mind the native being forced in this particular matter—to grow also some form of foodstuffs, either bananas or other local produce.

The other two chief items in the report are the setting up of the native betterment committee and the question of income tax. We do not yet know how the native betterment proposal may work out, but it is generally agreed that it is a sound and sensible solution of a problem which in the past has given rise to many difficulties. As regards the income tax, I agree that if I were a settler in Kenya or Tanganyika I should oppose it, and the right hon. and gallant Gentleman would follow my example and probably lead the agitation against the Government; but after having read the facts and the arguments in Lord Moyne's report I must admit that I can not see that that section of the community in East Africa, and particularly in Kenya, have a very strong case against the imposition of a light income tax.

Colonel WEDGWOOD: Surely the hon. and gallant Member is aware that they have put forward proposals.

Captain CAZALET: I was going to lead to that very conclusion, and to say that I hope those concerned will co-operate with the Government in producing an equitable and a fair scheme. It is in their own interests that they should do so, because from the point of view of propaganda and advertisement for Kenya it is far better that the Budget should balance than that there should be a large deficit year after year. That cannot encourage migration. I hope the right hon. Gentleman may be able to tell us what has been decided in regard to our East or West African Colonies which have in the past undertaken certain tariff obligations, owing to a variety of treaties

to which the right hon. Gentleman has referred. I admit that a great many arguments can be advanced on both sides. The East African Colonies are rapidly developing a good trade with the Belgian Congo. Large quantities of material have gone through their ports to the Belgian Congo, where the gold mines are yearly increasing their exports of gold. However, only a few months ago a farmer in Kenya was exporting over a ton of jam a week to the natives in the North of the Belgian Congo. At the same time it is easy to see the advantages which would naturally accrue both to us and to those Colonies if they were able to disentangle themselves from these obligations and join in an economically united British Empire.

I would say in conclusion that while Kenya is at present experiencing the effects of world depression to an even greater degree, perhaps, than other countries, yet providence has richly endowed her with sun and soil, and that I hope there will be cessation of those inter-necine quarrels which do no good to anyone. She has a magnificent body of settlers, second to none as regards the energy, hard work and foresight which they have applied to the development of their new homes. As Lord Moyne has pointed out, the relationships between employers and the native employees are excellent, she has an admirable administration, and I trust and hope that she will settle down to face and solve the stern and unpleasant difficulties with which she is to-day confronted, so that in the very near future she may enjoy with the rest of the Colonial Empire the measure of prosperity which she so richly deserves.

Mr. PARKINSON: There has been a note almost of unanimity this morning in the observations concerning the able report of Lord Moyne, and I am sure it will have given great pleasure to all who have read it, because he not only points out the weakness prevailing out there, but has much interesting information to offer on other points as well. The hon. and gallant Member for Chippenham (Captain Cazalet) has pointed out some of the things which he regards as right and which ought to be encouraged, but others of us look at some of the things from a different point of view, and probably he will not agree with all I have to say. We may congratulate the Government on

having undertaken with such speed the appointment of the committees on the recommendation of the Joint Committee. In that they have shown their intention to try to make things much better in our East African Colonies. The report of Lord Moyne shows the justification of the Joint Select Committee in calling for an investigation into the amounts paid by the different racial communities in Kenya and the amounts spent in the interests of each community. All the native witnesses who came before the Committee stressed three points in particular—expenditure, education and land. They were the subjects of the most serious complaints by the natives who gave evidence, and by many of the officials and others who regard our trusteeship of the native interests as a reality.

Lord Moyne's report points out very well indeed the obligation which we have to native races. The Joint Select Committee define our primary obligation to the native races in paragraph 2 on page 2 of the Report, and I think the definition is a very good one, and an excellent interpretation has been given by Lord Moyne, who divides the obligations under three heads—the material welfare of the people, the economic and the educational. I can only advise hon. Members to read the interpretation, which they will find in paragraph 3 on page 2. It has always been held by the members of our party that the needs of the population as a whole should be the first consideration, though I agree that many people do not hold that view, believing that the settler population of Kenya ought to be paramount there. I believe that the welfare of those who have lived for centuries on the land of their birth, and which has been in their families for centuries without number, ought to have fair and proper consideration. That point of view has been rather overlooked in the past, but the Joint Select Committee adopt that view and treat it as one deserving of the first consideration.

I and I think many other people, hold that more consideration should be given to the 2,500,000 natives than is given to the 90,000 white settlers. The white population are in every way capable of looking after their own interests. They have had the benefit of a sound education before going to Kenya and are equipped to meet

modern conditions of life, and can state their case in the most effective way. We must look on the other side of that argument. We find, on the other side, that the population is getting well on for 3,000,000. Men who may be very smart in the methods which have been prevalent in their own country, and for engaging in production and commerce, such as it is, between the reserves and the tribes, would, when placed up against the white man with his commercial education, certainly not be a match for him and would not be able to place his case in anything like the same light. They have not been able to make their case understandable when they have been dealing with matters which vitally affect them. It is not, therefore, surprising that the interests of the white population prevail. I do not think that we need to apportion any blame to any particular person: it has been a case of each side undertaking its own interests in the best possible way and with a view to making the best bargain for themselves. My contention, which I think I made plain in the speech I made on this matter in April of this year, is that the interests of the whites as against the natives has been favoured at practically every point.

I was delighted this morning to find that the right hon. Gentleman the Member for Sparkbrook (Mr. Amery) agreed with the statement which I have just made, that there has been favouritism in the direction of the white population as against the native population, in matters of customs, railway rates, public expenditure, roads, and that kind of thing. I believe that the time has come when the Government will have to interfere in order to see that there is proper co-operation between the two races, that each race shall at least get that to which it is honestly entitled, and that one shall not be permitted unduly to exploit the other. Lord Moyne shows conclusively the terrible hardship that has been imposed in many areas by the uniform poll tax of 12s. The fall in the value of the produce which they can sell, as has been quoted by the hon. and gallant Gentleman for Chippenham (Captain Cazalet), and the decreasing demand for labour on settlers' farms, must make it almost impossible for many natives to find the money required. To know why these sums have not been found and why the money has not been secured, we must remember that the



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[Mr. Parkinson.] standard of life of the native population has been gradually going down since 1923. There is no gainsaying the fact that the standard of life among the native population is considerably below what it was in 1923. Lord Moyne states in paragraph 9, on page 5, of the Report:

"Direct native taxation still remains in the primitive form of hut and poll taxes, and every adult male native has to pay one or the other, but not both."

That is the burden which the natives are called upon to pay. Although financial stringency and depression demand immediate consideration, there is no reason why the natives should suffer more than the whites. Expenditure must be made to conform to income, but, where the expenditure is overwhelming and there is a diminishing income, it is impossible to make the two things meet. It will be the duty of the Government or of somebody else to try to strike a just proportion between the two communities in Kenya. It is very important as well as very difficult, but I believe that the native point of view should be ascertained and that their standard of life should be investigated in such a manner as would give it a value which was real rather than the imaginary value it has at the moment.

The native capacity to pay has never been sufficiently considered and the native standard of life has never yet been fully taken into account. The uniform poll tax of £12 is very heavy in proportion to the value of the produce that the natives can sell. The hon. and gallant Member for Chippingham quoted figures from the Report showing that the price

10 p.m. paid for the native bean crop has fallen by no less than 50 per cent. between 1928 and 1932, and that in regard to butter there has been a fall in value from 57s. or 58s. in 1928 to 19s. in 1932. The sale of cattle hides also has fallen off from 39s. to 37s. in 1928 to 4s. in 1932. That shows that with the fall in the cost of living and the lessening opportunity of the natives to pay, their taxation is greater than they can bear. I appeal to the Minister, whatever is done with the Report of Lord Moyne, to see whether it is possible to strike a just proportion between the income of the native population and the demands that are made upon them in taxation.

On the figures submitted by the Governors' Conference statisticians, it

appears that the native community paid more than half the total taxation of the Colony. At first view one would say that 2,500,000 people ought to pay more than 30,000 whites, but that is not the correct conclusion, and we have to go very much deeper than that. The principle laid down in the Memorandum on native policy in 1930 was:

"That in view of native mentality, an adequate return for taxation paid ought to be made directly and visibly."

That would do something in the way of easing the burdens of the native people. The question of local rates in reserves and settled areas respectively ought to be carefully considered in relation to the central taxation. I am not going through all the matters which have been raised, but I want to deal with the question of education, because it has been spoken of by every hon. Member who has risen this morning. Every one has spoken of the great desire of the native population for education. One does not need to go very far in the Report of Lord Moyne to find that he distinctly states:

"At the Local Native Council meetings which I attended, I inquired what were the chief wants felt by the natives. 'More education' was invariably the first answer."

Then he went on to look at what has been done in the way of education. The need of education was stressed very keenly by the native witnesses before the Joint Select Committee. They made it clear that education was the first and practically their principal need. I believe, speaking from memory, that one of them said that education opened the way to greater possibilities in the commercial world, and helped them to do what they considered to be the best thing in the interests of their people. If hon. Members look at paragraph 57 on page 30 of the Report, dealing with education, they will find a very striking statement from Lord Moyne which I think ought to be taken into consideration by every one who has read the Report. He states:

"That the Local Native Councils really do feel keenly as to the need of education is shown by provision of £17,000 (see Appendix 8, page 114) which they voted in 1931 for these services from their own resources. I therefore endorse the view expressed by the Director of Education in connection with his estimates this year:

'The African position is worst of all. The demands for education are insistent. The need for meeting these demands was never more urgent. This service should

not be allowed to suffer especially when the shortage of revenue is likely, in the main, to be a shortage of revenue derived from Europeans and not from Africans."

The next paragraph states that:

"Local native councils have since 1926 voted £33,381 for the provision of school buildings to make up for the insufficiency of Government grants."

What has been said with respect to education from the European point of view? The European point of view is quoted in paragraph 54, on page 29, where it is stated that:

"It is of course vital to the future interests of Kenya that nothing should interfere with the provision of European education on a scale as far as possible equal to that enjoyed by the British race and civilisation elsewhere throughout the Empire."

We agree with that statement to a certain extent, but we think that the same privileges and facilities ought to be given to the wards under our trusteeship. The Report goes on to say:

"It is disturbing to find that a very high proportion of the fees charged at school are not recovered from parents, and I consider that a standard of educational provision measured by boarding fees of £45 and tuition fees up to £6 10s. 0d. for a nine months' period represents an unduly high scale of expense to be imposed on the public."

It appears, therefore, that although the native population are being used rather unfairly, the position of the European population is being very strongly held. I notice that in this year's Estimates there is a decrease of £9,200 for native education, and from what is stated in the Appendix to the Report, the position appears to be even more glaring than I have indicated. I have been wondering whether the right hon. Gentleman has given consideration to the dual policy of education in Northern Rhodesia. It has been taken, and I believe that great work is being done educationally, in that Colony. They have their separate directors of education and their separate methods of educational work, and I am sure that the work which is being done in Northern Rhodesia will be attended by success in the matter of education in that Colony, and will probably put it ahead of all the others. I should like the right hon. Gentleman to compare the educational efforts in the two Colonies respectively. If he does, I am sure he will reach the same conclusion as I have.

With regard to medical services, which, of course, are a part of education, we find that the cuts in the native services are very heavy; indeed, the cuts are principally in the native services. In

paragraph 61, on page 33, of Lord Moyne's Report, we are told that in the Masai Reserve, with a population of 50,402, the only medical officer has been withdrawn, while in Central Kavirondo the medical officers have been reduced by one, leaving only one medical officer for a population of 343,905. I could quote further cases of that kind, but I will merely point out that educational services, sanitary services, and medical research ought not to be cut down in a population or in a country which is developing as Kenya is. The Report also states that:

"The provision for health propaganda, of primary importance in the prevention of diseases among natives, has been progressively reduced from £4,150 in 1928 to £200 in 1932."

This is a very retrograde step, particularly in the development of a Colony where such services are so necessary, and where they ought to be augmented rather than reduced.

As regards the Land Commission, we are not complaining so far as its composition is concerned from the Government point of view, but we do complain of the position from the native point of view. The Commissioners are asked:

"To determine the nature and extent of claims asserted by natives over land alienated to non-natives and to make recommendations for the adequate settlement of such claims, whether by legislation or otherwise; and to examine claims asserted by natives over land not yet alienated and to make recommendations for the adequate settlement of such claims."

The Land Commission will make a report, and it would be improper to say too much about it, but it was set up entirely by the Government; the Opposition were not consulted at all in regard to its composition. We think that its personnel would have been more adequate had it included one or two native people who really understood the position in regard to land in Kenya. We reserve the right to consider ourselves in no way bound to accept the findings of the Commission, though at the same time we hope that they may be such as to recommend themselves to every party and every Member of the House. I should like to read a statement made by Lord Lugard, who

[Mr. Parkinson.]

standard of life of the native population has been gradually going down since 1928. There is no gainsaying the fact that the standard of life among the native population is considerably below what it was in 1928. Lord Moyne states in paragraph 9, on page 6, of the Report:

"Direct native taxation still remains in the primitive form of hut and poll taxes, and every adult male native has to pay one or the other, but not both."

That is the burden which the natives are called upon to pay. Although financial stringency and depression demand immediate consideration, there is no reason why the natives should suffer more than the whites. Expenditure must be made to conform to income, but, where the expenditure is overwhelming and there is a diminishing income, it is impossible to make the two things meet. It will be the duty of the Government or of somebody else to try to strike a just proportion between the two communities in Kenya. It is very important as well as very difficult, but I believe that the native point of view should be ascertained and that their standard of life should be investigated in such a manner as would give it a value which was real rather than the imaginary value it has at the moment.

The native capacity to pay has never been sufficiently considered and the native standard of life has never yet been fully taken into account. The uniform poll tax of £12 is very heavy in proportion to the value of the produce that the natives can sell. The hon. and gallant Member for Chippenham quoted figures from the Report showing that the price

1 p.m. paid for the native bean crop has fallen by no less than 50 per cent. between 1928 and 1932, and that in regard to butter there has been a fall in value from 57s. or 68s. in 1928 to 19s. in 1932. The sale of opiate hides has also fallen off from 36s. to 37s. in 1928 to 4s. in 1932. That shows that with the fall in the cost of living and the lessened opportunity of the natives to pay, their taxation is greater than they can bear. I appeal to the Minister, whatever is done with the Report of Lord Moyne, to see whether it is possible to strike a just proportion between the income of the native population and the demands that are made upon them in taxation.

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whether the right hon. Gentleman has given consideration to the dual policy of education in Northern Rhodesia. I feel that a step in the right direction has been taken, and I believe that a great work is being done educationally in that Colony. They have their separate directors of education and their separate methods of educational work, and I am sure that the work which is being done in Northern Rhodesia will be attended by success in the matter of education in that Colony, and will probably put it ahead of all the others. I should like the right hon. Gentleman to compare the educational efforts in the two Colonies respectively. If he does, I am sure he will reach the same conclusion as I have.

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"To determine the nature and extent of claims asserted by natives over land alienated to non-natives and to make recommendations for the adequate settlement of such claims, whether by legislation or otherwise, and to examine claims asserted by natives over land not yet alienated and to make recommendations for the adequate settlement of such claims."

The Land Commission will make a report, and it would be improper to say too much about it, but it was set up entirely by the Government; the Opposition were not consulted at all in regard to its composition. We think that its personnel would have been more adequate had it included one or two native people who really understood the position in regard to land in Kenya. We reserve the right to consider ourselves in no way bound to accept the findings of the Commission, though at the same time we hope that they may be such as to recommend themselves to every party and every Member of the House. I should like to read a statement made by Lord Lugard, who

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is one of the greatest living authorities, if not the greatest, on Equatorial Africa. He stated in a recent debate that:

"The claim of the European Powers to confiscate or extinguish native rights and to take possession or entire control of the land is presumably based on the right of conquest, or, alternatively, upon what the Times calls protective processes, and which I may perhaps be allowed to call 'potential conquest', namely, assumption of sovereignty by virtue of ability to suppress by superior force anyone who objects to the assumption."

I believe that that is correct, and that when one looks into the question of the land in Kenya and other African Colonies it will be found that the same basis has been adopted. Lands have been taken by the Government and sold to Europeans without leaving the natives who were occupying the land any land to live upon or to use. They have made the strongest protest to the Government that they could, but they have been told to keep quiet. The Agricultural Census of 1930 indicated that 110,000 landless adult male natives were quartered on European estates, while Lord Lugard stated that 133,000 detribalised natives are now registered as established on such estates, and Lord Passfield spoke of 180,000 to 200,000 so-called squatters on the alienated white lands.

It is not fair or reasonable that the natives in the land of their own birth, their own homeland, should not be allowed sufficient land upon which to live, either by the extension of the reserves or the creation of new ones. Most of them have families, and property in land is the essential basis of African family life. May we hope that the Commission will do its best to put right these grievances of the natives, to restore to them the right to live happily on their own land in their own country, and to ally as far as possible the feeling of injustice which the natives entertain against the white races? I would appeal to the right hon. Gentleman, holding the great office that he holds, to try to bring about, if possible, greater co-operation and a feeling of human kinship between the natives and the white population. The native races to-day are too poor even to buy the small equipment which is necessary for the production of their crops. They have reached the bottom of their resources, according to the latest reports, for, although they do not as a rule wear such things as blankets to any great extent,

it is stated that they are more scantily clothed now than they have been for a long time.

I want to appeal to the Minister to give full consideration to the report and to do all he possibly can to carry out those parts of it which are going to ameliorate the conditions of the natives, to lower their heavy taxation, and to raise their standard of life. I have no sympathy with the hon. and gallant Gentleman below the Gangway who said that, if he were there, he would fight the Income Tax. I believe Income Tax ought to be imposed. I believe the white population ought to take their fair share of the burden of the country and not be there to pick up all the plums in the orchard and leave the natives derelict to fend for themselves in the best way that they can. I hope the Minister, after the issue of the report of the Land Commission, will be able to bring forward a comprehensive policy of re-organisation of the whole business with a view to settling some of these vexed questions which have extended over so many years.

DE. McLEAN: I listened with great pleasure to the speech of the Secretary of State in the last Debate, giving a description of the economic situation of the Colonial Empire. I was glad to note the action that had been taken to give the maximum of economic advantage to this country and to the Colonies as a result of the recent fiscal changes. Arising out of this new economic situation, I should like to make one or two observations on the development of the Colonies and of the principles underlying this development. There are some principles to be applied which will govern future expenditure on development work. The expenditure will be related to the markets that are available. For the first time, we now have a sure market in the United Kingdom for the produce of the Colonies. It is clear from the right hon. Gentleman's speech that all this development will be related to those markets which we now find here, and which we hope to find in the Dominions as a result of the Ottawa Conference. The examination as to the opening up of any territory and its economic possibilities is now much simplified by having these assured markets. There is, therefore, less risk of economic disaster to the natives and to the white population and less risk of development being pushed too far ahead

of possible markets, as has often occurred in the past. In nearly all countries you find examples of railways and irrigation and other works which have never justified their existence because too optimistic a view was taken of the possibilities at the time of their construction.

The products of the Colonial Empire generally sent to this country consist of fruits, fibres, nuts and seeds of various kinds. To those who are not familiar with those products a visit to the Imperial Institute is of great interest. There they show by picture and sample the wide range of products and their commercial uses. The prices of all these things have fallen to a disastrous extent. The Colonial Secretary pointed out in the last Debate that the Colonies have given a very generous response in the matter of preference and have given a new one which is very wonderful considering the state of depression that they find themselves in. As the standard of life rises in the Dependencies, as we hope it will again under improved conditions, the wants of the natives will increase in the matter of agricultural machinery, motors and lorries and other things made in this country. It will thus have the effect of increasing employment here. Trade with the Colonies is complementary. They supply us with raw materials, and we supply in return manufactured articles.

The Moyne Report compares native and non-native standards and shows how the native has gained greatly by the development of the country. There is no doubt that the economic interests of all races in any territory is identical, because their welfare is bound up in the material prosperity and development of the country. Sometimes one hears it said that the primitive native is quite happy, but the reverse is usually the case. The primitive native is assailed by continuous superstitious fears. He is also in dread of the warlike intentions of his neighbours, and he is full of diseases and all these things, along with periodical famine, decimate the population. The advent of the white man has improved these conditions very considerably, and the native has now much more reason to be happy. But these new conditions have brought other and new problems, mainly economic. The reduction of the death-rate has so increased

the population that, but for the initiative and energy of the white man in the territory, who produce commodities that can be exported and can find markets for them, it would certainly be impossible to maintain the high standard of living which the natives have reached, and in many cases impossible to maintain the increased population at all. The total population of the Colonial Empire has increased by some 50 per cent. in the last generation, and some of the Colonies have doubled their population and more in that time. The action of the Minister in putting the trade of the Colonial Empire on an economic basis and in seeking to extend it, ensures the economic future and welfare of all the races in so far as that can be done by Government action.

The Moyne Report deals with the position of the doctor. It may be said that the aim of modern science is to prevent disease rather than to cure it. As an engineer, I have always found it best to collaborate from the beginning with the Public Health Department in such things as town and village sites and development and in provisions for water supply and water supply sources. It is well recognised, however, that the native usually shows a lack of enthusiasm, and often some hostility to health measures. Demonstrating with a native for transgressing regulations by allowing water to percolate from faulty irrigation channels and lie on the land and thus breed out the dreaded malaria mosquito, I have been told "If God wishes malaria to come to the town, no Government regulations can keep it away." A close association with natives over a long period of years opens one's mind to many curious points of view of life and things in general. It is therefore very important to remember these things in dealing with the economic question.

As to education and expenditure on education mentioned in to-day's Debate, I maintain that education, like research, is a most profitable investment in any country, and especially in the tropics. If economies are necessary, I trust that technical education will be the last to suffer. In primitive countries education should be controlled, and by that I mean that it should be co-ordinated with the development of the country and that the numbers trained should relate to the

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[Dr. McLean.]

posts and the kinds of work likely to be available. Technical and vocational education for trades and agriculture are the most suitable forms of education, and higher education might be supplied in some cases where it is possible.

