

COLONY AND PROTECTORATE OF KENYA.

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

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*Karoh Lal*

(Special Session 1922)

*Held at Nairobi on the 24th and 27th March, 1922.*

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Nairobi,

PRINTED BY THE GOVERNMENT PRINTER,

Kenya Colony.

# Minutes of the Proceedings of the First (Special) Session of the Legislative Council, 1922.

FIRST DAY.

Held at Nairobi on the 24th day of March, 1922.

The Council assembled on the 24th of March, 1922, at 9 a.m., HIS EXCELLENCY THE GOVERNOR (MAJOR-GENERAL SIR EDWARD NORTHEY, K.C.M.G., C.B.), presiding.

Present:—

THE HON. THE COLONIAL SECRETARY (Sir C. C. Bowring, K.B.E., C.M.G.)  
" ATTORNEY GENERAL (R. W. Lyall-Grant).  
" ACTING TREASURER (J. T. Gosling).  
" CHIEF NATIVE COMMISSIONER (G. V. Maxwell).  
" PRINCIPAL MEDICAL OFFICER (J. L. G.lks).  
" GENERAL MANAGER, UGANDA RAILWAY (S. Couper).  
" LAND OFFICER (H. T. Martin).  
" ACTING DIRECTOR OF AGRICULTURE (E. Harrison).  
" DIRECTOR OF PUBLIC WORKS (W. McGregor Ross).  
" LIWALI (Sheikh Ali bin Salim, C. M. G., C.B.E.).  
" SOLICITOR GENERAL (I. L. O. Gower).  
" OFFICER COMMANDING TROOPS (Col. G. F. Phillips, C.B.E., D.S.O.).  
" SENIOR COMMISSIONER (C. R. W. Lane).  
" CROWN COUNSEL (H. W. B. Blackall).  
" ACTING POSTMASTER GENERAL (T. Fitzgerald).  
THE HON. R. BERKELEY COLE.  
" L. COLLINGS WELLS.  
" SIR NORTHRUP McMILLAN.  
THE RT. HON. LORD DELAMERE.  
THE HON. MAJOR GROGAN, D.S.O.  
" CONWAY HARVEY.  
" CAPT. J. E. CONEY.  
" CAPT. H. F. WARD.  
" E. POWYS COBB.

Absent:—

THE HON. THE COMMISSIONER OF CUSTOMS (F. W. Major, C.M.G., I.S.O.).  
THE HON. T. A. WOOD, M.B.E.  
THE HON. K. H. RODWELL.

## OATH OF ALLEGIANCE.

THE PRESIDENT administered the Oath of Allegiance to the following:—

JOHN THOMAS GOSLING (Acting Treasurer).  
ERNEST HARRISON (Acting Director of Agriculture).  
THOMAS FITZGERALD (Acting Postmaster General).  
CHARLES ROBERT WILLIAM LANE (Senior Commissioner).  
HENRY WILLIAM BUTLER BLACKALL (Crown Counsel).  
MAJOR EWART SCOTT GROGAN, D.S.O.

## MINUTES OF MEETING.

THE HON. THE COLONIAL SECRETARY moved that Standing Orders be suspended to enable Council to proceed with the business standing on the Order of the Day without the Minutes of the last Meeting of Council having been first confirmed.

He explained that the Minutes were very voluminous and as the present Meeting had been hurriedly called it had been found impossible to get the Minutes of the last Meeting printed in time for confirmation that day.

THE HON. THE ATTORNEY GENERAL seconded.

The question was put and carried.

THE PRESIDENT delivered the following address:—

When this Hon. Council adjourned at the end of last year after a very long and arduous Session, I did not anticipate that any important business would necessitate my calling upon Hon. Members to meet again so soon.

But a cable from the Rt. Hon. the Secretary of State for the Colonies advising that Government should consider at an early date the passing of a Specific Loan Ordinance for the completion of works already commenced and other new undertakings caused me to decide on the holding of this Session.