In this connection, I would pay a tribute to a man of great vision who had a faith in the future of the Arab. I refer to the late Lord Kitchener. When he defeated the Dervishes in 1898 the first thing for which he asked when he returned to London was a public subscription for a college. People smiled at the idea of a college for the sons of Dervishes in a devastated and desert land, but they subscribed the amount and Gordon College was erected. When I left home some 30 years ago to become civil engineer of that college my friends were very sceptical about the possibilities and practicabilities of the job I had undertaken. But ideas have changed since those days. Among the congratulations which I received upon my election to this House the one I value most was from the hand of young men I had trained in that college. The majority of them were men whom I had not seen for 30 years. It appears that they have all done well. Some have attained to senior posts which I know demand the exercise of a considerable amount of engineering skill. When I read the letter it flashed upon me that Lord Kitchener's faith had been justified and that his dream had come true.

Mr. RHYS: The most important paragraph in the Moyne Report has received no attention at all beyond a passing reference by my right hon. Friend the Member for Sparkbrook (Mr. Amery). It deals with the question of financial control in Kenya. All the other incidentals must ultimately lead up to that question of very great importance which affects not only Kenya, but the whole system of government in the Crown Colonies. At this stage I need not go into the existing system of taxation in Kenya or into the alteration which will have to be made, except to say that I believe it to be inevitable that the inelastic and rigid system of the poll tax which exists at the present time will have to be gradually altered and a more fundamental principle introduced based upon justice and taxation according to capacity to pay such as we have in this country. I would press

upon my hon. Friend the Under-Secretary to ask the Secretary of State when he replies to deal with the undoubted and very serious defect which has been brought to the public notice by Lord Moyne's report, namely, the lack of adequate financial control by the Treasury in Kenya. As recently as December, 1938, the Colony had a Budget surplus of nearly £900,000 and in the present year it is faced with a cash deficiency of £180,000.

We all know that, being primary producers, the inhabitants of Kenya have felt the fall in commodity prices perhaps more severely than, or as severely as, any part of the world, but I cannot help feeling that a better system of control than the one which exists might have had some effect upon the slowing down of the raiding of surpluses approved of in past years. The paragraph to which I refer is No. 103, and all efforts to bring about economy and the balancing of the Budget will, in my view, come to nothing ultimately unless financial control is introduced. As the "pious moment" the Colonial Treasurer is really only an accounting officer and is responsible only for the collection of revenue. He is in no way responsible for expenditure. The Establishments Branch, such as it is, is under the command of the Colonial Secretary. In this country the Establishments Branch of the Treasury very closely scrutinises every demand, even before a fresh clerk or a fresh typist is engaged. Where you have, as is the case in Kenya, a complete separation of the Treasury and the administration, it is easy to see how expenditure can mount and mount and how, when one clerk is appointed, some one else must be appointed to help him in his work, and so the cycle goes on. I should like to know the views of the Colonial Secretary with regard to this somewhat loose administration.

I notice in Page 63 of the Report that Colonial Regulations were altered not very long ago, and that in regard to the estimates it states in the old regulations that annual estimates of the revenue and expenditure of the Colony should be prepared by the Colonial Secretary and submitted to the Governor. But the regulations which have been in force since 1926 provide that the Colonial Secretary shall submit them to the Governor. He is relieved of the necessity of preparing estimates. It seems to me, therefore, that

the Colonial Office may have had in mind an ultimate change in the present system by altering Colonial Regulations. Now that the report has brought to the public notice what I consider to be a fundamental difficulty in administration perhaps it will be possible to learn that something is to be done in that connection. Not only is this a fundamental principle affecting Kenya, but it is a fundamental principle affecting our whole administration. I could have developed as greater length the present financial position in the Colony, but I do not think that it is necessary to do so in view of what has gone before. I would also ask whether either my hon. Friend the Under-Secretary, or the Secretary of State, when he returns to the Chamber, can make any reference to the situation in the West African Colonies. I raised this subject on the last occasion that the Colonial Estimates were under discussion, but owing to lack of time it was not possible for my reply to be given from the Front Bench. I hope some information can be given to the Committee as to the present situation. I do press very strongly the point with regard to financial control.

Captain PETER MACDONALD: I should like to express my appreciation of the fact that the Government have given another day to the discussion of Colonial affairs. On the last occasion the debate developed into a wailing wall between Jews and Arabs in Palestine, and a good many people who had points to raise on other Colonial matters were shut out.

Mr. CROSSLEY: On that occasion there were no Arabs wailing at the wall, but only Jews.

Captain MACDONALD: On that occasion the right hon. and gallant Member for Newcastle-under-Lyme (Colonel Wedgwood), who is not in his place, availed himself of the opportunity to make a most shameful attack upon a most loyal body of men, the police in Palestine, who are trying to carry on a most inhuman task in keeping order between those two conflicting elements in that troublesome country. True to form, he has availed himself of the present opportunity to try and stir up trouble between natives in other parts of the world. It may be his modesty which persuades him to think that his speeches are not read or are not listened to throughout the Colonial Em-

pire, but I can assure him that the native press of East Africa, particularly the extremist press, will take full advantage of the opportunity that he has given them on this occasion, as on past occasions, of stirring up and creating trouble between native politicians and Colonial administrators in parts of the Empire where, heaven knows, it is difficult enough at the present time to govern, and govern decently. With that one exception the debate has been on a very high level and has covered a very wide field.

I should like to congratulate the Secretary of State for the Colonies upon the very comprehensive survey he has given of the work of his Department since he took over the administration of it, and I wish to express the profound relief we feel that he is responsible for the Department at the present time. We all know his capacity for hard work and clear thinking, and both those qualities are going to be tested very severely in the next few months. A few months hence when the Ottawa Conference is behind us and a survey is being made of Colonial as well as the Dominion Empire, I feel convinced that the right hon. Gentleman will be able to give a survey of development so far as the Colonies are concerned that will be gratifying to the House as well as to the whole Empire.

One or two points have been raised in the debate which I should like to emphasise, particularly the point raised by the right hon. Member for Sparkbrook (Mr. Amery) when he dealt with the question of commodity prices and their effect upon the future of Colonial and Empire trade. The question of commodity prices, which is linked up with the question of the stabilisation of currency, is one of the most important points to be considered by any Economic Conference in the future. Without the stabilisation of currency and the stabilisation of commodity prices the whole effect of any Preference which may be obtained or granted between the various component parts of the Empire will be completely nullified. At the present time commodity prices are about one-third what they were four or five years ago, and it requires no mathematician to appreciate the effect that that must have upon preferences and upon the future of Empire trade.

I very strongly urge the Colonial Office and the right hon. Gentleman who

[Dr. McLean.]

posts and the kinds of work likely to be available. Technical and vocational education for trades and agriculture are the most suitable forms of education, and higher education might be supplied in some cases where it is possible.

In this connection, I would pay a tribute to a man of great vision who had a faith in the future of the Arab. I refer to the late Lord Kitchener. When he defeated the Dervishes in 1898 the first thing for which he asked when he returned to London was a public subscription for a college. People smiled at the idea of a college for the sons of Dervishes in a devastated and desert land, but they subscribed the amount and Gordon College was erected. When I left home some 30 years ago to become civil engineer of that college my friends were very sceptical about the possibilities and practicalities of the job I had undertaken. But ideas have changed since those days. Among the congratulations which I received upon my election to this House the one I value most was from the band of young men I had trained in that college. The majority of them were men whom I had not seen for 20 years. It appears that they have all done well. Some have attained to senior posts which I know demand the exercise of a considerable amount of engineering skill. When I read the letter it flashed upon me that Lord Kitchener's faith had been justified and that his dream had come true.

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should be the subject of the coming year's Session. I am sure that the Government will do their utmost to find the means of doing this. Mr. Mander's proposals in regard to that matter are very interesting. I am almost certain that the Government will be able to do it. It is a responsibility which is one of the duties of the Colonial Secretary, and I believe we have a tremendous field for the development of our economic Empire throughout the Colonies. They are not hampered as the Dominions are by their own secondary industries, and it is in that field that many of us who are very much interested in this question of Empire development are looking for future progress and future prosperity.

Sir J. SANDEMAN ALLEN: I should like to occupy the time of the Committee for two or three minutes in going back to the opening speech of the right hon. Gentleman. I was very sorry to hear the severe criticism of the Commission which is going to set up under Sir William Morris Carter. On reflection everybody will realise that it has been most carefully selected and that the natives will be well looked after, indeed, much better by an experienced native commissioner than by anyone who may be selected by the natives themselves. Whatever criticisms

there may be about Kenya generally Lord Moyne's admirable and impartial report makes it perfectly clear that if there has been a certain amount of unfairness in any quarter it is quite unintentional, and in spite of the unfortunate and rather unhappy speech this morning the real position is that the feeling throughout the whole region has greatly improved. The settlers and the natives are working together, and the report confirms it.

One or two weak spots are mentioned in the Report. We must remember that the machine has required readjustment for some time. There have been commissions and committees during recent years, and as there is now an opportunity to complete the adjustment of the machinery, I have no doubt that it will be undertaken by the Department. The suggested native betterment scheme is, in my view, a most important proposal, and will have great effect in developing a sense of responsibility among the chiefs and headmen. A first they will require close watching, but Lord Moyne has clearly laid down the lines of what to say and is distinctly the better scheme, and I hope the Government will see their way to adopt it. There are 48,000 square miles of native reserve in Kenya which are undeveloped and it will be for the benefit of the country as a whole to be devoting what is the finest asset of the country in their own interests. As regards native cultivation certain steps have been suggested, but I hope the Government will go slow in this matter.

In regard to the Income Tax proposal it is true that in 1921 Income Tax was a complete failure in Kenya. In the first place, there was no proper staff to look after it, and, in the second, there was no Income Tax in the other two districts of Uganda and Tanganyika. If we set up an Income Tax scheme in Kenya without having a similar scheme in Uganda and Tanganyika run in conjunction with it and managed by one set of officials, it will be a failure. Some Europeans in the district are quite capable of saying that their losses have been incurred in the particular territory where the Income Tax is in force. I should imagine that a little study would bring the Department to the conclusion that it would be wiser to institute an Income Tax simultaneously in the three districts. I want to confirm again the importance of

the Governors' Conferences, and particularly what the Committee thought was most essential, and that is a permanent secretariat to link up the various conferences, to act as a kind of liaison between the three territories.

It is a relief to know that there has been no real unfairness in customs matters, and in regard to railway rates, Lord Moyne has put his finger on the weak spot. The question of treaties has been mentioned. I cannot say that I entirely agree with the right hon. Member for Sparkbrook (Mr. Amery), but since the Committee has raised in this matter the various interests in this country have been studying the question of the Congo Basin and have come to the conclusion that, if arrangements can be made which do not disturb the trade which is at present carried on between Southern and Northern Rhodesia and the Congo Basin, it might be well if we were relieved of the fiscal terms of these contracts. The matter calls for the careful consideration of the Department, and I am quite satisfied that it will receive such consideration. On the other hand, the interests in Western Africa have most strongly objected to the Anglo-French Convention being interfered with. The matter, therefore, should be carefully considered, although I do not see that we can do anything in the matter at Ottawa. I say this because I have had special responsibility in collecting the views of the commercial community in this country and in Africa with regard to this matter. We had a communication by air last week from the Uganda Chamber of Commerce urging that the Congo Basin Treaty should be modified on the lines that have been discussed.

The word in confirmation of the admirable way in which the Secretary of State is performing his duties, and our confidence that when he goes to Ottawa he will bring before the Dominions what at the present moment seems to me is not fully appreciated in this country, the immense potential value of our great Colonial Empire and the possibilities of its development. It is a matter of satisfaction that although we may have a slight difference of opinion every hon. Member has a sincere admiration for the work which is being done in our Colonies and earnestly desires that

the Colonial Office will wake up and get busy in developing this great and valuable asset.

Mr. MANDER: There are several matters affecting the Colonies, some of which have not been referred to, that I would like briefly to touch upon. All the Colonies have their own particular problems, which are of first class importance to them, and I am sure they would feel considerable gratification if they knew that some interest was being taken by this House in matters that mean so much to them. There can be no doubt that throughout the Colonial Empire there is a good deal of unrest at the present time, constitutional unrest and unrest very largely caused by the present economic conditions. It is quite natural that they should desire to advance along the line of controlling their own affairs, and we should do all we can to help towards a solution of their difficulties. I am not one of those who think that it is possible to put everything right by handing over complete democracy to any colony that desires self-government. We have to take every case on its merits and apply to obtain a large variety of different systems to the necessary results. We do not necessarily put things right for one moment simply by giving them two Houses of Parliament, universal franchise or anything of that kind. But it is essential that we should gradually and appropriately give the people of the different Colonies, as they may be fit for it, the opportunity of participating in the government of their own affairs in increasing measure.

Very special qualifications are required by the governors who are appointed to deal with Colonies. We have had the good fortune in the past to have had as Governors some of the finest, the most upright, far-minded and just men who have ever administered any Colony in the history of the world, but in the future we shall require men with qualities in addition to those, men with sympathy and tact, with a desire to work, not as autocrats directing what shall be done, but trying to get the good will and co-operation of those whom they govern, in fact trying to rule with the consent of the governed. I hope that the Colonial Office in making the appointments of Governors of Colonies where these rights of self-government are being widely de-



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It is very important to maintain the Empire together, and to do this we must have a strong and united front. The Government will see that they do not adopt any scheme which is not in the best interests of the Empire as a whole. It is very important that the Dominions should be able to develop their own resources in their own interests, and that they should be able to do so without being hampered by the Government. It is very important that the Dominions should be able to do so without being hampered by the Government. It is very important that the Dominions should be able to do so without being hampered by the Government.

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veloped, will have in mind that perhaps the old type of Governor, brought up in the old tradition, is not best fitted for dealing with a situation of that kind, and that there should be appointed someone with the sort of qualifications that I have indicated.

If one desired, one might point to constitutional unrest in a number of instances. There is, for example, the case of the West Indies generally.

2.0 p.m. Jamaica has its problem. Trinidad has difficulties of its own. But I am going to refer to four specific examples. First of all a few words about the situation in Malta. It seems to me that the Government have acted rightly and wisely in the attitude they have taken up. I am very glad they were able so to arrange things that a general election could take place under the renewed Constitution, but I do not think we ought to be led into thinking that the result of that General Election and the return of the National Party give a mandate for one moment in favour of Italianisation or a return of the demand for revocation of the decision of the Government with regard to the teaching of the Italian language. That would be a wrong deduction to draw. Although, fortunately, the religious difficulties have been removed, or partly removed, and will gradually disappear altogether, there can be no doubt that during that General Election a very large measure of ecclesiastical pressure was exercised on the voters. That needs to be kept most carefully in mind in considering the result of the election. I was glad to hear the Secretary of State indicate that he had no intention of going back on the decision regarding the teaching of the Italian language. I hope he will take whatever steps are necessary to see that that policy is carried through. I do not know, but I imagine he would even go so far as once more to suspend the Constitution of Malta if the present Government, or the Government for the time being, refused to carry out the declared will and policy of this Parliament in that matter.

I want to ask the Under-Secretary some questions about different Colonies. First there is British Guiana. For a number of years that Colony enjoyed a special Constitution with wide powers. It was

found to be rather cumbersome and not in accordance with the Colony's needs, and as the result of an inquiry held a few years ago a new Constitution was set up in 1928. But that does not seem to have put the matter right. There is very great dissatisfaction. The new Constitution actually withdrew some of the democratic powers that the people had got, at any rate for the time being. I understand that on July 6th of last year a large public meeting was held at Georgetown, Demerara, at which a resolution was passed that a deputation, consisting of three citizens of British Guiana, should be sent over to confer with the Secretary of State and to present a memorial which had been drawn up in the Colony, setting out their profound dissatisfaction with the state of affairs under the new Constitution, and a desire that further amendment should be made, including actual proposals as to what those amendments should be. Here is one example of the sort of thing they complain of. It was stated that in the Legislative Council, since the new Constitution of 1928 had come into force, on no fewer than 28 occasions did the Governor over-rule the unanimous wishes of all the elected members present on those occasions. I do not know whether any reply has been sent to their request for something to be done on the matter and for a delegation to come here. As far as I know no action has been taken. The Colony is in a bad way economically and in receipt of a State grant. I am sure that anything that the Government are able to say with regard to giving satisfaction to the very strongly held feelings of the people there, it would be wise to say now.

I turn for a moment to the question of Cyprus. I am sure that this Committee would welcome any information that the Government are able to give on this question, to make it clear whether we are proceeding on the right lines in Colonies of this sort. It has not been easy to get any information either from the Press or from the replies that have been given in this House. It has been suggested that the trouble is largely due to ecclesiastical pressure and domination, and that if that were removed the people would be happy once more. The ecclesiastics have been removed, and it would be interesting to know whether the people are now happy and contented, and whether things are going all right. With

regard to the removal of the bishops, I think it was perhaps a rather unwise course that they should have been deported to this country, where they have been inevitably travelling around, making such contacts as they could, and carrying on an agitation and propaganda of different kinds. Why not have deported them to the country where they are most anxious to be? Why not have deported them to Greece?

**The UNDER-SECRETARY OF STATE FOR THE COLONIES (Sir Robert Hamilton):** They were British subjects and could not be deported to a foreign country.

**Mr. MANDER:** One would have thought that these bishops would have been only too glad of the opportunity of going to Greece with which they claim to have such very great affinity. At any rate, if the Secretary of State can give us any information as to where these bishops are now, and what they are doing, and what is going to be done with them, it is information which ought to be given. I also ask: What is the position in Cyprus to-day? Is it being governed solely on Crown Colony lines; is there any executive council operating there, and if so, are there any Cypriotes serving on that council? No doubt, things have been allowed to get into a rather unsatisfactory state and although it might not be wise now to conduct any inquiry into how matters got into the state in which they were last year, one cannot help feeling that there must have been a certain amount of laxity and maladministration on the part of those responsible for the government of the island. There has been a constitution there for something like 50 years and it has been unchanged I believe throughout that period. It will not be possible to go on permanently governing the colony on a Crown Colony basis. A suggestion has been made of a form of indirect election. I do not know whether the Colonial Office have considered that suggestion but whatever policy they carry out for the future government of the island they ought to try to satisfy the demand of the inhabitants which is making them so ready to respond to the appeal of Enosis. If we can make them feel that their grievances have gone and that they are getting justice and fair play they may not

respond so readily to that agitation, but be content to remain, as the French are in Canada and the Dutch in South Africa, loyal and contented citizens of the British Empire.

I ask the Secretary of State to consider seriously whether the time has not come, as a new Governor has been appointed, and a considerable time has elapsed since the disturbances, to consider a form of future constitution for the island? Would it not be wise to follow the practice adopted in the cases of some other colonies of sending out a delegation to visit the island, make inquiries from all and report on the spot, and bring back a survey to the Colonial Office. I suggest also the advisability of considering whether such a delegation should not be a Parliamentary delegation from this point of view—that as a result of sending out delegations of this kind we can have here a number of Members with personal and intimate knowledge of these colonies which must be helpful in the administration of our Colonial Empire. I hope the right hon. Gentleman will consider these points. As I say the constitution in Cyprus cannot be allowed to remain indefinitely as it is, and I am sure that the right hon. Gentleman has no desire that the island should be governed for ever autocratically.

Lastly, I wish to refer to the position in Ceylon. I have no desire to use language which will be in any way embarrassing in the rather delicate situation which exists in that Colony. The Donoughmore Commission founded their recommendations on the idea that there was to be a very big and real advance in self-government. In particular, the powers of the Governor which has been used normally in the government of the country, were to recede into the background and were only to be resorted to in case of need. Unfortunately, it has become necessary—I do not know why—for the Governor to use his powers on several occasions recently, and it is rather disturbing to be informed as we were informed by the Under-Secretary in a recent Debate, that there have been four instances during the short life of the new constitution, in which the Governor has used his powers of overriding the wishes and decisions of the State Council. When one looks into the reasons for that action one finds that they have reference

[Mr. Mander.] veloped, will have in mind that perhaps the old type of Governor, brought up in the old tradition, is not best fitted for dealing with a situation of that kind, and that there should be appointed someone with the sort of qualifications that I have indicated.

If one desired, one might point to constitutional unrest in a number of instances. There is, for example, the case of the West Indies generally. 2.0 p.m. Jamaica has its problem; Trinidad has difficulties of its own. But I am going to refer to four specific examples. First of all a few words about the situation in Malta. It seems to me that the Government have acted rightly and wisely in the attitude they have taken up. I am very glad they were able so to arrange things that a general election could take place under the renewed Constitution, but I do not think we ought to be led into thinking that the result of that General Election and the return of the National Party give a mandate for one moment in favour of Italianisation or a return of the demand for revocation of the decision of the Government with regard to the teaching of the Italian language. That would be a wrong deduction to draw. Although, fortunately, the religious difficulties have been removed, or partly removed, and will gradually disappear altogether, there can be no doubt that during that General Election a very large measure of ecclesiastical pressure was exercised on the voters. That needs to be kept most carefully in mind in considering the result of the election. I was glad to hear the Secretary of State indicate that he had no intention of going back on the decision regarding the teaching of the Italian language. I hope he will take whatever steps are necessary to see that that policy is carried through. I do not know, but I imagine he would even go so far as once more to suspend the Constitution of Malta if the present Government, or the Government for the time being, refused to carry out the declared will and policy of this Parliament in that matter.

I want to ask the Under-Secretary some questions about different Colonies. First there is British Guiana. For a number of years that Colony enjoyed a special Constitution with wide powers. It was

found to be rather cumbersome and not in accordance with the Colony's needs, and as the result of an inquiry held a few years ago a new Constitution was set up in 1938. But that does not seem to have put the matter right. There is very great dissatisfaction. The new Constitution actually withdrew some of the democratic powers that the people had got, at any rate for the time being. I understand that on July 6th of last year a large public meeting was held at Georgetown, Demerara, at which a resolution was passed that a deputation, consisting of three citizens of British Guiana, should be sent over to confer with the Secretary of State and to present a memorial which had been drawn up in the Colony, setting out their profound dissatisfaction with the state of affairs under the new Constitution, and a desire that a further amendment should be made, including actual proposals as to what those amendments should be. Here is one example of the sort of thing they complain of. It was stated that in the Legislative Council, since the new Constitution of 1928 had come into force, on no fewer than 28 occasions did the Governor over-ride the unanimous wishes of all the elected members present on those occasions. I do not know whether any reply has been sent to their request for something to be done in the matter and for a delegation to come here. As far as I know no action has been taken. The Colony is in a bad way economically and in receipt of a State grant. I am sure that anything that the Government are able to say with regard to giving satisfaction to the very strongly held feelings of the people there, it would be wise to say now.

I turn for a moment to the question of Cyprus. I am sure that this Committee would welcome any information that the Government are able to give on this question, to make it clear whether we are proceeding on the right lines in Colonies of this sort. It has not been easy to get any information either from the Press or from the replies that have been given in this House. It has been suggested that the trouble is largely due to ecclesiastical pressure and domination, and that if that were removed the people would be happy once more. The ecclesiastics have been removed, and it would be interesting to know whether the people are now happy and contented, and whether things are going all right. With

regard to the removal of the bishops, I think it was perhaps a rather unwise course that they should have been deported to this country, where they have been inevitably travelling around, making such contacts as they could, and carrying on an agitation and propaganda of different kinds. Why not have deported them to the country where they are most anxious to be? Why not have deported them to Greece?

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[Mr. Mander.] to the conditions of British officials and the taxation of overseas bondholders and things of that kind.

It is regrettable that the recommendation of the Donoughmore Commission has not been carried out in that respect. These are matters which should have been settled before the new constitution was set up. Unfortunately that was not done. They were left over, and they have apparently led to a certain amount of trouble. It will be very unfortunate if there is to be constant bickering on constitutional points which will prevent the Colony giving attention to the social and economic conditions of Ceylon which are infinitely more important than constitutional or political points. There should be as little interference as possible by the Governor with the powers of the State Council. I am sure that he desires to exercise and does exercise tact and discretion in dealing with the Ministers and it is in that way that the trouble will be overcome.

The Donoughmore Commission stressed the importance of the Governor keeping in touch with the Ceylonese Ministers. As a matter of fact, if this were not done there would be the danger that the Governor would come to rely upon the three Ministers of State who are British civil servants. There would be a real danger of the Ceylonese Ministers feeling that they were out of touch with the Governor, and that matters were remaining very much as they had been in the past. Nothing would be better to prevent friction and promote understanding and sympathy than for the Ceylonese Ministers to feel that they were in close and friendly association with the Governor. This new constitution is the first modern development on a big scale of full democracy with an adult franchise. It has many interesting and novel features. There are, no doubt, certain Ceylonese politicians who for reasons of their own are not too friendly and who would not be very sorry if it did not function as well as it might, but I am sure that, on the whole, everybody desires it to work well and effectively.

In conclusion, I make one suggestion to the Committee. In the last few years we have had a number of very interesting and valuable visits by delegations from the United Kingdom Branch of the

Empire Parliamentary Association to different Dominions and Colonies. These have had very useful results, and I hope that it may be possible to arrange that the next visit of the Empire Parliamentary Association shall include Ceylon and bring us into contact with the people who are now building up their new constitution there. Such a visit would make them feel that we were interested in their efforts to rise in the constitutional scale. It would show then our desire to understand them, and our sympathy with them, and it would teach us something of our responsibilities and of the great difficulties of dealing with a problem such as that of Ceylon. I hope that my suggestion will reach those who are capable of dealing with it and that it will not fall upon unfruitful soil.

**Mr. MORGAN JONES:** I confess that I was very much interested in the last suggestion of the hon. Member who has just spoken. If I may be allowed to say so, I think that it would not be a bad thing if his suggestion were accepted by the Empire Parliamentary Association, and make calls at Malta and Cyprus, and a casual call, also, at Egypt just to see the varying condition of affairs in various parts of the British Empire.

**Mr. MANDER:** Egypt, of course, is not a colony.

**Mr. JONES:** It is hard to say what Egypt really is at the moment. However, that does not concern the Vote, anyhow. I entirely agree with the point which the hon. Gentleman made. There is, no doubt, a considerable amount of unrest in all parts of the Empire at the moment and a great deal of it arising from the development of the idea of self-determination. I think it is desirable that we should look at this movement, if I may call it so, as sympathetically as we possibly can. I further agree with him, without, of course, implying any reflection upon any individual Governor in any part of the Empire, that the question of the appointment of Governors in given places is becoming increasingly a matter of great importance, because you can quite easily have appointed to a particular area a Governor who may not, perhaps, be accustomed to work in areas where the principle of self-government is in operation, and who may, perhaps, privately not be enthusiastic about it. As a consequence, you may very easily

have conflicts which otherwise might be avoided. May I make this other observation, that the rather frequent occasions on which the Governors, as in the case of British Guiana and the Governor, I believe, in Ceylon, have found it necessary to veto from time to time the suggestions of the local legislative body, does indicate the possibility—I will not put it higher than that—that unless this is very carefully watched, you may have unnecessary conflicts.

On the question of Malta, I should like to say that, generally speaking, I am in agreement with what has been said by way of congratulation of the right hon. Gentleman opposite with regard to the policy he has followed. I believe he has decided—I speak subject to correction—that the Government must reserve to themselves the right of the appointment of teachers to schools, and so on. I should have been very glad if the right hon. Gentleman and his colleagues could have found it possible to have given the same measure of support to the Labour Government when they, in a much more modest way, were trying to move in the same direction round about the year 1930 in regard to domestic affairs. However, there it is. I am glad to see some indication of repentance coming from the right hon. Gentleman. [Interjection.] I was reminding the right hon. Gentleman of the legislation proposed by the Labour Government with regard to the schools of this country in 1930, and the sort of Vote he gave on that occasion. Never mind; that is only a sort of *en passant*. I rose mainly to continue the discussion, which has occupied a good deal of our time, concerning Kenya; but, before I discuss the land question in particular, I hope very much that, not only with regard to the natives of that area, but in regard to the natives generally of Africa, he will consider whether the time has not come to examine the problem of the applicability of the present law generally to these people. He will remember that some six weeks ago I addressed to him a question across the Floor of the House concerning the prosecution of some 60 natives, and I am happy to acknowledge, quite readily, that the right hon. Gentleman on that occasion showed a degree of humane consideration that I would expect from him.

The Committee will remember that some 60 men had, perforce, been sen-

tenced to death. They were prosecuted for having killed a person who they believed to have been guilty of the exercise of witchcraft. Clearly, it seems to be the application of an unnecessary process of law to have to go through the process of sentencing those people to death when we know that we must commute that sentence, because, obviously, we could not allow 60 people to be put to death because they were guilty of an act which, to them, seemed to be something that was praiseworthy. I think that we ought to appoint a committee of experts, legal people, together with others, who know something about the superstitions which prevail among those people, and who feel that the legal ordinances which are now in operation in those areas should be re-adjusted in such a way as to avoid a situation such as that to which I drew the attention of the House and the right hon. Gentleman some time ago.

I turn for a few minutes to discuss the difficulty which arises in Kenya. Hon. Members may wonder why it is that we are returning to this problem so frequently. I do not think that there is any necessity for us to defend our action in returning to it, because, after all, it will be appreciated by everybody that every party in this House has been committed from time to time to a declaration which, in my judgment, was one of the most important declarations that have been made, certainly since the War, in respect of our Colonial administration, namely, that of the Duke of Devonshire in 1923. That declaration of trusteeship was reiterated by the right hon. Member for Sparkbrook (Mr. Amery) when in the Colonial Office, and reaffirmed by the present Dominions Secretary when he was there. Government after Government have been committed to it, and, therefore, we can say that, for all practical purposes, the whole House is involved, as a matter of honour, in the full and complete implementation of that declaration. But the trouble we find is that, somehow or other, for some reason or other, there have been repeated, steady and ceaseless attempts in the area of Kenya to circumvent the full implications and applications of that principle. For that reason we feel it our bounden duty to direct the attention of this House over and over again to the situation as we conceive it to be.

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Let me take, first of all, the question of land ownership. My hon. Friend and,

[Mr. Jones.] I believe, one or two hon. Members in other parts of the House have directed our attention this morning, as was done on a previous occasion, to the constitution of this Land Commission which was recently sent out, and they have been very careful to say that they impute no motives nor any special prejudices to individual members of the Commission. At the same time, we must not forget what is, I think, the fact, that the Judge himself, who is a splendid legal luminary, was part, I believe, of the judicial court which declared, in regard to land in Rhodesia, that natives had no inalienable right to the land and that finally it belonged to the Crown. Whether that be the case or not—so I was informed—this is certainly true, that there is the gravest possible objection to one member of the Commission, namely, Mr. Wilson.

Let me put it in this way. Suppose there had been in Scotland a removal of crofters from a large area, and suppose that in the area from which the crofters had been removed certain, shall I say, anti-crofting elements had entered into possession, and an inquiry had to be undertaken. Would it be deemed by any Member of this Committee to be fair that one of the persons in possession of the land from which the crofters had been removed should sit on that committee of inquiry? Obviously not, and in this particular case it is alleged, I believe, without fear of contradiction, that Mr. Wilson is, in fact, in possession of land from which natives have on some previous occasion been removed.

Sir P. CUNLIFFE-LISTER: The hon. Member, no doubt on information which he will disclose to the Committee, has made a charge. I wish to say, having inquired into it quite categorically, that I am informed that, so far from that being the case, when this land was delimited, I think it was in 1929, the whole question was then gone into, and no charge was made, and no native in fact laid any claim to any part of the land of which Mr. Wilson is in possession. I am sure that the hon. Member will not mind my interrupting him, because I know he would not wish to give currency to a statement which I have inquired into locally and for which I find there is no foundation in fact.

Mr. JONES: I am very much obliged to the right hon. Gentleman. Perhaps I had better tell the Committee how I have got hold of my information. I have met several people who are well acquainted with the situation in Kenya, and not one, nor two, but several have assured me that in point of fact this is the case. If the right hon. Gentleman says it is not the case, of course, I have nothing further to say on the point.

Sir P. CUNLIFFE-LISTER: I saw the rumour that had been circulated, and I telegraphed specially out to ascertain the facts, and the facts reported to me by the Governor are as stated by me.

Mr. JONES: I am very much obliged, because from our point of view that clears the ground enormously, but I very much hope that the 2.30 p.m. chairman of the right hon. Gentleman will be made public in East Africa to all concerned, for I am assured that the belief is still entertained among some of those natives that what I have stated was the case. However, so far as we are concerned, the ground is cleared. But even so, accepting that, there still remains one element of dissatisfaction with this Commission. Even though all the three gentlemen on the Commission are in every way proved to be well above bias or any sort of indirect interest, even then there is a strong case, it seems to me, for placing upon that Commission some one or two who can speak more or less authoritatively on behalf of the natives so as to safeguard their interests in this matter.

After all, everyone knows that the history of land ownership in this area is one of which none of us has any right to be exceptionally proud, and I am not now making a party point, for it was admitted in the Ormsby-Gore report, and it is stated in one report after another, that there have been incidents in connection with the expropriation of these natives which do not reflect credit upon those concerned. Kenya has emerged as a very important area for white settlement since the war, and I do not think this can be questioned either, that some of the very best lands have gone into the hands of white settlers, and that while those parts which have been occupied by white settlers are underpopulated, the lands occupied by native

tribes are very substantially over-populated in relation to their productivity. That is one reason, anyhow, as to why we should be constantly coming back to the operations of certain groups as we see them from time to time in the region of Kenya; and I do not mind saying, further, that we shall judge the report of this Commission with the utmost particularity from the standpoint which I have indicated, namely, the Devonshire declaration of 1923.

Now I turn to another element of the matter which is of great importance, and that is the question of conscription. The right hon. Gentleman himself declared on a previous occasion that Kenya is the only place throughout the British Empire where conscription is now in operation.

Sir P. CUNLIFFE-LISTER: I was in error, because my jurisdiction did not extend to the Channel Islands, but I believe there is much the same conscription in the one. Member calls it, in force in Jersey. *Guernsey.*

Mr. JONES: Then I will make that exception. I do not understand what is the fundamental justification for the application of conscription in Kenya, and the story is somewhat interesting. It is not a new proposal put up to the National Government. It is a proposal that was put up some years ago to the then Government, and rejected then, and put up again and rejected, but however frequently it has been rejected, these people have returned time after time with this demand that conscription shall be applied. Now I understand that conscription can be applied to the whites between certain ages. What is the justification for it? Is there a sort of fear that the white people are in some danger from the natives? If that is not the justification, what is it? Why should we have conscription in this part of the Empire and in no other with the exception that the right hon. Gentleman has just given. It is a matter of fundamental importance that we should have a complete justification for this big departure from the principle of voluntarism which is observed throughout the British Empire.

Unless it is assumed that you must arm the whites especially against the natives, I fail to understand what the justification

really is. There is also an element of industrial conscription on the natives. I will not develop that point except to say that we may by this expedient get through our present difficulties in such areas as these, but we may find that we have merely postponed them and possibly intensified them for our successors.

The House of Commons has been invited several times to discuss the Indian problem. If we go on treating those areas in Africa in this way for a generation or two, we may very well find our selves against a recurrence of the same difficulties that we have had to face in India. I cannot understand how any enlightened administration can justify the application of either military conscription or an indirect form of industrial conscription.

With regard to the educational question, I am in general agreement with what has been said as to the excellence of the Moyne Report, but I must issue a caveat against one paragraph which contains a sentiment requiring some justification. I would like to know what the attitude of the Government is towards it. The statement, which appears in paragraph 45, reads:

“The smaller European and Asiatic communities which provide so large a proportion of the total revenue are entitled, for instance, to special standards of education and other services which it would be quite impracticable to provide for the large native population who are only able to make such a small per capita contribution to the cost of their services.”

This is the point which I controvert. The implication is that there must be two grades and standards visualised in respect of educational services in that area. We do not expect immediately the complete realisation of our ideals in regard to educational opportunity for the natives of Kenya any more than anywhere else, but I hope that the House will never accept the idea that the outlook for the natives of these areas should be lower than that for the whites of the same area. In the ultimate resort, the solid development of these areas depends upon the measure of educational opportunity. Those who have read that delightful book on the life of Dr. Aggrey will appreciate what vast possibilities lie latent in the development of native education in these areas. I am sure that it is by education alone in the ultimate resort that we can afford to these people that measure of

[Mr. Jones.]

I believe, one or two hon. Members in other parts of the House have directed our attention this morning, as was done on a previous occasion, to the constitution of this Land Commission which was recently sent out, and they have been very careful to say that they impute no motives nor any special prejudices to individual members of the Commission. At the same time, we must not forget what is, I think, the fact, that the Judge himself, who is a splendid legal luminary, was part, I believe, of the judicial court which declared, in regard to land in Rhodesia, that natives had no inalienable right to the land and that finally it belonged to the Crown. Whether that be the case or not—so I was informed—this is certainly true, that there is the gravest possible objection to one member of the Commission, namely, Mr. Wilson.

Let me put it in this way. Suppose there had been in Scotland a removal of crofters from a large area, and suppose that in the area from which the crofters had been removed certain, shall I say, anti-crofting elements had entered into possession, and an inquiry had to be undertaken. Would it be deemed by any Member of this Committee to be fair that one of the persons in possession of the land from which the crofters had been removed should sit on that committee of inquiry? Obviously not, and in this particular case it is alleged, I believe, without fear of contradiction, that Mr. Wilson is, in fact, in possession of land from which natives have on some previous occasion been removed.

Sir P. CUNLIFFE-LISTER: The hon. Member, no doubt on information which he will disclose to the Committee, has made a charge. I wish to say, having inquired into it quite categorically, that I am informed that, so far from that being the case, when this land was delimited, I think it was in 1929, the whole question was then gone into, and no charge was made; and no native in fact laid any claim to any part of the land of which Mr. Wilson is in possession. I am sure that the hon. Member will not mind my interrupting him, because I know he would not wish to give currency to a statement which I have inquired into locally and for which I find there is no foundation in fact.

Mr. JONES: I am very much obliged to the right hon. Gentleman. Perhaps I had better tell the Committee how I have got hold of my information. I have met several people who are well acquainted with the situation in Kenya, and not one, nor two, but several have assured me that in point of fact this is the case. If the right hon. Gentleman says it is not the case, of course, I have nothing further to say on the point.

Sir P. CUNLIFFE-LISTER: I saw the rumour that had been circulated, and I telegraphed specially out to ascertain the facts, and the facts reported to me by the Governor are as stated by me.

Mr. JONES: I am very much obliged, because from our point of view that clears the ground enormously, but I very much hope that the dis-

2.30 p.m. chairman of the right hon. Gentleman will be made public in East Africa all concerned, for I am assured that the belief is still entertained among some of those natives that what I have stated was the case. However, so far as we are concerned, the ground is cleared. But even so, accepting that, there still remains one element of dissatisfaction with this Commission. Even though all the three gentlemen on the Commission are in every way proved to be well above bias or any sort of indirect interest, even then there is a strong case, it seems to me, for placing upon that Commission some one or two who can speak more or less authoritatively on behalf of the natives so as to safeguard their interests in this matter.

After all, everyone knows that the history of land ownership in this area is one of which none of us has any right to be exceptionally proud, and I am not now making a party point, for it was admitted in the Crossby-Gore report, and it is stated in one report after another, that there have been incidents in connection with the expropriation of these natives which do not reflect credit upon those concerned. Kenya has emerged as a very important area for white settlement since the war, and I do not think this can be questioned, either, that some of the very best lands have gone into the hands of white settlers, and that while those parts which have been occupied by white settlers are under-populated, the lands occupied by native

tribes are very substantially over-populated in relation to their productivity. That is one reason, anyhow, as to why we should be constantly coming back to the operations of certain groups—as we see them from time to time in the region of Kenya; and I do not mind saying, further, that we shall judge the report of this Commission with the utmost particularity from the standpoint which I have indicated, namely, the Devonshire declaration of 1923.

Now I turn to another element of the matter which is of great importance, and that is the question of conscription. The right hon. Gentleman himself declared on a previous occasion that Kenya is the only place throughout the British Empire where conscription is now in operation.

Sir P. CUNLIFFE-LISTER: I was in error, because my jurisdiction did not extend to the Channel Islands, but I believe there is much the same conscription, as the hon. Member calls it, in force in Jersey.

Mr. JONES: Then I will make that exception. I do not understand what is the fundamental justification for the application of conscription in Kenya, and the story is somewhat interesting. It is not a new proposal put up to the National Government. It is a proposal that was put up some years ago to the then Government, and rejected then, and put up again and rejected, but however frequently it has been rejected, these people have returned time after time with the demand that conscription shall be applied. Now I understand that conscription can be applied to the whites between certain ages. What is the justification for it? Is there a sort of fear that the white people are in some danger from the natives? If that is not the justification, what is it? Why should we have conscription in this part of the Empire and in no other with the exception that the right hon. Gentleman has just given. It is a matter of fundamental importance that we should have a complete justification for this big departure from the principle of voluntarism which is observed throughout the British Empire.

Unless it is assumed that you must arm the whites especially against the natives, I fail to understand what the justification

really is. There is also an element of industrial conscription on the natives. I will not develop that point except to say that we may by this expedient get through our present difficulties in such areas as these, but we may find that we have merely postponed them and possibly intensified them for our successors.

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[Mr. Jones.] economic and political development which every Member would desire on their behalf.

The hon. Member for Tradeston (Dr. McLean) who has had engineering experience in the Sudan made a plea for technical education. I entirely agree. I have often made a plea of that sort in respect of our children in this country. I am sure that we need not visualise the development of educational work among African natives along precisely the same lines as in this country. We are making provision here for those children who can learn better by doing things than by having mere bookwork provided for them. In these areas we are obviously dealing with people who can more quickly learn by doing things than by formal instruction, and I am certain that technical education merits special consideration on that account. I had intended to ask some questions in regard to the West Indies and other parts of the Dominions, but I finished as I have already suggested as much time as I sit down tremendously relieved by the assurance which the right hon. Gentleman gave me a few moments ago concerning the personnel of the Lead Commission to which I ventured to refer.

Sir P. CUNLIFFE-LISTER: As the Debate has already covered a very wide range, it will perhaps be convenient if I reply at this stage. A number of important questions have been raised, and I think that I ought to reply to them as fully as I can. Before I come to what has been almost the staple of this Debate, namely, the admirable Report of Lord Moyne, may I clear out of the way two or three matters which were raised by the hon. Member for Casperhill (Mr. Morgan Jones), one or two of which were also raised by the hon. Member who opened the Debate. Let me take, first, what the hon. Member called conscription. He gave the Committee a singularly incomplete account of this military experiment. I did not introduce it, for it has been in operation in Kenya since 1908. I am not concerned to argue whether a defence force of this kind in Kenya is or is not a good thing. It is sufficient for me to point out, what the Committee would not have gathered from the speech of the hon. Member, that no change has been made in the law since 1908, when this force was set up,

except one or two Ordinances affecting the internal organisation of the Force, and that during the whole time the hon. Gentleman and his friends were in office they carried on this military conscription in Kenya without ever having raised the faintest objection to it. Therefore, I hardly think it is necessary for me to go into the merits of whether we should have this force or not. If we were to reconsider the question upon its merits, there would be this further fact to take into consideration, that on two occasions since 1890 very drastic economies have been made in the numbers of and the expenditure upon the regular forces in East Africa. There was an economy in 1890 under which expenditure was reduced by £64,000.

Mr. MORGAN JONES: May I interrupt the right hon. Gentleman for a moment? There is a dispute between himself and myself concerning the facts in regard to this Ordinance. Am I right, or am I not, in asserting that while the Labour Government were in office this Ordinance was not in operation, and that it is only since the present Government have come into office that the penal clauses have been applied?

Sir P. CUNLIFFE-LISTER: I am going to tell the whole story. Not a single change has been made in the obligations imposed by the Ordinance. I have not altered the law by one jot or tittle. The Ordinance was in force during the whole time the hon. Gentleman and his friends were in office. As I said, if we had to reconsider it on its merits there would be these serious matters to be taken into consideration—the out of 24 per cent. in expenditure made in 1930 or 1931, and a further economy which I introduced by which another 14 per cent. is to be saved by a reduction in the strength of the King's African Rifles. Under this Ordinance men are required to do an amount of military service which is rather less, I think, than the ordinary schoolboy does in the Officers' Training Corps, not a very onerous requirement. It is the law of the land that they should do it, but, while the bulk of the people were complying with the law, every now and again a man was found who was shirking. The hon. Gentleman's Government maintained that law during the two years they were in office and never challenged it in

at any rate, did not trouble about it when he could have altered it if he had so wished.