Other matters of urgency have since been brought forward, the most important of which is a Bill which is not on the Order of the Day, but which for reasons which will be explained must be passed through all its stages at once. I refer to a Bill intitled "An Ordinance to provide for the Interpretation of References in Ordinances and Applied Acts to Various Coins."

The necessity for this legislation has arisen because it has been ruled in the local Courts that the expression "instrument" in the Currency Orders-in-Council of 1920 and 1921 cannot be held to include Ordinances or Applied Acts."

The effect of this ruling is threefold:—

In the first place it affects the jurisdiction of the various Courts.

Secondly, it affects the monetary penalties which can be imposed and

Thirdly, it affects the Revenue of the Colony.

It was intended, and until recently believed, that the effect of the Orders-in-Council was to convert all figures expressed in terms of Rupees in local and applied enactments into the same number of Florins or twice that number of shillings, and similarly as regards other denominations of coins, but as the Courts have ruled otherwise, it has become necessary to remedy the omission with retrospective effect.

Other Bills have been published and will be found in the Order of the Day.

There is an important notice in the Order of the Day to be proposed by the Hon. the Colonial Secretary which, if passed, will enable me to have the advice and assistance of a small Committee, composed mostly of Unofficial Members of Council, on matters of vital importance to the Colony.

With regard to the second portion of the Terms of Reference, which have purposely been made as wide as possible, it is obvious that it would take such a Committee several months to get down to a very close examination in detail of the working of all Government Departments.

Anticipating this, I have, with the Hon. Treasurer and Heads of Departments been working on this question since last year, and I can assure Hon. Members that so much spade work has been done that concrete propositions from Departments for future savings by abandonment of certain services will be ready to put before the Committee, if indeed, as has been done in the Land Department wholesale reductions in establishments and expenditure have not by the time the Committee sits and reports, been effected by Government.

The object to be aimed at is not only to propose large cuts in the Estimates for 1923, but actually to effect considerable savings during 1922. Such savings must necessarily curtail Government activities in many directions. Propositions will be put forward, for instance, in considering the Public Works Estimates for putting much of the work to be done out to contract. At the same time the actual programme of work must be reduced, bare necessities only provide for, and everything in the nature of luxury cut out.

Even the expenditure of the Agricultural Department must be reduced to such dimensions as the Colony can afford.

I have recently examined the Military expenditure most closely; savings can be effected by improvement in the Supply and Transport system, and perhaps to some extent by a reduction in Headquarters, but I fear that, so long as Jubaland, the Northern Frontier, and Turkana districts have to be administered and garrisoned at the expense of the Colony, the strength of the Military Forces cannot be reduced. Some reduction may be possible in the Police Force.

In other Departments which perform essential public services I hope it may still be found possible to effect further economies without unduly impairing their utility.

With regard to such activities as those of the Chemical Research Department, Native Registration, Fingerprint Bureau and Agricultural Farms, great care will have to be exercised to ensure that, under pressure from the necessity for economy, the too hasty destruction of established organisations, built up with care in the past, and perhaps likely to be required again in better times to come does not take place.

I am very pleased to welcome the Hon. Members who are taking their seats to-day for the first time; there has unfortunately been some delay in the temporary nomination of Indian Members.

I wish to refer with deepest sorrow and sympathy to the death of the late Treasurer, Mr. Kempe. I should like his widow to know that this Session does not open without any remembrance of the great loss which we have sustained. I ask Hon. Members to stand for a short time, in silence, showing their sympathy and agreement with these remarks.

The Council stood in silence for a short time.

#### QUESTIONS.

THE HON. MEMBER FOR NYANZA asked the following question:—

"Is it a fact that application for retirement was made recently when in England on leave by the Senior Chief Engineer, Uganda Railway Marine?"

THE HON. THE GENERAL MANAGER, UGANDA RAILWAY replied as follows:—

"The officer referred to by the Hon. Member asked to be allowed to retire on pension, but as he had not qualified for pension nor reached the retiring age, his request was refused.

"In refusing the officer's request the Secretary of State had not received a despatch which had been addressed to him by this Government recommending that the officer in question be allowed to retire."