Mr. LANSBURY: I do not know very much about this apart from what the right hon. Gentleman is saying. It may have been very cowardly on the part of myself and my colleagues not to repeal the Ordinance, but we did the next best thing, we did not enforce it. Therefore, the right hon. Gentleman cannot lay the same responsibility on his predecessors as we are trying to lay upon him.

Mr. MORGAN JONES: One hundred hours.

Sir P. CUNLIFFE-LISTER: Fifty hours or one hundred hours—it does not much matter which.

Mr. JONES: It is twice as much as you said.

Sir P. CUNLIFFE-LISTER: One hundred hours in a year is considerably less than the ordinary boy does in his Officers' Training Corps, so I am well within the mark there. The only question is whether, the law being as it is, the shirker should be liable to be fined. So grave has been the indignation over this matter that actually one man has been brought into court, and he has said his fine. Therefore, to come here and talk about conscription, and about this being a grave and serious matter, when for over two years his Government administered the Ordinance, is rather absurd, I suggest.

Mr. JONES: I do not want to interrupt again, but I desire to say that the right hon. Gentleman's statement of the case as applying to the late Labour Government is not at all accepted by us.

Sir P. CUNLIFFE-LISTER: Am I to understand that, while the late Labour Government disapproved of this, they never had the courage to come to this House and say so and to ask the House to alter it? I know what the Labour Government did when they were in office, and the hon. Gentleman's view to-day of what he ought to have done when in office is not a matter which greatly concerns me. Still, I am rather glad the matter has been raised, because I have been enabled to put it in what, I think, is its true perspective. I feel that it does not raise an issue about which we need trouble ourselves very much. He,

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Sir P. CUNLIFFE-LISTER: One would be led to suppose by that statement that the whole of this Ordinance was in abeyance while the Labour party were in office, and that people were not called up for training under it. Of course, they were. If the right hon. Gentleman meant it to be treated as he now suggests, he ought to have gone out to Kenya and said to the people: "Just understand that, although the law is that you are liable to compulsory service, you are not liable, and you need not go up for training unless you like." He never said anything of the sort, never indicated anything of that kind to anyone in Kenya.

Captain P. MACDONALD: Is it not the fact that the only reason why there was no enforcement is that there was no shirking going on during those two years?

Sir P. CUNLIFFE-LISTER: The right hon. Gentleman's idea of the enforcement of the law appears to be that if a law is obeyed it is not enforced. I think I may pass from this point to something of more importance, but I hope no party capital will be made out of it in future. I pass to a matter which would have been more serious if there were something in it, and that is the suggestion that forced labour is being carried out in the East African territory. There really is not a word of truth in that suggestion. What I assume was meant, and what I think the House would understand by forced labour is that people were being compelled to work for employers. There is no truth in that. As for the general labour conditions, the hon. Member who opened the Debate suggested that we ought to set up a special labour department. The right hon. Member for Sparkbrook (Mr. Amery) is quite right in saying that, a great deal of the time of the district



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Sir P. CUNLIFFE-LISTER: As the Debate has already covered a very wide range, it will perhaps be convenient if I reply at this stage. A number of important questions have been raised, and I think that I ought to reply to them as fully as I can. Before I come to what has been almost the staple of this Debate, namely, the admirable Report of Lord Moyné, may I clear out of the way two or three matters which were raised by the hon. Member for Carrigilly (Mr. Morgan Jones), one or two of which were also raised by the hon. Member who opened the Debate. Let me take, first, what the hon. Member called conscription. He gave the Committee a singularly incomplete account of this military experiment. I did not introduce it, for it has been in operation in Kenya since 1908. I am not concerned to argue whether a defence force of this kind in Kenya is or is not a good thing. It is sufficient for me to point out, what the Committee would not have gathered from the speech of the hon. Member, that no change has been made in the law since 1908, when this force was set up,

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this House or anywhere else. The whole of the penal clauses under which a man can be fined £5 for shirking, are included in that law, which was never revoked by them, and which they never suggested should be revoked. The only question is whether if you get one or two shirkers, are you to say "You may be free to shirk while other people do their training"—do this 50 hours, or whatever it is, of military training!

Mr. MORGAN JONES: One hundred hours.

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[Sir P. Dunliffe-Lister.]

Commissioner and the principal commissioners is occupied in looking after labour interests, looking into the conditions obtaining and the relationships between employers and employed in Kenya, which always, for some reason or other, comes in for a very unfair share of attack from certain Members in this House, many of whom do not seem to be very well acquainted with the facts. Let me read what has been said by an impartial observer, a man whom everyone has quoted to-day as the ideal man to be sent out to make an investigation, Lord Moyné. What is his considered judgment as to the relations between settlers and natives in Kenya?

"It is hardly necessary to state that orderly improvement in the standard of native life need in no way impair the excellent relations which exist between the British and African communities. After a stay of about 10 weeks in East Africa I am much impressed by the amount of good feeling evident between the white settlers, and my observations fully accord with the statement of the Chief Native Commissioner given at the end of his Annual Report for 1920."

Then follows that marvellous tribute paid by the Chief Native Commissioner which the Moyné Report notes. The only suggestion that can be made that there is forced labour is that it is in accordance with what is laid down in the International Convention which gives us the right to call up, for small local services, the labour of the tribe working for the tribe, and not paid a monetary wage.

Lord Moyné's Report gives a picture of this, which I think is particularly interesting, because it is a record of a native council itself. If hon. Members will look at page 116 of the Report, they will see the account given of the Minutes of the Kyambu Local Native Council Meeting. They give their opinion that it is very desirable that for local purposes native labour should be called up and should work for those purposes without wages. Mark you, these are the natives speaking on what they consider their own interests:

"Too much money had been wasted unnecessarily last year in paying gangs of labour for upkeep of roads, and the resulting shortage of funds had seriously delayed money from being expended on the building of bridges and opening of new roads, which were of great value to the trade of the reserve. It was agreed, however, that labour should be paid for when satisfying funds to build bridges."

To anybody who knows the conditions, that stands out as common sense. That is the only kind of forced labour that exists in East Africa.

The third matter which was raised was as to the personnel of the Land Commission. I am absolutely unrepentant as regards the personnel of that Commission. First of all, let us consider the Chairman, Sir Morris Carter, a judge with an absolutely unique experience of this kind of work. Every one whom I consulted, when I said "I want a Chairman for such a body," said "There is one man you ought to get if you possibly can, and that is Sir Morris Carter. In this kind of work, he has unique knowledge." I went to him and I asked him to serve, and he agreed to do so. I added two other men to that Commission. Who are they? I am told that the native interest is not represented. It is pretty well represented in the Chairman, but I picked Mr. Hemsted, about the ablest, wisest, most sympathetic Commissioner that ever served in the East African Service, with a unique knowledge of native requirements and

3.0 p.m. native interests. Why is he disqualified from representing the native interest, if representation is what it is suggested it should be, when what I want is wise judgment? Suppose that he is disqualified because, when he earned his pension, after long years to the natives, he lived in Kenya, and he loved Kenya well enough to stay there rather than come home. If Mr. Hemsted, instead of staying on in Kenya had come home to live at Cheltenham or Bath, the very men who are criticising me for appointing him to-day would have come to me and said: "There is an ideal man to put on the Commission, Mr. Hemsted. He has had suitable experience. Cannot you persuade Mr. Hemsted to go out?" He is disqualified because he loved Kenya enough. That is the second man I have put on a Commission.

The suggestion that you should put natives on is absolutely in the teeth of what was recommended by the Joint Committee of this House. I was surprised at that suggestion coming from the hon. Member for Wigan (Mr. Parkinson), who was partly responsible for the Report. The House will remember that in their Report the Select Committee, dealing with what is an analogous matter, the representation of natives in the legis-

tive Council, said that they thought it would be very unwise, at this moment and at this stage, for any natives to represent the natives. What did they say? This is paragraph 107:

"At the present time the suitable education and experience is lacking on any large scale, and indeed it is doubtful if there are any English-speaking natives who would command the confidence of their own tribe."

That is the finding of Members of all parties of both Houses who sat on this Joint Committee. It was in following that Report of the Select Committee that I asked Mr. Frank Wilson to act in that capacity. I have also followed that Report, as I pointed out to the House last year when discussing this, in appointing Mr. Frank Wilson. One of the paragraphs of the Report of the Joint Committee lays down, and does so wisely, I think, that it is vitally important to develop in the settlers their sense of trusteeship and the sense of responsibility of the native races. As regards the question which was raised about Mr. Wilson that he was in the occupation of land which was once in native ownership. In that category, it would not be a serious disqualification because the whole point of this inquiry is that wherever there has been displacement new land or compensation has got to be found. But these are the facts ascertained from East Africa:—

"Where the boundary of the adjacent Maichakos Native Reserve was first defined in 1920, no objection appears to have been raised by the Wabamba. So this boundary, nor is there any record of any claim to the land occupied by Captain Wilson ever having been advanced by them. The boundary was demarcated in 1929, and no objection or claim was made on that occasion. No mention of any such claim was made in the Chief Native Commissioner's Report on the native reserve in question."

That is a pretty comprehensive answer received from Kenya to the suggestion which was made. I think that this is a body very suitably fitted to them for undertaking the work. I look forward with great interest to receiving their Report.

I now come to the very important Report made by Lord Moyné. I should like to associate myself whole-heartedly with what has been said in every quarter of the Committee as to the great qualities which Lord Moyné had for this inquiry, the thoroughness, impartiality and completeness with which he dis-

charged this onerous task, and the obvious fairness, clarity, and, on broad grounds, the soundness of the conclusions which he reached. It would be impossible for me to-day to pronounce in complete detail on every one of Lord Moyné's recommendations. Clearly, there are some matters which will require to be very carefully considered on the spot, and I have not had the opportunity yet of getting the Governor to do so. I would say, a once, however, having given the Report the same careful study which it is clear many Members of the House have given to it, that its general principles command general assent. What are they?

In the first place, Lord Moyné lays down that an increase in total native taxation would not be warranted in present circumstances. In the second place, he lays down that native taxation should be adjusted in accordance with ability to pay, and that is equally sound. The details of the way in which that is to be worked out are a difficult matter, only to be settled with care on the spot, but I feel perfectly certain that the principle is right, and ought to be carried out. Then we come to two proposals which go together. The first is that we should secure for direct native services a definite and substantial proportion of native taxation, and I think that that is unquestionably sound. It follows the general lines which the Joint Select Committee recommended. The corollary to that recommendation is that the fund which is established for these purposes by this share—whatever the right share may be—of native taxation, is obviously a fund which will be outside the control of the Legislative Council or the Select Committee on Estimates. These two principles go together. They are a natural sequence, or perhaps I should say an endorsement, of the general finding of the Joint Select Committee. In principle I think they are unanswerable, and, without committing myself to precise details, I think that probably any one who sat on the Joint Committee would agree that this proposal for a special Committee to administer the Native Settlement Fund is a very practical way of giving effect to the proposal which they had in mind, that a proportion of revenue should be set aside for native purposes and administered so as to secure that end to the best advantage.

[Sir P. Cunliffe-Lister.]

Commissioners and the provincial commissioners is occupied in looking after labour interests, looking into the conditions obtaining and the relationships between employers and employed in Kenya, which always, for some reason or other, comes in for a very unfair share of attack from certain Members in this House, many of whom do not seem to be very well acquainted with the facts. Let me read what has been said by an impartial observer, a man whom everyone has quoted to-day as the ideal man to be sent out to make an investigation, Lord Moyne. What is his considered judgment as to the relations between settlers and natives in Kenya?

"It is hardly necessary to state that orderly improvement in the standard of native life need in no way impair the excellent relations which now exist between the British and African communities. After a stay of about 10 weeks in East Africa I am much impressed by the amount of good feeling evident between the natives and settlers, and my observations fully accord with the statement of the Chief Native Commissioner given at the end of his Annual Report for 1930."

Then follows that marvellous tribute paid by the Chief Native Commissioner which the Moyne Report notes. The only suggestion that can be made that there is forced labour is that it is in accordance with what is laid down in the International Convention which gives us the right to call up, for small local services, the labour of the tribe working for the tribe, and not paid a monetary wage.

Lord Moyne's Report gives a picture of this, which I think is particularly interesting, because it is a record of a native council itself. If hon. Members will look at page 116 of the Report, they will see the account given by the Minutes of the Kyambu Local Native Council Meeting. They give their opinion that it is very desirable that for local purposes native labour should be called up and should work for those purposes without wages. Mark you, these are the natives speaking on what they consider their own interests:

"Too much money had been wasted unnecessarily last year in paying gangs of labour for upkeep of roads, and the resulting shortage of funds had seriously deflected money from being expended on the building of bridges and opening of new roads, which were of great value to the trade of the reserve. It was agreed, however, that labour should be paid for when assisting 'funds' to build bridges."

To anybody who knows the conditions, that stands out as common sense. That is the only kind of forced labour that exists in East Africa.

The third matter which was raised was as to the personnel of the Land Commission. I am absolutely unrepentant as regards the personnel of that Commission. First of all, let us consider the Chairman, Sir Morris Carter, a judge with an absolutely unique experience of this kind of work. Every one whom I consulted, when I said "I want a Chairman for such a body," said "There is one man you ought to get if you possibly can, and that is Sir Morris Carter. In this kind of work, he has unique knowledge." I went to him and I asked him to serve, and he agreed to do so. I added two other men to that Commission. Who are they? I am told that the native interest is not represented. It is pretty well represented in the Chairman, but I picked Mr. Hemsted, about the ablest, wisest, most sympathetic Commissioner that ever served in the East African Service, with a unique knowledge of the needs of native requirements and

3.0 p.m. native interests. Why is he disqualified from representing the native interest, if representation is what it is suggested it should be, when what I want is wise judgment? Suppose that he is disqualified because, without he earned his pension, after long service to the natives, he lived in Kenya, and he loved Kenya well enough to stay there rather than come home. If Mr. Hemsted, instead of staying on in Kenya had come home to live at Cheltenham or Bath, the very men who are criticising me for appointing him to-day would have come to me and said: "There is an ideal man to put on the Commission, Mr. Hemsted. He has had suitable experience. Cannot you persuade Mr. Hemsted to go out?" He is disqualified because he loved Kenya enough. That is the second man I have put on a Commission.

The suggestion that you should put natives on is absolutely in the teeth of what was recommended by the Joint Committee of this House. I was surprised at that suggestion coming from the hon. Member for Wigton (Mr. Parkinson), who was partly responsible for the Report. The House will remember that in their Report the Select Committee, dealing with what is an analogous matter, the representation of natives in the legis-

lative Council, said that they thought it would be very unwise, at this moment and at this stage, for any natives to represent the natives. What did they say? This is paragraph 107:

"At the present time the suitable education and experience is lacking on any large scale, and indeed it is doubtful if there are any English-speaking natives who would command the confidence of their own tribe."

That is the finding of Members of all parties of both Houses who sat on this Joint Committee. It was in following that Report of the Select Committee that I asked Mr. Frank Wilson to act in that capacity. I have also followed that Report, as I pointed out to the House last year when discussing this, in appointing Mr. Frank Wilson. One of the paragraphs of the Report of the Joint Committee lays down, and does so wisely, I think, that it is vitally important to develop in the settlers their sense of trusteeship and the sense of responsibility of the native races. As regards the question which was raised about Mr. Wilson that he was in the occupation of land which was once in native ownership. In that category, it would not be a serious disqualification because the whole point of this inquiry is that wherever there has been displacement of new land or compensation has got to be found. But these are the facts ascertained from East Africa:—

"When the boundary of the adjacent Mchakora Native Reserve was first defined in 1920, no objection appears to have been raised by the Wabembe to this boundary, nor is there any record of any claim to the land occupied by Captain Wilson ever having been advanced by them. The boundary was demarcated in 1929, and no objection or claim was made on that occasion. No mention of any such claim was made in the Chief Native Commissioner's Report on the native reserve in question."

That is a pretty comprehensive answer received from Kenya to the suggestion which was made. I think that this is a body very suitably fitted to its charge, and I am very grateful to them for undertaking the work. I look forward with great interest to receiving their Report.

I now come to the very important Report made by Lord Moyne. I should like to associate myself wholeheartedly with what has been said in every quarter of the Committee as to the great qualifications which Lord Moyne had for this inquiry, the thoroughness, impartiality and completeness with which he dis-

charged this onerous task, and the obvious fairness, clarity, and, on broad grounds, the soundness of the conclusions which he reached. It would be impossible for me to-day to pronounce in complete detail on every one of Lord Moyne's recommendations. Clearly, there are some matters which will require to be very carefully considered on the spot, and I have not had the opportunity yet of getting the Governor to do so. I would say a once, however, having given the Report the same careful study which it is clear many Members of the House have given to it, that its general principles command general assent. What are they?

In the first place, Lord Moyne lays down that an increase in total native taxation would not be warranted in present circumstances. In the second place, he lays down that native taxation should be adjusted in accordance with ability to pay, and that is equally sound. The details of the way in which that is to be worked out and administered will be a complex and difficult matter, only to be settled with care on the spot, but I feel perfectly certain that the principle is right, and ought to be carried out. Then we come to two proposals which go together. The first is that we should secure for direct native services a definite and substantial proportion of native taxation, and I think that that is unquestionably sound. It follows the general lines which the Joint Select Committee recommended. The corollary to that recommendation is that the fund which is established for these purposes by this share—whatever the right share may be—of native taxation, is obviously a fund which will be outside the control of the Legislative Council or the Select Committee on Estimates. These two principles go together. They are a natural sequence, or perhaps I should say an endorsement, of the general finding of the Joint Select Committee. In principle I think they are unanswerable, and, without committing myself to precise details, I think that probably anyone who sat on the Joint Committee would agree that this proposal for a special Committee to administer the Native Betterment Fund is a very practical way of giving effect to the proposal which they had in mind, that a proportion of revenue should be set aside for native purposes and administered so as to secure that end to the best advantage.

(Sir P. Cunliffe-Lister.)

If I accept these four broad proposals, as I think everybody must, we are led to the conclusion to which Lord Moyne was inevitably led, that the financial position of Kenya as disclosed at the present time requires the imposition of non-native direct taxation. Something has been said about income tax being a deterrent to the bringing of new capital into the country, but an unbalanced Budget, or a series of unbalanced Budgets, will be a far more effective deterrent to capital going into the country than a moderate rate of income tax. Having once established that further direct taxation is necessary, I think the argument which Lord Moyne advances in favour of income tax being the fairest and most equitable system of direct taxation are very strong indeed. Nor is this, indeed, a novelty in the Colonies. I have a list here, which I shall not read as it is of considerable length, of Colonies where Income Tax is already in force. I do not think Kenya could possibly be in the number of the elect who can avoid some measure of direct taxation.

I should like to say a word on the other principal matter with which Lord Moyne deals, the question of financial control and the position of the Treasurer in Colonial administration. I found the report particularly interesting because, quite independently, and long before Lord Moyne came home, I myself had been considering very carefully the whole position of the Treasurer, and indeed the whole system in the Colonies under which estimates are framed and financial policy evolved. Some weeks ago I sent a circular despatch to all the Colonies on this subject. I also made it the main theme of a speech that I made to the whole Colonial service at the Corona Club dinner. I am clear that to have a Treasurer who is simply an accountant is impossible. It is a ridiculous position. You may call him a Treasurer, but you have to have someone else with a very different outlook and power from that. Financial responsibility is not discharged by having an accountant who sees that the expenditure goes into the right column and that funds are not improperly drawn upon. I have laid down that the aim should be, at any rate in each of the larger Colonies, that the Treasurer should be in the position of a Financial

Secretary. The Treasurer, in his capacity of financial adviser to the Government, should have an office in the Government, and should have free access to all secretarial papers in order that he may be fully conversant with all the considerations affecting the financial policy of the Government and in a position to offer advice at the time when that policy is being formulated. In any event, it should be the invariable rule that his advice should be sought in all proposals for raising revenue or involving expenditure from public funds or otherwise affected by financial considerations before decisions are taken in all such matters.

I think that is essential, but you have to train men up for the job. You could not take men who have been called Treasurers, but have simply been acting as auditors and accountants, and make them into effective Financial Secretaries. We have to see that we use some of the best men we have in the Colonial Service who will be able to assume and to discharge the functions of Financial Secretaries. I think, on the whole, I differ from Lord Moyne in what is possibly only a suggestion—perhaps I have misread it—that the Treasurer, or Financial Secretary as I want him to be, should be responsible actually for the preparation and presentation of Estimates. I think that that must be the job of the Colonial Secretary because actually Estimates reflect policies, and in the presentation of his Estimates for the year he is really presenting the whole picture of executive and administrative expenditure. I think that that must be the function of the chief executive officer of the Government, but one must work in the very closest co-operation at all stages with the Financial Secretary.

I would carry it a stage further and say, frankly, that I consider it to be the primary duty of Governors and Colonial Secretaries to look over a period of years to the future to see what their Colony can afford and to condition the whole of their policies by financial and trade considerations. I will put the position in a sentence. I want to see them apply to the whole of their finances the kind of method which is a combination of the Treasury and the Board of Trade, assuming that both exercise their proper directive or advisory function. I hope that what I have said on that subject

will show the Committee that, broadly, I am in agreement with the general policy which Lord Moyne has proposed in that regard, and that, as a matter of fact, it had been taken in hand before he had even made his report. I hope that that policy with regard to expenditure will be followed in future, not only in Kenya, but in all the principal Colonies.

There were two or three other points of detail. The hon. Gentleman the Member for Rothwell (Mr. Lunn) said that I had authorised—and I take full responsibility for anything which has been done—in Palestine the postal workers, the Union of Railway, Postes and Telegraph Workers, should not be allowed to affiliate themselves with the Jewish Federation of Labour except for the purpose of getting sick benefits. It is true that I have authorised that step, but, in doing so, I have merely approved what was the regular practice during the whole two years of the Labour Government.

Mr. LANSBURY: What would you have done without the Labour Government?

Sir P. CUNLIFFE-LISTER: Some of the administration was far better than I expected. The right hon. Gentleman used to come down here and propose such fantastic things—there was a tall which had to be wagged—but when they were in office and were doing responsible jobs they were really much better than one would have expected. During the two years of the Labour Government—because this matter arose in 1930—this practice was followed for the reason that the National Union of Railway, Postes and Telegraph Workers consisted of civil servants employed in Palestine who were allowed to join their own union but were not allowed to affiliate with the Jewish Federation of Labour, because if they had done so they would have had to pledge themselves to obedience to the Federation to come out on strike if the Federation told them to do so. The Labour Government—and I heartily agree with them—decided that civil servants should not enter into a dual obligation.

Mr. GROVES: Does the right hon. Gentleman suggest that the Labour Government instituted that insurrection?

Sir P. CUNLIFFE-LISTER: Yes. I think I am right in saying that the point

did not arise until 1930. I do not think the Jewish Federation was registered, or that the Union was not registered, until then. This disallowance has been the practice ever since 1930, and I think it is quite right.

Mr. GROVES: Notwithstanding the fact that that is what the Labour Government may have done, the Secretary of State for the Colonies surely is not going to search for pinpricks in difficulties. He is not going to seek trouble. The Secretary of State for the Colonies in the Labour Government could only deal with grievances brought to his notice. The right hon. Gentleman has just said that he did not know of this matter until his attention had been drawn to it. That proves that he is not seeking difficulties and that every government, including our own, is compelled to take the line of least resistance.

Sir P. CUNLIFFE-LISTER: In this case the line of least resistance which was taken appears to me to have been a very sound line. Having acquainted myself with the facts, I entirely approve of the course taken by my predecessor and I shall certainly adhere to it. Two points were raised by the right hon. Member for Sparkbrook (Mr. Amery). In the first place he wanted to know whether I had accepted the views of the Joint Select Committee as to the functions of the Governor's Conference. I have in its entirety. When the Conference is in permanent session it regards itself as a medium of settling controversies between the different Colonies by agreeing to matters of common interest. I think the decision not to appoint a permanent railway adviser, but to send a man of unique experience to give particular advice to the railways, was a sound decision. I very much doubt whether, apart from the question of expense—I do not want to saddle these Colonies with any expenditure that can be avoided—it is possible to have a general manager of the railway and an expert adviser always there on the spot to give expert advice but not responsible for the executive action of carrying out that advice. If you are not satisfied with the manager of your railway and you think you can get a better one, you must appoint the manager of the railway.

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[Sir P. Cunliffe-Lister.]

I do not like the idea of an expert adviser without responsibility and an executive manager with responsibility. I have never been quite sure what was in the mind of the Joint Select Committee on that point. If that was what they had in mind, I say quite frankly that I do not like it, but I do think it would be a great advantage to have expert advice about rates, whether the commercial management of the line could be improved and so on. That would be invaluable advice coming from Mr. Gibb with his experience of the Rhodesian railways. That is probably a better way than having the expense of a permanent adviser.

The question of discontent in Cyprus has been greatly overrated. A certain number of politicians have made it their business to create discontent, but the bulk of the people in Cyprus desire to develop their land, and nothing has been better than the way co-operative societies have encouraged them. Among the politicians who object to British rule you will find the money lenders, who have lost a lucrative source of income by the extension of this credit. Educational work has been taken in hand and the appointment of teachers and the curriculum are now under the control of the Government. I am not greatly in love with commissions. Where a commission is necessary it may be well to appoint one, but hon. Members will agree that we really do not want to go hunting for extra commissions, and I say perfectly frankly that I do not propose to send a commission or a committee out to Cyprus. The late Governor handled the situation well and effectively, and he has been succeeded by a man of long and wide experience. I much prefer to have a man in command in whom one has confidence, and to be in constant touch with him, and I do not think that you get good results from your administrators, or good results for the countries they are sent to administer, if you follow them up by commissions and committees. Sir Reginald Stubbs, when he goes to Cyprus, will no doubt in course of time make his report to me as to what he thinks should be done in future. I am sure that the people in Cyprus are more interested in trying to get good prices for their crops and in their agricultural development than in the political questions which a number of agitators have been bringing forward.

In the case of Ceylon there have been four instances in which the Governor has used his power of settling disputes—two before my time and two during my time—in which he was not only justified in his action but actually was bound to take action. Three of them concerned the Civil Service. Under the constitution the Governor and the Secretary of State are the guardians of the Civil Service and he was absolutely right in exercising his power on those three occasions. No greater disservice could be rendered to public servants, who are carrying on services which are not too easy, or to Ceylon itself, which requires wise help in administration, than to suggest that there should be any alteration from a policy which provides that the Governor and the Secretary of State are the guardians of these public services. The

other instance was a proposal 3.30 p.m. in the Legislative Assembly that Income Tax should be charged on their loan. The view was taken that that would have been a new introduction into the general system of Colonial development. Everyone with experience in the matter is very clearly of opinion that for that to be done would react very unfavourably on the credit of Ceylon. That certainly to Ceylon itself is a matter of paramount importance, and very wisely in that case the Governor exercised his power.

Two hon. Members raised the question of the commercial treaties in Africa, the Anglo-French Convention and the early Treaties on which the St. Germain Treaty is founded. I think I spoke briefly on this subject the last time this Vote was under discussion, but I would make the position quite plain, that the attitude the Colony would adopt is this: We, the Colonies, have received now from this country a preference which by reason of these Treaties we are not able to reciprocate. The day that this country decides to denounce those Treaties, that day those Colonies will give a preference to this country. I speak not only as Colonial Secretary but as knowing the sentiment of all the Colonies concerned. It is for this Government to decide what is in the interests of British trade, the British export trade from those countries. That is a matter on which I do not pretend to pronounce. It is obviously a matter on which the Board of Trade takes its counsel, and is doing so, with

all the trading interests concerned, and comes to a decision. If the decision which is taken is to denounce those Treaties, then that decision will be most readily accepted in the Colonies, and we may rest assured that the preference which the adjoining Colonies now give to this country will be equally readily given.

**Captain P. MACDONALD:** Does not this also affect inter-Imperial trade? Is there not the prospect of preference between the Dominions and the Colonies as well?

**Sir P. CUNLIFFE-LISTER:** I was coming to that.

**Vice-Admiral TAYLOR:** In view of the great importance of this matter of the African Treaties at the Ottawa Conference, where we are embarking for the first time on an Empire economic policy which presumably on principle should embrace the whole of the British Empire—if the policy is for the Empire it should embrace the whole of the Empire—and therefore on principle, at the present time as at any rate, the greater proportion of the British Colonial Empire situated in Africa will be outside the ambit of that policy, I ask the right hon. Gentleman whether it is not of the greatest importance for the Government to decide now whether, as soon as possible, so far as trade is concerned, those Treaties will be abrogated, and so give the Secretary of State what he has not to-day, that is the complete freedom of action in bringing about trade agreements with the remainder of the Empire, and bringing about what it is our object to do, the greatest possible freedom of trade between those Colonies and the remainder of the Empire.

**Sir P. CUNLIFFE-LISTER:** I think it is entirely a question as far as this country is concerned which you ought to decide in your own trade interests. I have put the Colonial case perfectly frankly to the Committee. As far as this country is concerned the colonies, if I may use a colloquialism, are "on velvet." They say, "You are giving us a preference which, by reason of these Treaties, we cannot reciprocate." But a situation might well arise in which I, speaking from the Colonial point of view, would want to make some special arrangement with one or more of the Dominions, in which for instance I was asking for

a preference for African products in the Dominions and then, quite frankly, from the Colonial point of view, I should like to be able to say "If you will give me that preference I can give you a preference in return." From the Colonial point of view certainly as far as the West Africa is concerned and as far as the Anglo-French Convention is concerned, I think you would be on the whole acting in the interest of these Colonies to deal with that Treaty in the way which has been suggested. East Africa is a much more difficult consideration. It is much more difficult from a trade point of view and it is hedged about with a very large number of legal complexities into which I need not enter. But the real decision which has to be taken is in the interests of British trade as a whole. If I were told that it was very much in the interests of British export trade to maintain those Treaties even although I might, from the Colonial point of view want to get rid of one or other of them, I should have to pay regard to what was considered to be the interest of the British exporter.

**Vice-Admiral TAYLOR:** The right hon. Gentleman has said that it is a question of whether or not it is in the interests of British trade to do away with the Treaties. I submit to him that that is not the question. It is a question of Imperial trade. The Conference is an Imperial Conference and it is a matter of principle that we should consider whether a particular course is for the benefit of the Empire. We should consider whether it is for the benefit not only of this country and not only the Colonies but for the benefit of trade throughout the Empire, that those Treaties should be done away with, because, so long as those Treaties remain there are restrictions on trade and the greater part of the Colonial Empire cannot come into this policy of inter-Imperial trade. They require it, they look to get markets, as for instance Kenya with Canada, and so on, but they are prohibited from doing so and cannot get any advantage from the policy of inter-Imperial trade.

**Sir P. CUNLIFFE-LISTER:** I do not understand all this talk about questions of principle. It seems to me that what you put or do not put into commercial Treaties is all a matter of expediency.

[Sir P. Cunliffe-Lister.]

I do not like the idea of an expert adviser without responsibility and an executive manager with responsibility. I have never been quite sure what was in the mind of the Joint Select Committee on that point. If that was what they had in mind, I say quite frankly that I do not like it, but, I do think it would be a great advantage to have expert advice about rates, whether the commercial management of the line could be improved and so on. That would be invaluable advice coming from Mr. Gibb with his experience of the Rhodesian railways. That is probably a better way than having the expense of a permanent adviser.

The question of discontent in Cyprus has been greatly over-rated. A certain number of politicians have made it their business to create discontent, but the bulk of the people in Cyprus desire to develop their land, and nothing has been better than the way co-operative societies have encouraged them. Among the politicians who object to British rule you will find the money lenders, who have lost a lucrative source of income by the extension of this credit. Educational work has been taken in hand and the appointment of teachers and the curriculum are now under the control of the Government. I am not greatly in love with commissions. Where a commission is necessary it may be well to appoint one, but hon. Members will agree that we really do not want to go hunting for extra commissions, and I say perfectly frankly that I do not propose to send a commission or a committee out to Cyprus.

The late Governor handled the situation well and effectively, and he has been succeeded by a man of long and wide experience. I much prefer to have a man in command in whom one has confidence, and to be in constant touch with him, and I do not think that you get good results from your administrators, or good results for the colonies they are sent to administer, if you follow them up by commissions and committees. Sir Reginald Stubbs, when he goes to Cyprus, will no doubt in course of time make his report to me as to what he thinks should be done in future. I am sure that the people in Cyprus are more interested in trying to get good prices for their crops and in their agricultural development than in the political questions which a number of agitators have been bringing forward.

In the case of Ceylon there have been four instances in which the Governor has used his power of settling disputes—two before my time and two during my time—in which he was not only justified in his action but actually was bound to take action. Three of them concerned the Civil Service. Under the constitution the Governor and the Secretary of State are the guardians of the Civil Service and he was absolutely right in exercising his power on those three occasions. No greater disservice could be rendered to public servants, who are carrying on services which are not too easy, or to Ceylon itself, which requires wise help in administration, than to suggest that there should be any alteration from a policy which provides that the Governor and the Secretary of State are the guardians of these public services. The

other instance was a proposal 3.30 p.m. in the Legislative Assembly that Income Tax should be charged on their loan. The view was taken that that would have been a new introduction into the general system of Colonial development. Everyone with experience in the matter is very clearly of opinion that for that to be done would react very unfavourably on the credit of Ceylon. That certainly to Ceylon itself is a matter of paramount importance, and very wisely in that case the Governor exercised his power.

Two hon. Members raised the question of the commercial treaties in Africa, the Anglo-French Convention and the early Treaties on which the St. Germain Treaty is founded. I think I spoke briefly on this subject the last time this Vote was under discussion, but I would make the position quite plain, that the attitude the Colony would adopt is this: We, the Colonies, have received now from this country a preference which by reason of these Treaties we are not able to reciprocate. The day that this country decides to denounce those Treaties, that day those Colonies will give a preference to this country. I speak not only as Colonial Secretary but as knowing the sentiment of all the Colonies concerned. It is for this Government to decide what is in the interests of British trade, the British export trade from those countries. That is a matter on which I do not pretend to pronounce. It is obviously a matter on which the Board of Trade takes its counsel, and is doing so, with

all the trading interests concerned, and comes to a decision. If the decision which is taken is to denounce those Treaties, then that decision will be most readily accepted in the Colonies, and we may rest assured that the preference which the adjoining Colonies now give to this country will be equally readily given.

**Captain P. MACDONALD:** Does not this also affect inter-Imperial trade? Is there not the prospect of preference between the Dominions and the Colonies as well?

**Sir P. CUNLIFFE-LISTER:** I was coming to that.

**Vice-Admiral TAYLOR:** In view of the great importance of this matter of the African Treaties at the Ottawa Conference, where we are embarking for the first time on an Empire economic policy which presumably on principle should embrace the whole of the British Empire—if the policy is for the Empire it should embrace the whole of the Empire—and therefore on principle, at the present time as any rate, the greater proportion of the British Colonial Empire situated in Africa will be outside the ambit of that policy. I ask the right hon. Gentleman whether it is not of the greatest importance for the Government to decide now whether, as soon as possible, so far as trade is concerned, those Treaties will be abrogated, and so give the Secretary of State what he has not to-day, that is the complete freedom of action in bringing about trade agreements with the remainder of the Empire, and bringing about what it is our object to do, the greatest possible freedom of trade between those Colonies and the remainder of the Empire.

**Sir P. CUNLIFFE-LISTER:** I think it is entirely a question as far as this country is concerned which you ought to decide in your own trade interests. I have put the Colonial case perfectly frankly to the Committee. As far as this country is concerned the "colonies, if I may use a colloquialism, are "on velvet." They say, "You are giving us a preference which, by reason of these Treaties, we cannot reciprocate." But a situation might well arise in which I, speaking from the Colonial point of view, would want to make some special arrangement with one or more of the Dominions, in which for instance I was asking for

a preference for African products in the Dominions and then, quite frankly, from the Colonial point of view, I should like to be able to say "If you will give me that preference I can give you a preference in return." From the Colonial point of view certainly as far as West Africa is concerned and as far as the Anglo-French Convention is concerned, I think you would be on the whole acting in the interest of those Colonies to deal with that Treaty in the way which has been suggested. East Africa is a much more difficult consideration. It is much more difficult from a trade point of view and it is hedged about with a very large number of legal complexities into which I need not enter. But the real decision which has to be taken is in the interests of British trade as a whole. If I were told that it was very much in the interests of British export trade to maintain those Treaties even although I might, from the Colonial point of view want to get rid of one or other of them, I should have to pay regard to what was considered to be the interest of the British exporter.

**Vice-Admiral TAYLOR:** The right hon. Gentleman has said that it is a question of whether or not it is in the interests of British trade to do away with the Treaties. I submit to him that that is not the question. It is a question of Imperial trade. The Conference is an Imperial Conference and it is a matter of principle that we should consider whether a particular course is for the benefit of the Empire. We should consider whether it is for the benefit not only of this country and not only the Colonies but for the benefit of trade throughout the Empire, that those Treaties should be done away with, because, so long as those Treaties remain there are restrictions on trade and the greater part of the Colonial Empire cannot come into this policy of inter-Imperial trade. They require it, they look to get markets, and so on, but they are prohibited from doing so and cannot get any advantage from the policy of inter-Imperial trade.

**Sir P. CUNLIFFE-LISTER:** I do not understand all this talk about questions of principle. It seems to me that what you put or do not put into commercial Treaties is all a matter of expediency.

Vice-Admiral TAYLOR: Imperial policy.

Sir P. CUNLIFFE-LISTER: My view of Imperial policy is that I want to get as much trade as I can and whether a particular treaty ought to stand or fall, ought to be altered or left intact is a business proposition and nothing else. Whatever decision will give most trade is the decision which this country ought to take and I do not think that it ought to be deflected from that decision by any consideration of principle or whatever it may be. Let us get the best decision in the interest of British trade and take that decision and carry it through. We may differ in words but I do not suppose that we differ seriously in what we have in mind.

The hon. Gentleman who opened the Debate asked me what I hoped to get out of Ottawa. He was, I thought, completely answered by my right hon. Friend the Member for Sparkbrook. He also asked whether we had made any preparations and any proposals. We most certainly have. Months ago I communicated with all the Colonial Governments and with Colonial producers of all the different products, and we looked into the whole of the tariffs of the Dominions and into what is not less important, the shipping facilities for goods. I was enormously helped in that particular part of my work by my hon. Friend the Member for Tradeston (Dr. McLean), who devoted a very long time to the preparation of a chart, a most valuable contribution which I hope to use. We took all that into consideration, and then framed our own proposals which we have put to each one of the Dominions. We have said, quite frankly, "Show us the things you would like to get in order to obtain bigger trade, and in what way we can help you," and as the right hon. Member for Sparkbrook has said, the Colonies have given a pretty good earnest of their desire, because they have given their Preferences which, as he has said, are very large, and they have made them Empire-wide, and extended them to every Dominion as well as to this country. We have said, "Here is what we should like. Will you tell us in what respect you think we can adjust our tariffs so as to give a better trade to you?" That is the answer to the hon. Gentleman, who asks what preparations we have made for

Ottawa, and what the Colonial Empire will seek to do at Ottawa. I think that I have dealt now with all the points.

Mr. MANDER: Can the right hon. Gentleman say anything in reply to my question about British Guiana?

Sir P. CUNLIFFE-LISTER: I think the suggestion was that a committee should come over to this country. I looked into that some time ago, and I found that when a Motion was put forward at that time, it did not receive much support in British Guiana. I think the suggestion was made, though it has received very little support there, that a committee should come here at the public expense.

Mr. MANDER: It has the support of the whole elected Members of the House and of a very large public meeting at Georgetown.

Sir P. CUNLIFFE-LISTER: I think that the hon. Gentleman happens to be wrong on that point. The Vote in the House did not receive the whole support. My hon. Friend tells me it was 14 to 8, and that was, as a matter of fact, my recollection. The hon. Gentleman, perhaps, is not aware that this House is making a Grant-in-Aid of \$150,000 this year—I think it was \$250,000 last year—to British Guiana, and I do not think, in those circumstances, it would be a reasonable proposition that any alteration in the constitution should take place. I do not think it would be a reasonable proposition, when money is so much required, that we should spend public money in order that such a Committee should come here. In conclusion, I should like to say how much I appreciate, if I may say so, the terms of this Debate and the one which took place on the last occasion. My right hon. and gallant Friend the Member for Newcastle-under-Lyme says that I have been accustomed for a good many years to Departments over which there have been political fights. I think by a great deal that has been made up by the sympathetic consideration which I have received in this House in the work of a Department which I have begun to love.

Lieut.-Commander BOWER: I hope that I may receive the indulgence which is usually extended to Members who have the honour to address this House for the first time. I want to raise one or two

small questions in connection with the Report of the Royal Commission on Malta and the recent general election in that island. I have no desire whatever in any way to revive the controversy between the Church and State in that island, a controversy which reflected very little credit on anybody and which is much better left alone. At the same time, one must admit that in the late election a great deal of influence was exercised by the Church, with the result that the Constitutional and Labour parties, parties which, one may say, represent the British point of view and desire the English and Maltese languages to be used in the island, in preference to Italian, were defeated by the Nationalists. The name "Nationalist" is very wrongly applied to that party, because really the party of Lord Strickland should be called Nationalist, and I would much prefer the Italian party to be the name of the so-called Nationalists, because that party are concerned in imposing on the Maltese people an alien language of which 80 per cent. of them are entirely ignorant. This was very clearly expressed in the Report of the Royal Commission, in one short paragraph in which they stated:

"The small educated class of the Maltese speak English and Italian, nearly all of them both languages. In addition to their native Maltese, Maltese is the language of most of the workmen, in the shops, markets, streets, and public meetings, on election platforms, and in the growing vernacular Press. Italian has its chief footing in the University, law, medicine, and the Church, but it is not known by the majority of the people."

There have been a lot of misrepresentations on the subject of language, and I am very glad indeed that the right hon. Gentleman has said that he proposes to stand by the language decisions and that Italian will now vanish from the elementary schools in Malta.

There is one other point to which I wish to refer, and that is the apology which was made by Lord Strickland to the Vatican. That apology, I think, has been misunderstood by many. A great many people have said to me: "Why should Lord Strickland apologise, and why has he gone to Canossa?" There has been no question of that. The apology was for words used, under great provocation, in debates in Parliament in this country and in Malta, and the fact that that apology was accepted by the Vatican should be a clear indication to

everyone that all the other ridiculous charges—I can use no other term—against Lord Strickland and his Ministers have been dropped.

The first apology made by Lord Strickland was made last August, and it was not accepted. The Royal Commission then reported at the beginning of this year, and a further apology was sent to the Vatican, supported by all Lord Strickland's executive. That also was not accepted, and it was not until the election, recommended by the Royal Commission, was imminent that a final apology was accepted by the Vatican, but only a few days before polling day, so that candidates were nominated in Malta under the ecclesiastical ban, which was not lifted until the Sunday before polling day. Then the apology was accepted, and a cordial interview, as it was stated in the newspapers, took place between Lord Strickland and certain of his Ministers and the Archbishop of Malta. That was the so-called peace, but I would like to read an extract from a sermon which was preached on that Sunday before the election by a parish priest in Malta, in which he said:

"The Church, my dear brethren, has won one of her greatest victories, that will be remembered throughout history, as it will ever be the greatest triumph in the history of the Church, a triumph over an implacable enemy of its ministers and authority, an enemy who by force of circumstance has had to admit defeat and who, while doing harm to the Church, was doing so with his eyes opened and full knowledge of his nefarious actions. Now this arch-enemy has been humbled to the dust, and on his own admission has been made to see the error of his ways."

The concluding portion of that speech was as follows:

"Now for the other part of his Grace's instructions about future voting. He says most emphatically that you are to give your votes only to candidates who can give you a guarantee of respect towards the Church and its clergy. You know that this same Strickland cannot give this guarantee, by his own admission, so you are bound by His Grace's instructions not to give him your votes. The instructions are clear, and now you know your duty."