THE HON. MEMBER FOR NYANZA asked the following question:—

"If the Hon. the Colonial Secretary will lay on the Table copies of the recent despatches from the Rt. Hon. the Secretary of State for the Colonies on the subject of voting of Official Members in this Hon. Council."

THE HON. THE COLONIAL SECRETARY replied as follows:—

"The despatches referred to by the Hon. Member are confidential and it is regretted that they cannot therefore be published."

THE HON. MEMBER FOR NYANZA asked the following question:—

"On what date the Hon. the Treasurer considers that shilling coins are likely to be available for circulation in Kenya Colony."

THE HON. THE ACTING TREASURER replied as follows:—

"Shillings will be issued as soon as an adequate supply of shilling cents is available. It is impossible to state definitely when this will be but advice received suggest that the issue may perhaps be made by the end of June. No assurance can, however, be given."

#### MOTIONS.

THE HON. THE COLONIAL SECRETARY asked permission to postpone moving the Motion standing in his name on the Order of the Day until later in the Session and gave notice of an alteration which he proposed to include in the Motion.

The postponement asked for was agreed to.

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

"That this Hon. Council approves of the grant of a pension at the rate of £256-13-4 per annum to Mr. George Woodruff in respect of services from 21st of July, 1906 to the 1st of February, 1922, as District Surveyor."

THE HON. THE ACTING TREASURER explained the grounds for asking for the grant of this pension making reference to Mr. Woodruff's past good services and his present state of ill-health.

THE HON. THE ATTORNEY GENERAL seconded.

The question was put and carried unanimously.

#### SUSPENSION OF STANDING ORDERS.

THE HON. THE ATTORNEY GENERAL moved the suspension of Standing Orders to permit of the introduction in Council of a Bill which did not appear in the Order of the Day.

THE HON. THE COLONIAL SECRETARY seconded.

The question was put and carried.

#### THE CURRENCY INTERPRETATION ORDINANCE, 1922.

THE HON. THE ATTORNEY GENERAL introduced and moved the first reading of a Bill intitled "An Ordinance to provide for the Interpretation of References in Ordinances and Applied Acts to various Coins." In support he referred to a judgment which had been given by the Hon. the Chief Justice and a Judge of the Supreme Court which had been published in the local press, and which had rendered the introduction of the Bill necessary.

THE HON. THE COLONIAL SECRETARY seconded.

The Bill was read a first time.

#### THE CURRENCY INTERPRETATION ORDINANCE, 1922.

THE HON. THE ATTORNEY GENERAL moved that a Bill intitled "An Ordinance to provide for the Interpretation of References in Ordinances and Applied Acts to various Coins" be read a second time.

He said that he had explained the reasons for the introduction of the Bill when he had moved the first reading.

THE HON. THE COLONIAL SECRETARY seconded.

THE RT. HON. LORD DELAMERE said he thought some opportunity of considering the provisions of the Bill should be afforded Hon. Members.

THE HON. THE ATTORNEY GENERAL explained the necessity for introducing the Bill without publication and urged the desirability of its being taken in all its stages and passed without delay.

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

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

THE HON. THE COLONIAL SECRETARY seconded.

The question was put and carried.

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

#### *In Committee.*

Representations having been made that the Hon. the Elected Members would like to discuss the provisions of the Bill with the Hon. the Acting Treasurer, the Hon. the Attorney General asked permission to report progress to enable that course to be adopted.

The question was put and carried.

#### *The Council resumed its sitting.*

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

THE HON. THE COLONIAL SECRETARY seconded.

The question was put and carried.

#### THE SPECIFIC LOAN ORDINANCE, 1922.

THE HON. THE ACTING TREASURER in pursuance of notice given, introduced and moved the first reading of a Bill intitled "An Ordinance to make provision for raising of a Loan of Three Million Pounds sterling for the Construction of certain Public Works and other purposes."

He explained the reasons for the measure and said that the Secretary of State had suggested that the present was an opportune time for the flotation of the loan.