I will give one other instance. In one of the villages of Malta a certain priest went round knocking at the doors of farmers asking if they were electors. Those who were electors were told not to vote for Lord Strickland because if they did he would get into power and then the angry God would send into their



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[Lieut.-Commander Bower.] fields worms and insects which would destroy their crops. That is the kind of influence which was exercised before the late election on an illiterate population. I mention these instances, not in any way as an attack on the Church in Malta, but merely to demonstrate the fact that the result of the election was due to clerical influence and not to a desire on the part of the Maltese people for the Italian language. Now that the so-called Nationalist party are in power, there is no doubt that they will bring such pressure as they are able to bear in order to get these language reforms removed. I was very glad to hear that there is no chance of this being done. There was a case 30 years ago where members of the elected council, acting unconstitutionally, managed to get the language reforms, which had been introduced then, done away with. We know that that will not happen again, but there is a distinct danger that the Nationalist Ministry in Malta may try unconstitutional methods. They may try to refuse to put the language reforms into effect.

That would raise a situation which could only end in a return to Crown Colony Government, but I would point out from my own personal knowledge that there is one thing in Malta in which all parties are absolutely agreed: that is a desire to have and to keep self-government. This matter is now in the hands of the Nationalist party, and I hope that they will see their way loyally to carry into effect the constitution as amended, and that they will not try to repeat the efforts of their predecessors which were successful in resisting Mr. Chamberlain's reforms of 30 years ago.

Personally, I do not think the language reforms go far enough. Mr. Chamberlain enacted that after the expiry of 16 years the Italian language was to cease to be the language of the law; it would then have vanished from Malta about 1914. If that had happened, I do not think that any of these troubles would have arisen. The Royal Commission, however, did not recommend any drastic changes. I am sorry for that because I wish I could believe, with the right hon. Member for Sparkbrook (Mr. Amery), that the language question will now cease to be a matter of politics in Malta. I do not believe it for a moment, but it would be a very good thing if it did, because in

that small island, with a population of 250,000 people, most of them scratching a bare living off the soil, the economic problems that will face them in the next few years will be very serious. I hope even now that the Maltese politicians will be able to compose these language differences and get down to the far more important business of providing a living for their own people.

Mr. ANNESLEY SOMERVILLE: I should like to join in congratulating Lord Moyne on his very great achievement in bringing agreement between the two sides of the House on the vexed question of Kenya. His report has received the commendation of both sides here, but it is not quite so popular among the non-native population of Kenya, chiefly because it recommends an Income Tax. It is quite certain that most of the settler-farmers are quite unable to pay any Income Tax, because they are not paying their way at the present time, though there are professional men in Nairobi and elsewhere who, possibly, could very well afford to pay the tax. The more sympathetic view which we find on the front bench opposite is very largely due to the understanding policy pursued at the Colonial Office under the late Socialist Government, and that was largely attributable to my hon. Friend Dr. Drummond Shiels, who showed a knowledge of and sympathy with Colonial problems which was unique, if I may venture to say so, on the opposite side. While saying this I find I have been denying myself the pleasure of congratulating the hon. and gallant Member for the Cleveland Division (Lieut.-Commander Bower) on his extremely effective maiden speech. He has shown a knowledge of his subject which promises considerable advantage to our Debates in future. I was sorry to hear my hon. Friend the Member for Rothwell (Mr. Lunn) falling back a little into the old strain in complaining of lack of consideration for matters of education and labour in Kenya, but, as my right hon. Friend the Member for Sparkbrook (Mr. Amery) has shown, these complaints are quite unjustified.

When I was in Kenya two or three years ago I had indirect evidence of the efficiency of the arrangements for labour, and as to education, I happened to visit a technical school where 700 or 800 natives are being trained in

technical matters concerning trade, in order to ensure a supply of natives who are capable of undertaking trading operations. That is an instance of the generous administration of the non-native settlers in Kenya. I was delighted to hear what the Colonial Secretary said, in the conclusion of his speech, regarding Imperial Preference and our Colonial Empire. The possibilities of the Colonial part of our Empire are enormous. In my humble judgment he is setting about his great task in the right way. He is quite right in saying that in judging a commercial treaty so far as it affects the Colonies his object is to get as much trade as he can. That is a business proposition. When one goes to East Africa and finds German barbed wire, American motor cars, and the coastal and other shipping trades being carried on by foreign vessels, one must realise that there is an immense field there to be developed to the advantage of this country, and I wish him well in his great task, which I feel sure will be carried for the benefit of this country.

Question put, and agreed to.

#### COLONIAL AND MIDDLE EASTERN SERVICES.

Resolved,

"That a sum, not exceeding £206,458, be granted to His Majesty, to complete the sum

necessary to defray the charge which will come in course of payment during the year ending on the 31st day of March, 1933, for Sundry Colonial and Middle Eastern Services under His Majesty's Secretary of State for the Colonies, including certain Non-effective Services and Grants-in-Aid." [Note: £210,000 has been voted on account.]

Resolutions to be reported upon Monday next; Committee to sit again upon Monday next.

#### RATING AND VALUATION (No. 2) BILL [Lords].

Not amended (in the Standing Committee) considered; read the Third time, and passed, without amendment.

The remaining Orders were read, and postponed.

Whereupon Mr. DEPUTY-SPEAKER adjourned the House without Question put, pursuant to Standing Order No. 3.

Adjourned at Two Minutes after Four o'Clock until Monday next, 4th July.

[Lieut.-Commander Bower.] fields worms and insects which would destroy their crops. That is the kind of influence which was exercised before the late election on an illiterate population. I mention these instances, not in any way as an attack on the Church in Malta, but merely to demonstrate the fact that the result of the election was due to clerical influence and not to a desire on the part of the Maltese people for the Italian language. Now that the so-called Nationalist party are in power, there is no doubt that they will bring such pressure as they are able to bear in order to get these language reforms removed. I was very glad to hear that there is no chance of this being done. There was a case 30 years ago where members of the elected council, acting unconstitutionally, managed to get the language reforms, which had been introduced then, done away with. We know that that will not happen again, but there is a distinct danger that the Nationalist Ministry in Malta may try unconstitutional methods. They may try to refuse to put the language reforms into effect.

That would raise a situation which could only end in a return to Crown Colony Government, but I would point out from my own personal knowledge that there is one thing in Malta in which all parties are absolutely agreed: that is a desire to have and to keep self-government. This matter is now in the hands of the Nationalist party, and I hope that they will see their way loyally to carry into effect the constitution as amended, and that they will not try to repeat the efforts of their predecessors which were successful in resisting Mr. Chamberlain's reforms of 30 years ago.

Personally, I do not think the language reforms go far enough. Mr. Chamberlain enacted that after the expiry of 15 years the Italian language was to cease to be the language of the law; it would then have vanished from Malta about 1914. If that had happened, I do not think that any of these troubles would have arisen. The Royal Commission, however, did not recommend any drastic changes. I am sorry for that because, I wish I could believe, with the right hon. Member for Sparkbrook (Mr. Amery), that the language question will now cease to be a matter of politics in Malta. I do not believe it for a moment, but it would be a very good thing if it did, because in

that small island, with a population of 250,000 people, most of them scratching a bare living off the soil, the economic problems that will face them in the next few years will be very serious. I hope even now that the Maltese politicians will be able to compose these language differences and get down to the far more important business of providing a living for their own people.

Mr ANNESLEY SOMERVILLE: I should like to join in congratulating Lord Moyne on his very great achievement in bringing agreement between the two sides of the House on the vexed question of Kenya. His report has received the commendation of both sides here, but it is not quite so popular among the non-native population of Kenya, chiefly because it recommends an Income Tax. It is quite certain that most of the settler-farmers are quite unable to pay any income tax, because they are not paying their way at the present time, though there are professional men in Nairobi and elsewhere who, possibly, could very well afford to pay the tax. The more sympathetic view which we find on the front bench opposite is very largely due to the understanding policy pursued at the Colonial Office under the late Socialist Government, and that was largely attributable to my hon. Friend Dr. Drummond Shiels, who showed a knowledge of and sympathy with Colonial problems which was unique, if I may venture to say so, on the opposite side. While saying this I find I have been denying myself the pleasure of congratulating the hon. and gallant Member for the Cleveland Division (Lieut.-Commander Bower) on his extremely effective maiden speech. He has shown a knowledge of his subject which promises considerable advantage to our Debates in future. I was sorry to hear my hon. Friend the Member for Rothwell (Mr. Lunn) falling back a little into the old strain in complaining of lack of consideration for matters of education and labour in Kenya, but, as my right hon. Friend the Member for Sparkbrook (Mr. Amery) has shown, those complaints are quite unjustified.

When I was in Kenya two or three years ago I had indirect evidence of the efficiency of the arrangements for labour, and as to education, I happened to visit a technical school where 700 or 800 natives are being trained in

technical matters concerning trade, in order to ensure a supply of natives who are capable of undertaking trading operations. That is an instance of the generous administration of the non-native settlers in Kenya. I was delighted to hear what the Colonial Secretary said, in the conclusion of his speech, regarding Imperial Preference and our Colonial Empire. The possibilities of the Colonial part of our Empire are enormous. In my humble judgment he is setting about his great task in the right way. He is quite right in saying that in judging a commercial treaty so far as it affects the Colonies his object is to get as much trade as he can. That is a business proposition. When one goes to East Africa and finds German barbed wire, American motor cars, and the coastal and other shipping trades being carried on by foreign vessels, one must realise that there is an immense field there to be developed to the advantage of this country, and I wish him well in his great task, which I feel sure will be carried for the benefit of this country.

Question put, and agreed to.

#### COLONIAL AND MIDDLE EASTERN SERVICES.

Resolved,  
"That a sum, not exceeding £208,456, be granted to His Majesty, to complete the sum

necessary to defray the charge which will come in course of payment during the year ending on the 31st day of March, 1933, for Sundry Colonial and Middle Eastern Services under His Majesty's Secretary of State for the Colonies, including certain Non-effective Services and Grants-in-Aid." [Vote: £250,000 has been voted on account.]

Resolutions to be reported upon Monday next; Committee to sit again upon Monday next.

#### RATING AND VALUATION (No. 2) BILL (Lords).

Not amended (in the Standing Committee) considered; read the Third time, and passed, without amendment.

The remaining Orders were read, and postponed.

Whereupon Mr. DEPUTY SPEAKER adjourned the House without Question put, pursuant to Standing Order No. 3.

Adjourned at Two Minutes after Four o'Clock until Monday next, 4th July.

Members who wish to have the Daily Report of the Debates forwarded to them should give notice at the Vote Office.

The Bound Volumes will also be sent to Members who similarly express their desire to have them.

No proofs of the Daily Reports can be supplied. Corrections which Members suggest for the Bound Volume should be clearly marked in this Report, and the copy containing the corrections must be received at the Editor's Room, House of Commons,

not later than

Wednesday, 6th July, 1932.

STRICT ADHERENCE TO THIS ARRANGEMENT GREATLY FACILITATES THE PROMPT PUBLICATION OF THE VOLUMES.

Members may obtain excerpts of their speeches from the Official Report (within one month from the date of Publication), on application to the Controller of H. M. Stationery Office, c/o the Editor of the Official Report, House of Commons, from whom the terms and conditions of reprinting may be ascertained.

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7

HOUSE OF COMMONS

Monday 18th December

\*54. Mr. Morgan Jones, — To ask the Secretary of State for the Colonies, whether the announcement made by Sir Morris Carter that Natives in Kenya would not have returned to them land now in the possession of Europeans, whatever conclusion may be reached as to the validity of their claims, has the approval of the Government; and whether he can assure the House that no obstruction will be offered to Africans in Kenya if they should wish to take a test case before the Judicial Committee of the Privy Council.

*Labour* *briefly*

ORAL REPLY

*x Nairobi,  
to main file  
(No. 25)*

We have no information of any such announcement by Sir Morris Carter. The first part of the question is presumably based upon the attached paragraph in "The Times"; it may be noted, however, that there is some disparity between the statements attributed to Sir Morris by "The Times" and the announcement implied in the question. Moreover, "The Times" Nairobi correspondent is not always strictly accurate.

As regards the second part of the question, I have consulted Mr. Bushe, who suggests replying as in the attached draft for conson.

*W. B. ...*  
1912

*J. B. ...*

1912/32

*The reply covers all my 10/10/32  
the in your opinion as also  
the Times' account. The account although  
be known of is in para. 13 of draft  
... 30. 11. 31*

*Copy ...*

HOUSE OF COMMONS

Monday 12th December

45  
4

\*54. Mr. Morgan Jones, — To ask the Secretary of State for the Colonies, whether the announcement made by Sir Morris Carter that Natives in Kenya would not have returned to their land now in the possession of Europeans, whatever conclusion may be reached as to the validity of their claims, has the approval of the Government; and whether he can assure the House that no obstruction will be offered to Africans in Kenya if they should wish to take a test case before the Judicial Committee of the Privy Council.

*Labour - Caspelly*

ORAL REPLY

We have no information of any such announcement by Sir Morris Carter. The first part of the question is presumably based upon the attached paragraph in "The Times"; it may be noted, however, that there is some disparity between the statements attributed to Sir Morris by "The Times" and the announcement implied in the Question. Moreover, "The Times" Nairobi correspondent is not always strictly accurate.

*x Now refd.  
to main file  
(No. 25)*

As regards the second part of the Question, I have consulted Mr. Bushe, who suggests replying as in the attached draft for consent.

*W. B. ...*

*W. B. ...*

*W. B. ...*

*19/12/32*

*The reply covers all my letters 10.11.32  
re the Jones revision but also  
the Times' version. The result attached  
to know of is in para. 13 of draft  
... of 30.11.32*

*Copy ...*

but it is very unlikely that any announcement has made as a result of that debate. There is one other possibility, which is being explored: if necessary this file will be recovered on Monday.

A.

The draft assumes that the question as to "approval by the Government" does not arise. I have added words which can be struck out if ~~that view is maintained~~ they are considered unnecessary.

C.C.S. 10.12.32

\* See Mr. Allen's minute in lower bundle. \*  
\* was attached A.

Lord Passfield's guarded statement to Harcourt (even if it covered what Sir M. Lick's had in mind) could not be construed into the definite refusal suggested.

The answer very good!

C.C.S. 12.12.32

Mf.  
14/12/32

EXTRACT FROM OFFICIAL REPORT OF

12<sup>th</sup> DEC 1932 attached

To 400 400 (w/c Q & A. and contract from Times) <sup>24/1</sup> 13 DEC 1932  
on manuscript

By Sir [unclear]  
14/12/32  
off copy  
extra note from  
[unclear]  
Main

Sir C. B. Atkinson 14/12

The report of Lord Passfield's interview with the Kenya witnesses is flagged E in 17165/31. You will see that Lord Passfield warned Harcourt that it might not be possible to alter mistakes now, if there were mistakes, but that particulars should be supplied so that cases could be looked into.

\* But this case in view of the first form of [unclear] in his report to [unclear] as necessary mistake, to [unclear] recent [unclear] of - [unclear] incident [unclear]

While it [unclear] so [unclear] [unclear]

I may also include the [unclear]

to the [unclear] flagged A & B in 155401 A/29 & 160101 A/30 & in particular to

Flag C - a copy disp from Lord Passfield which he recognized that "it may not now be practicable in every case to admit satisfactory mistakes made in years past...."

Flag D - a copy disp from Sir C. B. Atkinson which he expressed the impossibility of recovering claims in the Kambui - Nairobi areas.

N. B.

Shekela to Kenyatta flag B expressed no opinion at all J.M.F.

Mf.  
15/12/32

EXTRACT FROM OFFICIAL REPORT OF

12<sup>a</sup> DEC 1932

47  
7

KENYA.

54. Mr. MORGAN JONES asked the Secretary of State for the Colonies whether the announcement made by Sir Morris Carter that Natives in Kenya would not have returned to their land now in the possession of Europeans, whatever conclusion may be reached as to the validity of their claims, has the approval of the Government, and whether he can assure the House that no obstruction will be offered to Africans in Kenya if they should wish to take a test case before the Judicial Committee of the Privy Council?

38

The SECRETARY of STATE for the COLONIES (Sir Philip Cunliffe-Lister): I have no information in regard to any such announcement, beyond certain statements which had been attributed to Sir Morris Carter by the Press, and I shall make no statement until I have the report of the Commission. The right of appeal to the Privy Council is safeguarded by Section 3 of the Eastern African (Appeal to Privy Council) Order-in-Council, 1921, of which I am sending the hon. Member a copy.

Mr. JONES: May I take it that the right hon. Gentleman is making inquiries as to whether Sir Morris Carter did in fact make this statement, and, in the event of his finding that that is so, may we not have a statement from him that it is improper for the Chairman of a Commission of this sort to anticipate a decision which ought to rest with the Government?

Sir P. CUNLIFFE-LISTER: I have no reason to suppose that Sir Morris Carter has anticipated his own report or any decision of the Government. I am sure that what would be very wrong would be for me to anticipate the receipt of the report of a commission by expressing any view now.

Mr. JONES: May we take it that the right hon. Gentleman will inquire whether it is a fact that this statement was made?

Sir P. CUNLIFFE-LISTER: Certainly

copy to Mr. Jones 13 DEC 1932



AT THE COURT AT BUCKINGHAM PALACE,

The 14th day of July, 1921.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN  
COUNCIL.

WHEREAS by an Order in Council bearing even date with this Order provision has been made as to the constitution of His Majesty's Court of Appeal for Eastern Africa for the hearing of appeals from the Colony and Protectorate of Kenya, the Uganda Protectorate, the Nyasaland Protectorate, the Zanzibar Protectorate, and the Tanganyika Territory in this Order referred to as "the said Territories";

AND WHEREAS it is expedient that further provision should be made for regulating appeals from His Majesty's Court of Appeal for Eastern Africa to His Majesty in Council;

It is hereby enacted by the King's most Excellent Majesty by Letters Patent, in pursuance of all the powers in that behalf in His Majesty vested, that and with the advice of His Privy Council as follows:

1. The Order in Council bearing even date with this Order made by His Majesty in Council in relation to the said Territories and the said Territories, and in relation to the Eastern African Protectorate, the Colony of Tanganyika, the Protectorate of Uganda, the Eastern African Protectorate, the Protectorate of Nyasaland, and the Protectorate of Zanzibar, shall have effect as if they contained the following provisions, to wit:—

2. "Appeal" means appeal to His Majesty in Council.
- "His Majesty" includes His Majesty's heirs and successors.
- "Judgment" includes decree, order, sentence, or decision.
- "Court" means either the Full Court or one or more Judges of His Majesty's Court of Appeal for Eastern Africa according as the matter in question is one which under the Rules and Practice of His Majesty's Court of Appeal for Eastern Africa, properly appertains to a Full Court or to one or more Judges.
- "Record" means the aggregate of papers relating to an Appeal (including the pleadings, proceedings, evidence and judgments) proper to be laid before His Majesty in Council on the hearing of the Appeal.
- "Registrar" means the Registrar or other proper Officer having the custody of the Records in the Court appealed from.
- "Month" means calendar month.
- Words in the singular include the plural, and words in the plural include the singular.

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AT THE COURT AT BUCKINGHAM PALACE,

The 14th day of July, 1921.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN  
COUNCIL.

WHEREAS by an Order in Council bearing even date with this Order provision has been made as to the constitution of His Majesty's Court of Appeal for Eastern Africa for the hearing of appeals from the Colony and Protectorate of Kenya, the Uganda Protectorate, the Nyasaland Protectorate, the Zanzibar Protectorate, and the Tanganyika Territory (in this Order referred to as "the said Territories"):

AND WHEREAS it is expedient that further provision should be made for regulating appeals from His Majesty's Court of Appeal for Eastern Africa to His Majesty in Council:

IT IS HEREBY ORDERED by the King's Most Excellent Majesty, by virtue and in exercise of all the powers in that behalf in His Majesty vested, and by and with the advice of His Privy Council as follows:

1.—(1) This Order may be cited as the "Eastern African (Appeal to Privy Council) Order in Council 1921."

(2) On the commencement of this Order the Eastern African Protectorates (Appeal to Privy Council) Order in Council 1909, the Eastern African Protectorates (Appeal to Privy Council) Amendment Order in Council 1915, and the Eastern African Protectorates (Appeal to Privy Council) Amendment Order in Council (No. 2) 1915, shall be and the same are hereby revoked and repealed without prejudice to anything lawfully done thereunder.

2. In this Order, unless the context otherwise requires:—

"Appeal" means Appeal to His Majesty in Council.

"His Majesty" includes His Majesty's heirs and successors.

"Judgment" includes decree, order, sentence, or decision.

"Court" means either the Full Court or one or more Judges of His Majesty's Court of Appeal for Eastern Africa according as the matter in question is one which under the Rules and Practice of His Majesty's Court of Appeal for Eastern Africa properly appertains to a Full Court or to one or more Judges.

"Record" means the aggregate of papers relating to an Appeal (including the pleadings, proceedings, evidence and judgments) proper to be laid before His Majesty in Council on the hearing of the Appeal.

"Registrar" means the Registrar or other proper Officer having the custody of the Records in the Court appealed from.

"Month" means calendar month.

Words in the singular include the plural, and words in the plural include the singular.

3. Subject to the provisions of this Order, an Appeal shall lie—
- (a) as of right, from any final judgment of the Court, where the matter in dispute on the Appeal amounts to or is of the value of £650 sterling or upwards, or where the Appeal involves directly or indirectly, some claim or question to or respecting property or some civil right amounting to or of the value of Rs. 10,000 or upwards; and
  - (b) at the discretion of the Court, from any other judgment of the Court, whether final or interlocutory, if, in the opinion of the Court, the question involved in the Appeal is one which, by reason of its great general or public importance or otherwise, ought to be submitted to His Majesty in Council for decision.

4. Where in any action or other proceeding no final judgment can be duly given in consequence of a difference of opinion between the Judges, the final judgment may be entered *pro forma* on the application of any party to such action or other proceeding according to the opinion of the Senior Member of the Court or in his absence of the Member of the Court next in seniority, but such judgment shall only be deemed final for purposes of an appeal therefrom, and not for any other purpose.

5. Applications to the Court for leave to appeal shall be made by motion or petition within 21 days in the case of applications from the Colony or Protectorate of Kenya or the Uganda Protectorate, within three months in the case of applications from the Nyassaland Protectorate, within two months in the case of applications from the Zanzibar Protectorate and within two months in the case of applications from the Tanganyika Territory, from the date of the judgment to be appealed from, and the Applicant shall give the opposite party notice of his intended application.

6. Leave to appeal under Article 3 shall only be granted by the Court in the first instance—

- (a) upon condition of the Appellant, within a period to be fixed by the Court, but not exceeding three months from the date of the hearing of the application for leave to appeal, entering into good and sufficient security, to the satisfaction of the Court, in a sum not exceeding Rs. 7,500 for the due prosecution of the Appeal, and the payment of all such costs as may become payable to the Respondent in the event of the Appellant not obtaining an order granting him final leave to appeal, or of the Appeal being dismissed for non-prosecution, or of His Majesty in Council ordering the Appellant to pay the Respondent's costs of the Appeal (as the case may be); and
- (b) upon such other conditions (if any) as to the time or times within which the Appellant shall take the necessary steps for the purpose of procuring the preparation

of the Record and the dispatch thereof to England as the Court, having regard to all the circumstances of the case, may think it reasonable to impose.

7. Where the judgment appealed from requires the Appellant to pay money or perform a duty, the Court shall have power, when granting leave to appeal, either to direct that the said judgment shall be carried into execution or that the execution thereof shall be suspended pending the Appeal, as to the Court shall seem just, and in case the Court shall direct the said judgment to be carried into execution, the person in whose favour it was given shall, before the execution thereof, enter into good and sufficient security, to the satisfaction of the Court, for the due performance of such Order as His Majesty in Council shall think fit to make thereon.

8. The preparation of the Record shall be subject to the supervision of the Court, and the parties may submit any disputed question arising in connection therewith to the decision of the Court, and the Court shall give such directions thereon as the justice of the case may require.

9. The Registrar, as well as the parties and their legal agents, shall endeavour to exclude from the Record all documents (more particularly such as are merely formal) that are not relevant to the subject matter of the Appeal, and, generally, to reduce the bulk of the record as far as practicable, taking special care to avoid the duplication of documents and the unnecessary repetition of headings and other merely formal parts of documents; but the documents omitted to be copied or printed shall be enumerated in a list to be placed after the index or at the end of the Record.

10. Where in the course of the preparation of a Record one party objects to the inclusion of a document on the ground that it is unnecessary or irrelevant and the other party nevertheless insists upon its being included, the Record, as finally printed (whether in any of the said Territories, or in England), shall, with a view to the subsequent adjustment of the costs of and incidental to such document, indicate in the index of papers, or otherwise, the fact that, and the party by whom, the inclusion of the document was objected to.

11. The Record shall be printed in accordance with the Rules set forth in the Schedule hereto: If may be so printed either in any of the said Territories or in England.

12. Where the Record is printed in any of the said Territories the Registrar shall, at the expense of the Appellant, transmit to the Registrar of the Privy Council 40 copies of such Record, one of which copies he shall certify to be correct by signing his name on, or initialing, every eighth page thereof and by affixing thereto the seal of the Court.

13. Where the Record is to be printed in England the Registrar shall, at the expense of the Appellant, transmit to the Registrar

- 3. Subject to the provisions of this Order, an Appeal shall lie—
  - (a) as of right, from any final judgment of the Court, where the matter in dispute on the Appeal amounts to or is of the value of £650 sterling or upwards, or where the Appeal involves directly or indirectly, some claim or question to or respecting property or some civil right amounting to or of the value of Rs. 10,000 or upwards; and
  - (b) at the discretion of the Court, from any other judgment of the Court, whether final or interlocutory, if, in the opinion of the Court, the question involved in the Appeal is one which, by reason of its great general or public importance or otherwise, ought to be submitted to His Majesty in Council for decision.

4. Where in any action or other proceeding no final judgment can be duly given in consequence of a difference of opinion between the Judges, the final judgment may be entered *pro forma* on the application of any party to such action or other proceeding according to the opinion of the Senior Member of the Court or in his absence of the Member of the Court next in seniority, but such judgment shall only be deemed final for purposes of an appeal therefrom, and not for any other purpose.

5. Applications to the Court for leave to appeal shall be made by motion or petition within 21 days in the case of applications from the Colony or Protectorate of Kenya or the Uganda Protectorate, within three months in the case of applications from the Nyassaland Protectorate, within two months in the case of applications from the Zanzibar Protectorate and within two months in the case of applications from the Tanganyika Territory, from the date of the judgment to be appealed from, and the Applicant shall give the opposite party notice of his intended application.

6. Leave to appeal under Article 3 shall only be granted by the Court in the first instance—

- (a) upon condition of the Appellant, within a period to be fixed by the Court, but not exceeding three months from the date of the hearing of the application for leave to appeal, entering into good and sufficient security, to the satisfaction of the Court, in a sum not exceeding Rs. 7,500 for the due prosecution of the Appeal, and the payment of all such costs as may become payable to the Respondent in the event of the Appellant not obtaining an order granting him final leave to appeal, or of the Appeal being dismissed for non-prosecution, or of His Majesty in Council ordering the Appellant to pay the Respondent's costs of the Appeal (as the case may be); and
- (b) upon such other conditions (if any) as to the time or times within which the Appellant shall take the necessary steps for the purpose of procuring the preparation

of the Record and the dispatch thereof to England as the Court, having regard to all the circumstances of the case, may think it reasonable to impose.

7. Where the judgment appealed from requires the Appellant to pay money or perform a duty, the Court shall have power, when granting leave to appeal, either to direct that the said judgment shall be carried into execution or that the execution thereof shall be suspended pending the Appeal, as to the Court shall seem just, and in case the Court shall direct the said judgment to be carried into execution, the person in whose favour it was given shall, before the execution thereof, enter into good and sufficient security, to the satisfaction of the Court, for the due performance of such Order as His Majesty in Council shall think fit to make thereon.

8. The preparation of the Record shall be subject to the supervision of the Court, and the parties may submit any disputed question arising in connection therewith to the decision of the Court, and the Court shall give such directions thereon as the justice of the case may require.

9. The Registrar, as well as the parties and their legal agents, shall endeavour to exclude from the Record all documents (more particularly such as are merely formal) that are not relevant to the subject matter of the Appeal, and, generally, to reduce the bulk of the record as far as practicable, taking special care to avoid the duplication of documents and the unnecessary repetition of headings and other merely formal parts of documents; but the documents omitted to be copied or printed shall be enumerated in a list to be placed after the index or at the end of the Record.

10. Where in the course of the preparation of a Record one party objects to the inclusion of a document on the ground that it is unnecessary or irrelevant and the other party nevertheless insists upon its being included, the Record, as finally printed (whether in any of the said Territories, or in England), shall, with a view to the subsequent adjustment of the costs of and incidental to such document, indicate in the index of papers, or otherwise, the fact that, and the party by whom, the inclusion of the document was objected to.

11. The Record shall be printed in accordance with the Rules set forth in the Schedule hereto: If may be so printed either in any of the said Territories or in England.

12. Where the Record is printed in any of the said Territories the Registrar shall, at the expense of the Appellant, transmit to the Registrar of the Privy Council 40 copies of such Record, one of which copies he shall certify to be correct by signing his name on, or initialing, every eighth page thereof and by affixing thereto the seal of the Court.

13. Where the Record is to be printed in England the Registrar shall, at the expense of the Appellant, transmit to the Registrar

of the Privy Council one certified copy of such Record, together with an index of all the papers and exhibits in the case. No other certified copies of the Record shall be transmitted to the Agents in England by or on behalf of the parties to the Appeal.

14. Where part of the Record is printed in any of the said Territories and part is to be printed in England, Articles 12 and 13 shall, as far as practicable, apply to such parts as are printed in the said Territory and such as are to be printed in England respectively.

15. The reasons given by the Judge, or any of the Judges, for or against any judgment pronounced in the course of the proceedings out of which the Appeal arises shall by such Judge or Judges be communicated in writing to the Registrar, and shall by him be transmitted to the Registrar of the Privy Council at the same time when the Record is transmitted.

16. Where there are two or more applications for leave to appeal arising out of the same matter, and the Court is of opinion that it would be for the convenience of the Lords of the Judicial Committee and all parties concerned that the Appeals should be consolidated, the Court may direct the Appeals to be consolidated and grant leave to appeal by a single order.

17. An Appellant who has obtained an order granting him conditional leave to appeal may at any time prior to the making of an order granting him final leave to appeal withdraw his Appeal on such terms as to costs and otherwise as the Court may direct.

18. Where an Appellant, having obtained an order granting him conditional leave to appeal, and having complied with the conditions imposed on him by such order, fails hereafter to apply with due diligence to the Court for an order granting him final leave to appeal, the Court may, on an application in that behalf made by the Respondent, rescind the order granting conditional leave to appeal, notwithstanding the Appellant's compliance with the conditions imposed by such an order, and may give such directions as to the costs of the Appeal and the security entered into by the Appellant as the Court shall think fit, or make such further or other order in the premises as, in the opinion of the Court, the justice of the case requires.

19. On an application for final leave to appeal, the Court may enquire whether notice or sufficient notice, of the application has been given by the Appellant to all parties concerned, and, if not satisfied as to the notices given, may defer the granting of the final leave to appeal, or may give such other directions in the matter as, in the opinion of the Court, the justice of the case requires.

20. An Appellant who has obtained final leave to appeal shall prosecute his Appeal in accordance with the Rules for the time

being regulating the general practice and procedure in Appeals to His Majesty in Council.

21. Where an Appellant, having obtained final leave to appeal, desires, prior to the dispatch of the Record to England, to withdraw his appeal, the Court may, upon an application in that behalf made by the Appellant, grant him a certificate to the effect that the Appeal has been withdrawn, and the Appeal shall thereupon be deemed, as from the date of such certificate, to stand dismissed without express Order of His Majesty in Council, and the costs of the Appeal and the security entered into by the Appellant shall be dealt with in such manner as the Court may think fit to direct.

22. Where an Appellant, having obtained final leave to appeal, fails to show due diligence in taking all necessary steps for the purpose of procuring the dispatch of the Record to England, the Respondent may, after giving the Appellant due notice of his intended application, apply to the Court for a certificate that the Appeal has not been effectually prosecuted by the Appellant, and if the Court sees fit to grant such a certificate the Appeal shall be deemed, as from the date of such certificate, to stand dismissed for non-prosecution without express Order of His Majesty in Council, and the costs of the Appeal and the security entered into by the Appellant shall be dealt with in such manner as the Court may think fit to direct.

23. Where at any time between the order granting final leave to appeal and the dispatch of the Record to England, the Record becomes defective by reason of the death, or change of status, of a party to the Appeal, the Court may, notwithstanding the order granting final leave to appeal, on an application in that behalf made by any person interested, grant a certificate showing who, in the opinion of the Court, is the proper person to be substituted or entered on the Record in place of, or in addition to, the party who has died, or undergone a change of status, and the name of such person shall thereupon be deemed to be so substituted or entered on the Record as aforesaid without express Order of His Majesty in Council.

24. Where the Record subsequently to its dispatch to England becomes defective by reason of the death or change of status of a party to the Appeal, the Court shall, upon an application in that behalf made by any person interested, cause a certificate to be transmitted to the Registrar of the Privy Council showing who, in the opinion of the Court, is the proper person to be substituted, or entered, on the Record, in place of, or in addition to, the party who has died or undergone a change of status.

25. The case of each party to the Appeal may be printed either in any of the said Territories or in England and shall, in either event, be printed in accordance with the Rules set forth in the Schedule hereto, every tenth line thereof being numbered in the

of the Privy Council one certified copy of such Record, together with an index of all the papers and exhibits in the case. No other certified copies of the Record shall be transmitted to the Agents in England by or on behalf of the parties to the Appeal.

14. Where part of the Record is printed in any of the said Territories and part is to be printed in England, Articles 12 and 13 shall, as far as practicable, apply to such parts as are printed in the said Territory and such as are to be printed in England respectively.

15. The reasons given by the Judge, or any of the Judges, for or against any judgment pronounced in the course of the proceedings out of which the Appeal arises shall by such Judge or Judges be communicated in writing to the Registrar, and shall by him be transmitted to the Registrar of the Privy Council at the same time when the Record is transmitted.

16. Where there are two or more applications for leave to appeal arising out of the same matter, and the Court is of opinion that it would be for the convenience of the Lords of the Judicial Committee and all parties concerned that the Appeals should be consolidated, the Court may direct the Appeals to be consolidated and grant leave to appeal by a single order.

17. An Appellant who has obtained an order granting him conditional leave to appeal may at any time prior to the making of an order granting him final leave to appeal withdraw his Appeal on such terms as to costs and otherwise as the Court may direct.

18. Where an Appellant, having obtained an order granting him conditional leave to appeal, and having complied with the conditions imposed on him by such order, fails thereafter to apply with due diligence to the Court for an order granting him final leave to appeal, the Court may, on an application in that behalf made by the Respondent, rescind the order granting conditional leave to appeal, notwithstanding the Appellant's compliance with the conditions imposed by such order, and may give such directions as to the costs of the Appeal and the security entered into by the Appellant as the Court shall think fit, or make such further or other order in the premises as, in the opinion of the Court, the justice of the case requires.

19. On an application for final leave to appeal, the Court may enquire whether notice or sufficient copies of the application has been given by the Appellant to all parties concerned, and, if not satisfied as to the notices given, may defer the granting of the final leave to appeal, or may give such other directions in the matter as, in the opinion of the Court, the justice of the case requires.

20. An Appellant who has obtained final leave to appeal shall prosecute his Appeal in accordance with the Rules for the time

being regulating the general practice and procedure in Appeals to His Majesty in Council.

21. Where an Appellant, having obtained final leave to appeal, desires, prior to the dispatch of the Record to England, to withdraw his appeal, the Court may, upon an application in that behalf made by the Appellant, grant him a certificate to the effect that the Appeal has been withdrawn, and the Appeal shall thereupon be deemed, as from the date of such certificate, to stand dismissed without express Order of His Majesty in Council, and the costs of the Appeal and the security entered into by the Appellant shall be dealt with in such manner as the Court may think fit to direct.

22. Where an Appellant, having obtained final leave to appeal, fails to show due diligence in taking all necessary steps for the purpose of procuring the dispatch of the Record to England, the Respondent may, after giving the Appellant due notice of his intended application, apply to the Court for a certificate that the Appeal has not been effectually prosecuted by the Appellant, and if the Court sees fit to grant such a certificate the Appeal shall be deemed, as from the date of such certificate, to stand dismissed for non-prosecution without express Order of His Majesty in Council, and the costs of the Appeal and the security entered into by the Appellant shall be dealt with in such manner as the Court may think fit to direct.

23. Where at any time between the order granting final leave to appeal and the dispatch of the Record to England, the Record becomes defective by reason of the death, or change of status, of a party to the Appeal, the Court may, notwithstanding the order granting final leave to appeal, on an application in that behalf made by any person interested, grant a certificate showing who, in the opinion of the Court, is the proper person to be substituted or entered on the Record in place of, or in addition to, the party who has died, or undergone a change of status, and the name of such person shall thereupon be deemed to be so substituted or entered on the Record as aforesaid without express Order of His Majesty in Council.

24. Where the Record subsequently to its dispatch to England becomes defective by reason of the death or change of status of a party to the Appeal, the Court shall, upon an application in that behalf made by any person interested, cause a certificate to be transmitted to the Registrar of the Privy Council showing who, in the opinion of the Court, is the proper person to be substituted, or entered, on the Record, in place of, or in addition to, the party who has died or undergone a change of status.

25. The case of each party to the Appeal may be printed either in any of the said Territories or in England and shall, in either event, be printed in accordance with the Rules set forth in the Schedule hereto, every tenth line thereof being numbered in the

margin, and shall be signed by at least one of the Counsel who attends at the hearing of the Appeal, or by the party himself if he conducts his appeal in person.

26. The Case shall consist of paragraphs numbered consecutively and shall state, as concisely as possible, the circumstances out of which the Appeal arises, the contentions to be urged by the party lodging the same, and the reasons of Appeal. Reference by page and line to the relevant portions of the Record as printed shall, as far as practicable, be printed in the margin, and care shall be taken to avoid, as far as possible, the reprinting in the Case of long extracts from the Record. The taxing officer, in taxing the costs of the Appeal, shall, either of his own motion, or at the instance of the opposite party, inquire into any unnecessary prolixity in the Case, and shall disallow the costs occasioned thereby.

27. Where the Judicial Committee directs a party to bear the costs of an Appeal incurred in any of the said Territories such costs shall be taxed by the proper officer of the Court in accordance with the rules for the time being regulating taxation in the Court.

28. The Court shall conform with, and execute, any Order which His Majesty in Council may think fit to make on an appeal from a judgment of the Court in like manner as any original judgment of the Court should or might have been executed.

29. Nothing in this Order contained shall be deemed to interfere with the right of His Majesty upon the humble Petition of any person aggrieved by any judgment of the Court, to admit his Appeal therefrom upon such conditions as His Majesty in Council shall think fit to impose.

30. This Order shall commence and have effect on such day as may be fixed by notification in the *London Gazette* by one of His Majesty's Principal Secretaries of State.

And the Right Honourable Winston Spencer Churchill, one of His Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

*Almeric FitzRoy.*

*Schedule.*

I. Records and Cases in Appeals to His Majesty in Council shall be printed in the form known as Demy Quarto.

II. The size of the paper used shall be such that the sheet, when folded and trimmed, will be 11 inches in height and 8½ inches in width.

III. The type to be used in the text shall be Pica type, but Long Primer shall be used in printing accounts, tabular matter, and names.

IV. The number of lines in each page of Pica type shall be 67 or thereabouts, and every tenth line shall be numbered in the margin.

6

EXTRACT FROM OFFICIAL REPORT C

6<sup>th</sup> JUL 1932

*Copy to Gov. 7/13. 14. 7. 32*

23. Mr. JONES asked the Secretary of State for the Colonies what was the form of the inquiry held in 1929 into the delimitation of certain lands in Kenya; whether the inquiry was held in public or in private; by whom it was conducted; at what place and on what date; and whether public notice of the inquiry was given beforehand?

Sir P. CUNLIFFE-LISTER: If I am right in assuming that the hon. Member is referring to the demarcation of the Machakos Reserve in 1929, no formal inquiry was held as the boundary was not in dispute. As I have already stated the boundary was first described in 1906, and in the area in which Captain Wilson's land is situated has remained approximately unchanged; and I am informed that during the interval of 25 years no objection has been raised by the Wakamba to this boundary nor has any claim to the land occupied by Captain Wilson ever been advanced by them.



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EXTRACT FROM OFFICIAL REPORT C

6th JUL 1932

Copy to Gov. 7/3. 14. 7. 32

23. Mr. JONES asked the Secretary of State for the Colonies what was the form of the inquiry held in 1929 into the delimitation of certain lands in Kenya; whether the inquiry was held in public or in private; by whom it was conducted; at what place and on what date; and whether public notice of the inquiry was given beforehand?

Sr P. CUNLIFFE-LISTER: If I am right in assuming that the hon. Member is referring to the demarcation of the Machakos Reserve in 1929, no formal inquiry was held as the boundary was not in dispute. As I have already stated the boundary was first described in 1906, and in the area in which Captain Wilson's land is situated has remained approximately unchanged; and I am informed that during the interval of 23 years no objection has been raised by the Wakamba to this boundary nor has any claim to the land occupied by Captain Wilson ever been advanced by them.

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ABSTRACT FROM OFFICIAL RECORDS

6<sup>th</sup> JUL 1932

Copy to Govt. 13/14/7.32

22 Mr. JONES asked the Secretary of State for the Colonies the land office number and size of Captain F. O'B. Wilson's farm in Kenya, which forms part of an estate alienated to a Captain Slatter about the year 1908 subsequent to the eviction of Akamba Natives; what was the size of the estate alienated to Captain Slatter; and whether any of the Akamba Natives, living under a headman named Mohindu who were resident on this land have remained as squatters on the land after the resale of a portion of it to Captain F. O'B. Wilson.

Mr. F. CONLIFFE-LISTER. The information in my possession does not enable me to deal with all the points in the hon. Member's question. He will be interested to know, however, that in 1908, the year in which Captain Slatter's land was transferred to Captain Wilson, there were 57 native families living on it under agreement with Captain Slatter. In 1910 the agreement was renewed by Captain Wilson, and the number of families was increased to 60. On Captain Wilson's present estate, which includes areas other than that derived from Captain Slatter there are, at the present day, 488 adult male natives with their women and children.

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EXTRACT FROM OFFICIAL REPORT

6<sup>th</sup> JUL 1932

476-600 7/3 14-7-32

KENYA.

21. Mr. MORGAN JONES asked the Secretary of State for the Colonies when the Kamba reserve (Kenya) was first delimited; and at what date the Akamba Natives were subsequently removed by the East African Protectorate Government from the Mua hills and other lands near Machakos and Ulu?

Sir P. CUNLIFFE-LISTER: The boundaries of the Machakos Reserve in the Ukamba Province were described in a Government Proclamation, dated the 18th June, 1908. In 1908 certain Wakamba were removed from a portion of this area; the officer in charge of the Province at the time reported that

"they acknowledged that the land was not originally owned by the tribe. . . . They one and all definitely agreed to the recommendation that they should move; the whole question was freely discussed. No pressure or menaces were employed and every person present was encouraged to have his way."

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EXTRACT FROM OFFICIAL REPORT OF

16 JUN 1932

*34*

**KENYA (LAND COMMISSION).**

27. Mr. D. GRENFELL asked the Secretary of State for the Colonies whether the Land Inquiry Commission in Kenya Colony will be asked to report on the question whether any of the Crown lands should be alienated to Europeans?

The UNDER-SECRETARY of STATE for the COLONIES (Sir Robert Hamilton): The answer is in the negative, and I may refer the hon. Member to paragraph 105 (ii) of the Report of the Joint Select Committee on Closer Union in East Africa.

Captain CAZALET: Can my hon. Friend say when Lord Moyne's report will be published?

Sir R. HAMILTON: That is another matter.

*Copy to you 1/3 23.6.32*

EXTRACT FROM OFFICIAL REPORT OF

8 JUN 1932

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**KENYA.**

**LAND INQUIRY.**

15. Mr. T. WILLIAMS asked the Secretary of State for the Colonies when the Kenya Land Inquiry Committee proposes to start its work; whether the question of adding independent Europeans and Africans has received the attention of His Majesty's Government; and, if so, with what result?