THE HON. THE ATTORNEY GENERAL seconded.

The Bill was read a first time.

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

#### THE CURRENCY NOTES (AMENDMENT) ORDINANCE, 1922.

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

He explained that the measure was introduced to permit the issue of currency notes in terms of shillings to run in connection with florin notes.

THE HON. THE CHIEF NATIVE COMMISSIONER seconded.

The Bill was read a first time.

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

#### THE MEDICAL PRACTITIONERS AND DENTISTS (AMENDMENT) ORDINANCE, 1922.

THE HON. THE PRINCIPAL MEDICAL OFFICER in pursuance of notice given, introduced and moved the first reading of a Bill intitled "An Ordinance to amend the Medical Practitioners and Dentists Ordinance, 1910."

He explained that the Bill was one which had been rejected at an earlier Session of the Council and was now re-introduced on the instructions of the Secretary of State.

THE HON. THE COLONIAL SECRETARY seconded.

The Bill was read a first time.

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

#### THE WIDOWS AND ORPHANS PENSION (AMENDMENT) ORDINANCE, 1922.

THE HON. THE ACTING TREASURER in pursuance of notice given, introduced and moved the first reading of a Bill intitled "An Ordinance to amend the Widows and Orphans Pension Ordinance, 1921."

He explained that amendments proposed by the Bill had been suggested by the Secretary of State and dealt with matters of detail only.

THE HON. THE CHIEF NATIVE COMMISSIONER seconded.

The Bill was read a first time.

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

#### THE IMMIGRATION RESTRICTION (AMENDMENT) ORDINANCE, 1922.

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

He explained that the Bill provided for the compulsory return by any employer to the place of origin of any servant imported into the Colony under a contract which provided that on its expiry the servant should leave the Colony. The measure, he said, related primarily to natives engaged in Tanganyika Territory by the Railway Contractors whose engagement was permitted by the Government of Tanganyika Territory only on the condition that they should be repatriated on the completion of their service.

THE HON. THE COLONIAL SECRETARY seconded.

The Bill was read a first time.

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

#### THE LAND TITLES (AMENDMENT) ORDINANCE, 1922.

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

He explained that the Bill was introduced to correct errors and oversights that had crept into Rules made under existing legislation.

THE HON. THE CHIEF NATIVE COMMISSIONER seconded.

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

#### OTHER BUSINESSSES.

The following papers were laid on the Table:—

1. Circular Letter re voting by Official Members in the Legislative Council.

2. Report of Labour Bureau Commission, 1921, with copy of His Excellency the Governor's Despatch to the Rt. Hon. the Secretary of State on the subject.

3. Report of the Special Committee appointed to consider the position in respect of Bovine Pleuropneumonia.

4. Report of the Committee appointed to consider the question of Import Duties; with Minority Report by Mr. M. A. Desai.

5. Lt.-Col. F. D. Hammond's Report on the Railway Systems of Kenya, Uganda and Tanganyika.

6. Report of the Special Committee appointed to consider what amendments might advantageously be made to the Colony's Mining Laws.

7. Report of the Land Tenure Commission.

8. Report re Amani Institute.

9. Interim Report of the Committee appointed to consider the question of payment of Local Allowance to Civil Servants.

#### THE SPECIFIC LOAN ORDINANCE, 1922.

THE HON. THE ACTING TREASURER moved that a Bill intitled "An Ordinance to make provision for raising a Loan of Three Million Pounds sterling for the Construction of certain Public Works and other purposes," be read a second time.

In moving the second reading he said he thought it desirable when Council had to consider the merits and principles of a Bill which involved consideration of the propriety of entering into fresh loan commitments to make a brief survey of the history of the Colony's past economic development, and of such indications as may be visible as to the probable extent of its future progress. For this purpose he caused to be circulated amongst Hon. Members sets of tables and diagrams which he explained. In conclusion he submitted that the Bill was one which promised to be a very substantive lever for the enhanced prosperity of the Colony.

THE HON. THE CHIEF NATIVE COMMISSIONER seconded.