The SECRETARY of STATE for the COLONIES (Sir Philip Cunliffe-Lister): With the concurrence of his colleagues on the commission, the chairman, Sir William Morris Carter, is devoting the present month to taking essential evidence on points of fact from retired Kenya officials, settlers and missionaries in this country. His departure for Kenya has accordingly been postponed until the 1st of July, and the first formal sitting of the commission in the Colony will no doubt be held shortly after his arrival. As regards the second part of the question, as I stated in a recent Debate, I am satisfied that the members of the commission are admirably suited for the task, and I see no reason for adding to their number.

Mr. WILLIAMS: Is the right hon. Gentleman aware of the general disappointment that a settler should have been selected as the commissioner and that there is no countervailing influence on the other side, on the part of the natives?

Sir P. CUNLIFFE-LISTER: I think the hon. Member's opinion is one of the reasons why the selection of Sir William Morris Carter as the chairman of the commission is a very good one. The selection of a settler as the chairman of the commission is a very good one. The selection of a settler as the chairman of the commission is a very good one. The selection of a settler as the chairman of the commission is a very good one.

Mr. WILLIAMS: While we do not disagree with the appointment of a settler as the chairman of the commission, we disagree regarding the fact that no representative of the natives, who would have been a countervailing influence, has been appointed.

Sir P. CUNLIFFE-LISTER: I entirely reiterate that statement. Let the hon. Member consider the members of this inquiry. Sir William Morris Carter, the chairman, did the whole of this kind of work in Rhodesia, and he is by common consent the ideal man for the purpose; and there is Mr. Henslow, who is also a very good representative of the natives. The hon. Member's idea has never been...

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[ 4 MAY 1932 ]

Commission.

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All I can say is that they fully realise the importance of this question, and they will be very sympathetic towards its being brought up. I am afraid I cannot give any undertaking.

**LORD DANESFORT:** I understand the objection to undertakings; they sometimes turn out to be difficult to observe. But after what has been said I do hope that the Government, without giving any formal undertaking to-day, will find themselves in a position to represent to the Canadian Government the paramount importance of bringing this question before the Ottawa Conference, when some general line of action can be adopted and carried into effect by the Governments concerned. I hope my noble friend will represent to his colleagues the desirability of that course. As regards Papers, I quite understand that there are none to lay, and I therefore withdraw the Motion.

Motion for Papers, by leave, withdrawn

#### KENYA LAND COMMISSION

**LORD SANDERSON** had the following Questions on the Paper—To ask His Majesty's Government whether, in view of the appointment of the Commission to undertake the inquiry into land questions in Kenya, the question of the additional appointment of one or more Europeans who are independent both of land tenure and of financial interests in Kenya, and who are not associated in any way with the Government, and who would represent on the Commission the point of view of the African population of Kenya, will be considered. Further, to ask His Majesty's Government whether the appointment of one or more Africans to the Commission will be considered; and whether the African population will be allowed full opportunities of meeting and discussing the land question during the sitting of the Commission.

The noble Lord said: My Lords, on March 23, the noble Earl, Lord Stanhope, speaking on behalf of the Government, announced to your Lordships that it was intended to appoint a Commission to undertake an inquiry into the question of the land in Kenya. That decision was, of course, in accordance with one of the recommendations of the Report of the Joint Select Committee on Closer

Union in East Africa which appeared in November last. An April 12 the names of the Commissioners were published in the Press. The Commissioners are to be three in number, Sir William Morris Carter, Captain F. O. B. Wilson, and Mr. R. W. Hemsted. I wish to make it perfectly clear to your Lordships that I am not saying a word against those three gentlemen nor am I raising any objection to their appointment to the Commission. I am asking for an addition to the Commission. Sir Morris Carter is an ex-Chief Justice of the Tanganyika Territory and has done work in Rhodesia very similar to the kind of work he will have to do in connection with the land of Kenya. Mr. Hemsted is a distinguished ex-Colonial civil servant. I am quite sure that those gentlemen can be relied upon to enquire very conscientiously and very ably into, and to deal very well with, the difficult problems which will come before them.

Had the Commission consisted entirely of men in the position of ex-officials who could not be supposed to be taking the point of view of either the white settlers or the African population, I doubt whether I should have raised this question in your Lordships' House. But Captain F. O. B. Wilson is in quite a different category. He is a white settler and a landowner. It may be, for all I know, that he is actually occupying land which the African population, rightly or wrongly, regard as stolen from them and alienated by the Crown. He has been, I believe, rather closely identified with a section of the settlers who have advocated the alienation of more or of all land by the Crown. Of course, he may be able to keep perfectly impartial on the Commission; I dare say he will. But the African population will not regard him as an impartial member of the Commission, and I think it is not too much to say that some of the white settlers will not expect him to be altogether impartial. He will be looked upon, at any rate, as in the position of a judge who is also one of the litigants.

I am sure your Lordships will agree with me that it is of the utmost importance that this Commission should be entirely above suspicion, and that it should secure the complete confidence of the African population. As the Commission is at present constituted this

state of things will not be assured. Captain Wilson will be regarded both by the white population and the black as representing the views of the 20,000 white people in Kenya. In those circumstances, as Captain Wilson is there in that position, I think it would be looked upon as an act of simple justice that some one should be appointed who should represent the point of view of the 2,500,000 African people. I therefore ask His Majesty's Government to appoint at least one European member and, if possible, two European members to the Commission, men who should have no connection with land tenure in Kenya, no financial interest in Kenya, who should not be in any way connected with the Government and who should be appointed for their sympathy with the native point of view.

It would also be a great advantage, I think, to the Commission if a man of that kind was appointed, that he should have a real knowledge of native land law and also that he should have an understanding of the technical economic questions connected with the use of land for agricultural and pastoral purposes. Such an appointment would go far, I think, to remove the suspicion of the black people and to give them a feeling of confidence. It would very greatly strengthen the hands of the Commission, because a man such as I have suggested who would be regarded as the friend of the natives, would be able to draw from the natives information of a kind which might be very valuable to the Commission but which might not and probably could not be drawn from them at all by people with whom they had not complete sympathy. I feel that such an appointment would add greatly to the value of the Commission and would help very largely towards the production of a really authoritative report.

I now come to my second Question. I think that it would greatly add to the strength of the Commission if one or two Africans could be added to it. That, again, would certainly increase confidence amongst the African people and remove suspicion. It would have the further advantage, I think, that it would be extremely useful in the handling of witnesses before the Commission. Your Lordships, I am sure, understand that natives coming before a Commis-

*Lord Sanderson.*

sion of that kind would be very shy and timid and awkward and would find it difficult to express themselves and give the evidence which they wished to give. If they had on the Commission one or two of their own people whom they would regard as their friends they would be much more at their ease, and the native members of the Commission would be able to put questions to them in a way which they would understand, perhaps, better than if the questions came from some of the European members, and would also be able to explain their answers. I feel sure that, with some natives on the Commission you would get a lot of evidence which you would not get otherwise, and which might be very essential for a proper solution of this question. It may be said, of course, that there are difficulties in putting natives on the Commission and making them full members of it. At any rate, if they cannot be made full members, might it not be possible to co-opt two native assessors?

Finally, there is a widespread belief, I am told on very good authority, amongst the African people that very great restrictions are placed on their right of meeting and holding political meetings. Of course, the District Commissioners have very wide powers with regard to prohibiting meetings. I ask the Government to ensure that before the meeting of the Commission and during the sitting of the Commission these powers will not be used in such a way as to prevent meetings of the Africans, so that full and frank discussion of the land question can be carried on amongst them. Everything is to be gained and nothing would be lost by freedom in this matter. I am sure your Lordships are as anxious as I am that this Commission should be a success, and that it should be a means for settling once for all this very difficult land question, which is a constant cause for serious racial friction. I feel sure that the suggestions I have made will help to make the Commission a success, and will enhance the possibilities of getting a really satisfactory report and a satisfactory solution of this very important problem. I very much hope that the noble Lord who I understand is to reply for the Government will be able to give me a favourable answer.

LOLD OLIVIER: My Lords, I do not wish to attempt to add anything to the

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agency of the representations which my noble friend has made to the House. I think they cannot fail to impress your Lordships. I wish to deal rather more widely with some points on which I should like a clearer statement from the Government than we have yet had. I may say that I regard with great confidence the attitude which the Government have shown in appointing this Commission. I regard it with great confidence, in the first place because they have for the first time made a departure in the direction which noble friends of mine and myself have been urging for many years. We have pressed them to take cognisance of native claims, and never before this occasion have we succeeded in getting the Colonial Office to admit that they would do so. That has apparently been done now, no doubt owing to the representations made before the Joint Select Committee of Parliament. I also have full confidence in the Government because, on hearing the terms of reference given to the Commission, they struck me, as I think I said at the time, as not only satisfactory but as going even a little further than they necessarily were compelled to go by the expression of opinion given by the Joint Select Committee.

The position is that they have to inquire not only into the general accommodation of natives upon the land, but into the validity of claims made by natives to rights in lands which have been alienated, and to recommend how they are to be dealt with. For the purpose of dealing with that reference the Commission has two functions. First of all, it has a judicial function to inquire, and, secondly, it has a political function to make recommendations. With regard to the judicial aspects of the case, I again feel great confidence in the appointment which has been made by the Government of Sir Morris Carter as Chairman of this Commission. Sir Morris Carter is a Judge and a man of great Colonial experience and of special experience of the kind of work which has to be done in connection with this matter. So far as the terms of reference go, if they are clear, I do not think we can have a Report that will be unsatisfactory within those terms of reference. You do not require a very large Commission to keep their Report to the terms of reference, but you do require a man of judicial experience and judicial discrimination, and

that is guaranteed by the appointment which has been made of the Chairman.

What is important in the judicial aspect of the matter is that the greatest possible care should be taken that proper evidence shall be laid, and that the circumstances shall be fully inquired into. That point has been dealt with by my noble friend. I feel great confidence, with a Commission constituted as it is, with a Judge as Chairman, with a former civil servant who was in the Native or Lands Department, and a settler, that they will succeed in eliciting the facts as to the claims of these natives, and more particularly because the subject matter of native claims in land has been very carefully and exhaustively inquired into so far as two principal sections of the Colony are concerned. These are all very able Commissioners, who no doubt will have brought before them a very large amount of evidence which will be relevant to the inquiry that has to be made. The ground has already been worked over, and I do not think we need have much fear that a Commissioner of Sir Morris Carter's antecedents and experience in similar inquiries would fail to go as profoundly as possible into all the evidence that can be obtained, or (I should hope) to take all due precautions to see that no native witness who might be required should be in any degree intimidated. Still, if by having native assessors the confidence of natives in giving evidence before the Commission would be increased, that would be to the good, and I should be glad to see any kind of assistance of that sort given. So much for the judicial inquiry.

There is a further point on which I am rather doubtful whether the reference is quite clear. It ought to be clear and I want to have an assurance that it is so. The reference is:

"To determine the nature and extent of claims asserted by natives over land alienated to non-natives and to make recommendations for the adequate settlement of such claims, whether by legislation or otherwise."

"To examine claims asserted by natives over land not yet alienated and to make recommendations for the adequate settlement of such claims."

That, of course, is a new element in the inquiry. Sir William Morris Carter some years ago made a somewhat similar inquiry as to the native lands in Southern

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Rhodesia, and I want to point out the great difference that there is between the subject that has to be inquired into here and the subject that was to be inquired into by Sir William Morris Carter on that occasion. Sir William Morris Carter on that occasion was inquiring into the policy that should be followed for satisfying the needs of natives in land. And here arises the question of policy. The situation with regard to the rights or claims of natives in lands in Southern Rhodesia was quite different from what the situation is, as we understand it, in regard to the claims of natives to land in Kenya.

The situation to be dealt with in Southern Rhodesia was legally the same as that in Kenya—that is to say, the natives had no rights at all, and they had no claims which a legal mind could recognise, because we had said we did not recognise equitable claims. But in Kenya we have definitely said—and I wish to know whether this is admitted—that we are going to recognise equitable claims founded upon law and custom—such native law and custom as Lord Sumner referred to in the judgment of the Privy Council on Rhodesian lands to which he said natives had no rights. But in this Kenya inquiry I take it—and I wish to have an assurance that it is so—the Commissioners are to take account of native rights according to native law and custom. The discrimination is very clear in the original Charter granted to British Southern Africa in which the British South Africa Company were required to have

“ careful regard . . . to the customs and laws of the class or tribe or nation, especially in this respect to the holding, possession, transfer and disposition of land and succession thereto.”

But when Southern Rhodesia was reconstituted by Order-in-Council, that policy was dropped and the policy which now legally exists in Kenya was substituted. That is to say, that there is no regard to legal customs or the native habit of succession but natives are put where it is most convenient for the Colony to put them.

I want an explicit assurance that the Commission will recognise that the situation in Kenya is different from the situation in Southern Rhodesia and that it is

*Lord Olivier.*

the purpose of the Commission really to enquire, as Sir William Morris Carter is eminently qualified to do, into the question of laws and customs of the natives upon which they found their claims to interests in these lands. It is a perfectly clear point which, on the face of the instruction, I take it was intended, but I should like to have that reassurance.

When I come to the second part of the Question, which is, whether the Commission, with the aid of the Kikuyu and other reports on native land tenure and with the aid of such natives as may be called to give evidence, will endeavour to ascertain the rights of these claims, I realise that it will be a rather lengthy investigation to ascertain who are the people who claim the land and what evidence there is to support their claims. How far they are going into these particulars I do not know, but they will have to make a recommendation of what should be done, “ whether by legislation or otherwise.” There we enter the question of policy, and a very difficult question of policy, because we have actually alienated to a large number of Europeans the whole of this land over which many of these natives have these equitable claims. As soon as you come to that matter you reach a question of very great importance to the future of the relation of races in Africa. On that account I share my noble friend's feeling that a Commission which is to make a political representation of that sort is one upon which it would be better to have more representatives of the varying interests than at present. I do not press that point, however, because I see the difficulty, and I myself have rather an objection to the principle of setting up a Commission and putting one man on one side and one man on the other in order to have an apparent balancing of interests. Assuming that you can rely on the equity and common sense of the Commission and on the strong determination of the British Government to pursue a just and satisfactory policy, I would rather have a small committee of properly qualified persons than a large committee in which it might be difficult to obtain such unanimity as was fortunately obtained by the Joint Select Committee of Parliament under the guidance of the noble Earl, Lord Onslow.

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When I come to the second part of the Question, which is, whether the Commission, with the aid of the Kikuyu and other reports on native land tenure and with the aid of such natives as may be called to give evidence, will endeavour to ascertain the rights of these claims, I realise that it will be a rather lengthy investigation to ascertain who are the people who claim the land and what evidence there is to support their claims. How far they are going into these particulars I do not know, but they will have to make a recommendation of what should be done, “ whether by legislation or otherwise.” There we enter the question of policy, and a very difficult question of policy, because we have actually alienated to a large number of Europeans the whole of this land over which many of these natives have these equitable claims. As soon as you come to that matter you reach a question of very great importance to the future of the relation of races in Africa. On that account I share my noble friend's feeling that a Commission which is to make a political representation of that sort is one upon which it would be better to have more representatives of the varying interests than at present. I do not press that point, however, because I see the difficulty, and I myself have rather an objection to the principle of setting up a Commission and putting one man on one side and one man on the other in order to have an apparent balancing of interests. Assuming that you can rely on the equity and common sense of the Commission and on the strong determination of the British Government to pursue a just and satisfactory policy, I would rather have a small committee of properly qualified persons than a large committee in which it might be difficult to obtain such unanimity as was fortunately obtained by the Joint Select Committee of Parliament under the guidance of the noble Earl, Lord Onslow.

the Legislative Council would be by persons of African descent.

Therefore, my Lords, I agree with the noble Lord, Lord Olivier, and am not disposed to think that the witnesses before this Commission are likely to find much difficulty in expressing themselves. If they are the same as those that came to see us they would show no difficulty and no diffidence, and I should imagine that coming to London for the first time would be far more trying to the nerves than giving evidence in their own country. I think it would be wise to leave the Commission to consist entirely of those of European descent. We formed the opinion that one of the greatest difficulties, if you wanted to put Africans on the Legislative Council, would be to get suitable people. I think you would find the same thing if the question of numbers was overcome. It would be, I think, difficult to get exactly suitable people from other points of view to sit on this Commission. I think the criticism of the noble Lord was perhaps less that there should be persons of African descent on the Commission than that possibly the present constitution of the Commission was not exactly judicious.

I entirely agree with what fell from Lord Olivier as to the desirability of such a Commission as this being small and one that can deal with the subject in such a spanner as to present a united report. I believe the Government is actuated by a desire to obtain an authoritative report on the state of affairs in regard to land tenure in East Africa, which was the object of the recommendations of the Commission, and therefore I am disposed to think that it would be undesirable to limit in any way the qualification of the members of the Commission, leaving it to the Government to make the best selection they can. It has been said that one of the members of the Commission, from his situation as a landowner, may be regarded, probably entirely unjustly, as in some way biased. I am content to leave that in the hands of the Government. I am sure they are actuated by a desire to obtain the full information which the Commission recommended, and if they have chosen members of the Commission I feel convinced they have done so with the view of obtaining the best information possible. I am an

*The Earl of Onslow.*

tirely content to leave the matter in their hands.

**LORD STRATHCONA AND MOUNT ROYAL:** My Lords, I am sure the House will be ready to recognise the sympathetic understanding with which the noble Lord who asked this Question enunciated his case. The Commission to which his question referred was not intended to be a body representative of the various interests concerned, but rather in the nature of a judicial or quasi-judicial body to hear the evidence which those interests may desire to bring and will have every opportunity of bringing before the Commission. For this reason Sir Morris Carter was selected as Chairman of the Commission and it is common ground that he is eminently suited for those duties in view of his knowledge and experience not only on the Bench, but of inquiries into land questions elsewhere in Africa. His Colonial service includes the tenure of the offices of Chief Justice of Uganda and Tanganyika Territory from the latter of which he retired in 1924. He had considerable experience on Committees dealing with native land tenure and settlement and land legislation in Uganda. He was Chairman of the Commission appointed in Southern Rhodesia, in 1925, to inquire into land questions analogous to those to be dealt with in Kenya.

The noble Lord who asked this Question seemed anxious to increase the size of this Commission. I agree with those noble Lords who have put the point that it is desirable on these occasions to keep a body such as this as small as possible. As regards the remaining members of the Commission it was felt that the Commission should combine local knowledge with expert experience, and that it would be preferable to secure the services of two fair-minded local men rather than to appoint persons outside the Colony without local knowledge. It is desirable to encourage the co-operation of the non-native community in the difficult administrative problems which have to be dealt with and this policy is, in fact, in accordance with the passage in the Report of the Joint Select Committee on Closer Union in East Africa which says:

"The Committee are of opinion that the trusteeship of natives must remain the function of His Majesty's Government, but that

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Commission could not be in any way criticised. He emphasized the sterling worth of these gentlemen who have undertaken to carry out this task for the Government.

LORD OLIVIER: I only emphasized the appointment of Sir Morris Carter, because I do not know the other gentlemen.

LORD STRATHCONA AND MOUNT ROYAL: The noble Lord expressed approval which I was very glad to notice. He will recognise that in relation to the Question on the Paper I cannot possibly enter into the question of policy, but I am glad that the noble Lord on the whole is satisfied with the terms of reference to the Commission. So far as the other part of his question is concerned all I can say to him, speaking from this Bench, is that the intention was that the Commission should accept the facts as they exist to-day, and on that basis deal with the native claims upon grounds of *equality* and not be prevented from so dealing with them by any considerations of law.

I think that I have dealt with all the questions raised by noble Lords opposite, but I should like to conclude by saying that I think it would be unfortunate, and indeed very unfair, to assume that in Africa there is not a common interest between the native and European communities. Both are concerned equally and vitally in the development of Kenya and in its prosperity. That is the end to which our whole administration is directed, and here too, as elsewhere throughout the world, I think there is no reason to be ashamed of British administration. I should like to take this opportunity of expressing the gratitude of His Majesty's Government to Sir Morris Carter, Captain Wilson and Mr. Hemsted, for consenting to undertake what will necessarily be a laborious task. The Government trust, however, that they can proceed relying on the good will and co-operation of all sections of the community, and in the knowledge that every section of the community shares the hope of the Government that the outcome of their labours will be a material contribution to appeasement by stilling ancient controversies and allaying mutual fears.

EARL BUXTON: My Lords, I wish to say one word if I may. It is that I have listened with great interest to the

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speeches, especially that of Lord Onslow, and the conclusion I have come to—and I hope it will be the feeling of the mover of the Resolution—is that the Government have made out a good case in this way, that it is better to have a small Commission. They could not possibly have had a better Chairman than Sir Morris Carter, whose reputation I know in my time was very great and has subsequently grown. It is much better to have a small Commission of three. Everybody knows that it is a great advantage from the point of view of rapidity and of arriving at an agreement, and I agree with my noble friend who has stated the Government's case that these three representatives will really represent not only the views of Europeans but the views of the natives as well.

I agree with him that certainly under present conditions a Commission of this sort will look at matters quite impartially, from the point of view of the natives as well as of the white settlers generally. I also think that the proposal of my noble friend to add a representative of the Africans themselves to the Commission is in present circumstances quite out of the question. Lord Onslow, I think, pointed out quite rightly that you could not in present conditions, and with the great variety of native races and languages, get even two members who would necessarily represent the natives as a whole. In those circumstances, and having given the matter the best thought I can, I am inclined to agree with the Government in their proposal to keep this Commission a small one. So far as the *personnel* is concerned, I am not personally acquainted with the two other gentlemen, although I know them by reputation, but we could not have a better Chairman, and I feel sure that the results anticipated will be fulfilled when this Commission sits and reports.

LORD SANDERSON: My Lords, I wish to thank the noble Lord for his very courteous reply to my Question.

MINISTRY OF HEALTH PROVISIONAL ORDER CONFIRMATION (HENLEY-ON-THAMES WATER) BILL. [H.L.]

VISCOUNT GAGE: My Lords, I beg leave to introduce a Bill to confirm a Provisional Order of the Minister of Health relating to Henley-on-Thames

Commission could not be in any way criticised. He emphasized the sterling worth of these gentlemen who have undertaken to carry out this task for the Government.

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END

EXTRACT FROM OFFICIAL REPORT OF

4 MAY 1932