THE RT. HON. LORD DELAMERE supported.

THE HON. MR. CONWAY HARVEY said that he had been definitely instructed by his constituents to oppose the raising of further loan capital at the present time on the ground, amongst others, that the first need was the reduction of heavy administrative expenditure.

The question was put and carried, the Hon. Mr. Conway Harvey dissenting.

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

THE RT. HON. LORD DELAMERE suggested that the consideration of the Bill in Committee be postponed until the Hon. Elected Members had had an opportunity of considering a statement of expenditure and allocation of the loan funds for which they had asked.

THE HON. THE COLONIAL SECRETARY supported.

The course suggested by the Rt. Hon. Lord Delamere was agreed to.

#### THE MEDICAL PRACTITIONERS AND DENTISTS (AMENDMENT) ORDINANCE, 1922.

THE HON. THE PRINCIPAL MEDICAL OFFICER moved that a Bill intitled "An Ordinance to amend the Medical Practitioners and Dentists Ordinance, 1910," be read a second time.

THE HON. THE COLONIAL SECRETARY seconded.

The second reading was opposed by the Hon. Mr. Conway Harvey, the Rt. Hon. Lord Delamere and the Hon. Berkeley Cole.

THE HON. THE PRINCIPAL MEDICAL OFFICER defended the Bill which he said provided a reward for faithful service.

The question was put and carried by 16 votes to 9.

The following is a record of the votes taken:—

*Aye.*

The Hon. the Crown Counsel,  
 " Colonial Secretary.  
 " General Manager, Uganda Rly.  
 " Actng Postmaster General.  
 " Principal Medical Officer.  
 " Acting Treasurer.  
 " Solicitor General.  
 " Senior Commissioner.  
 " Attorney General.  
 " Actng Director of Agriculture.  
 " Land Officer.  
 " Chief Native Commissioner.  
 " Officer Commanding Troops.  
 " Director of Public Works.

The Hon. Sheikh Ali bin Salim.  
 His Excellency the Governor.

*No.*

The Hon. R. Berkeley Cole.  
 " L. Collings Wells.  
 " Capt. J. E. Coney.  
 The Rt. Hon. Lord Delamere.  
 The Hon. Major E. S. Grogan.  
 " Conway Harvey.  
 " Sir Nerthrup McMillan.  
 " E. Powys Cobb.  
 " Capt. H. F. Ward.

THE HON. THE PRINCIPAL MEDICAL OFFICER moved that Council resolve itself into a Committee of the whole House to consider the provisions of the Bill.

THE HON. THE COLONIAL SECRETARY seconded.

The question was put and carried.

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

*In Committee.*

The Bill was read clause by clause and a minor amendment was made in Clause 1.

*The Council resumed its sitting.*

THE HON. THE PRINCIPAL MEDICAL OFFICER moved that the Bill as amended be reported to Council.

THE HON. THE COLONIAL SECRETARY seconded.

The question was put and carried.

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

#### THE CURRENCY NOTES (AMENDMENT) ORDINANCE, 1922.

THE HON. THE ACTING TREASURER moved that a Bill intituled "An Ordinance to amend the Currency Notes Ordinance, 1920," be read a second time.

THE HON. THE CHIEF NATIVE COMMISSIONER seconded.

The question was put and carried.

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

THE HON. THE COLONIAL SECRETARY seconded.

The question was put and carried.

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

*In Committee.*

The Bill was read clause by clause and passed unamended.

*The Council resumed its sitting.*

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

THE HON. THE COLONIAL SECRETARY seconded.

The question was put and carried.

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

#### THE WIDOWS AND ORPHANS PENSION (AMENDMENT) ORDINANCE, 1922.

THE HON. THE ACTING TREASURER moved that a Bill intituled "An Ordinance to amend the Widows and Orphans Pension Ordinance, 1922," be read a second time.

THE HON. THE CHIEF NATIVE COMMISSIONER seconded.

The question was put and carried.

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

*In Committee.*

The Bill was read clause by clause and passed unamended.

*The Council resumed its sitting.*

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

THE HON. THE COLONIAL SECRETARY seconded.

The question was put and carried.

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

#### THE IMMIGRATION RESTRICTION (AMENDMENT) ORDINANCE, 1922.

THE HON. THE ATTORNEY GENERAL moved that a Bill intituled "An Ordinance to amend the Law relating to Immigration," be read a second time.

THE HON. THE CHIEF NATIVE COMMISSIONER seconded.

The question was put and carried.

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

THE HON. THE COLONIAL SECRETARY seconded.

The question was put and carried.

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

*In Committee.*

The Bill was read clause by clause and passed unamended.

*The Council resumed its sitting.*

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

THE HON. THE COLONIAL SECRETARY seconded.

The question was put and carried.

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

**THE LAND TITLES (AMENDMENT)  
ORDINANCE, 1922.**

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

THE HON. THE CHIEF NATIVE COMMISSIONER seconded.

The question was put and carried.

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

THE HON. THE CHIEF NATIVE COMMISSIONER seconded.

The question was put and carried.

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

*In Committee.*

The Bill was read clause by clause and passed unamended.

*The Council resumed its sitting.*

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

THE HON. THE COLONIAL SECRETARY seconded.

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

**THE CURRENCY INTERPRETATION  
ORDINANCE, 1922.**

THE HON. THE ATTORNEY GENERAL moved that Council resolve itself into a Committee of the whole House to consider the provisions of a Bill intituled "An Ordinance to provide for the Interpretation of References in Ordinances and Applied Acts to various Coins."

THE HON. THE COLONIAL SECRETARY seconded.

The question was put and carried.

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

*In Committee.*

The Bill was read clause by clause when minor amendments were made to Clauses 4 and 5. The Hon. Major Grogan dissented on Clause 2 being passed.

*The Council resumed its sitting.*

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

The question was put and carried.

THE HON. THE ATTORNEY GENERAL gave notice that he would move the third reading of the Bill forthwith.

**THE CURRENCY INTERPRETATION  
ORDINANCE, 1922.**

THE HON. THE ATTORNEY GENERAL moved that a Bill intituled "An Ordinance to provide for the Interpretation of References in Ordinances and Applied Acts to various Coins," be read a third time and passed.

THE HON. THE COLONIAL SECRETARY seconded.

The question was put and carried, the Hon. Major Grogan dissenting.

The Bill was read a third time and passed.

*Council adjourned till 9 a.m., on Monday,  
the 27th of March, 1922.*

## SECOND DAY.

Held at Nairobi on Monday the 27th day of March, 1922.

The Council assembled on Monday the 27th of March, 1922, at 9 a.m., HIS EXCELLENCY THE GOVERNOR (MAJOR-GENERAL SIR EDWARD NORTHEY, K.C.M.G., C.B.), presiding.

Absent:—

THE HON. K. H. RODWELL.  
THE HON. T. A. WOOD, M.B.E.

## OATH OF ALLEGIANCE.

THE PRESIDENT administered the Oath of Allegiance to the following:—

BHAGWAN SINGH VARMA.  
SHAMS-UD-DEEN.

Indian Nominated Unofficial Members.

HIS EXCELLENCY stated that he had not yet received information that the steamer by which the Hon. Member for Mombasa (the Hon. K. H. Rodwell) was travelling to Europe, had sailed. He would not therefore at the moment administer the Oath of Allegiance to the gentleman whom he had decided to nominate as Provisional Member during Mr. Rodwell's absence, but if news that the steamer had sailed were received later in the day he would then administer the Oath to Mr. Morrison the proposed Provisional Member for Mombasa.

## QUESTIONS.

THE HON. MEMBER FOR PLATEAU NORTH asked the following question:—

"Whether Government will consider immediately the introduction of a Bill to revise the existing Bankruptcy Laws?"

THE HON. THE COLONIAL SECRETARY replied as follows:—

"The question of amendments to the Bankruptcy Laws is receiving the careful consideration of Government."

## MOTION.

THE HON. THE COLONIAL SECRETARY proposed the following Motion:—

"That His Excellency the Governor be asked to appoint a Committee composed of two Government nominees, two nominees of the Associated Chambers of Commerce, three Elected Members and one Indian nominated Member of this Hon. Council:—

1. To enquire into and report on:—

- (a) The means whereby production and exports may be fostered and increased.
- (b) The means whereby the cost to the community of Imports may be decreased.
- (c) The present amount and incidence of taxation, and

2. To make such recommendations for the regulation of Government expenditure and departmental activities as may in their opinion be necessary in order to give effect to the conclusions arrived at by them on the subjects mentioned above."

In speaking to his Motion. The Hon. the Colonial Secretary said that the Committee composed on the lines suggested would be able to produce a very valuable report and to alleviate the present financial position of the Colony.

Past experience had shown that the labours of Committees were sometimes to a great extent abortive as effect could not be given to recommendations made. It was therefore considered advisable that the report of this Committee should state how effect

could be given to its recommendations. He said that the composition of the Committee had been altered at the request of the Hon. Elected Members.

With regard to the second part of the Motion the Hon. the Colonial Secretary stated that His Excellency the Governor was engaged in going through the Estimates with Heads of Departments and would be able to place before the Committee schemes whereby expenditure might be reduced.

THE HON. THE ATTORNEY GENERAL seconded.

THE HON. MR. CONWAY HARVEY moved that Section II of the Motion be deleted and that a new sub-section (d) be added to Section I to read "means whereby Government expenditure may be reduced." He inquired whether the amendment proposed was accepted by the Hon. the Colonial Secretary.

THE HON. THE COLONIAL SECRETARY said that the Motion as it stood in the Order of the Day gave to the Committee considerably greater powers than those of merely knocking off expenditure. He considered that the original Motion was better than the proposed amendment.

THE HON. THE ACTING TREASURER opposed the amendment and stated that the original Motion was in his opinion more useful than the proposed amendment.

THE RT. HON. LORD DELAMERE supported the proposed amendment, and stated that the other terms of reference covered the points to which the Hon. the Colonial Secretary had referred.

After further debate the amendment was put and lost by 10 votes to 16.

The following is a record of the votes taken:—

## Aye.

The Hon. the Crown Counsel.  
" B. B. Cole.  
" L. Collings Wells.  
" Capt. J. E. Coney.  
The Rt. Hon. Lord Delamere.  
The Hon. Major E. S. Grogan.  
" Conway Harvey.  
" the Land Officer.  
" Sir Northrup McMillan.  
" Capt. H. F. Ward.

## No.

The Hon. the Colonial Secretary.  
" General Manager, Uganda Rly.  
" Acting Postmaster General.  
" Principal Medical Officer.  
" Acting Treasurer.  
" Solicitor General.  
" Senior Commissioner.  
" Attorney General.  
" Acting Director of Agriculture.  
" Commissioner of Customs.  
" Chief Native Commissioner.  
" Officer Commanding Troops.  
" Director of Public Works.  
The Hon. Shams-ud-Deen.  
" Sheikh Ali bin Salim.  
" B. S. Varma.  
His Excellency the Governor did not vote.



THE HON. THE COLONIAL SECRETARY said that the amendment having been defeated he hoped that the Motion would be carried unanimously.

The question that the Motion as in the Order of the Day be passed was then put and carried unanimously.

#### THE MEDICAL PRACTITIONERS AND DENTISTS (AMENDMENT) ORDINANCE,

THE HON. THE PRINCIPAL MEDICAL OFFICER moved that a Bill intitled "An Ordinance to amend the Medical Practitioners and Dentists Ordinance, 1910," be read a third time and passed.

THE HON. THE COLONIAL SECRETARY seconded.

THE HON. SHAMS-UD-DEEN moved that the Bill be recommitted in order to enable him to propose certain amendments.

He explained that circumstances over which he had no control has prevented his having an opportunity of raising an objection when the Bill was being considered in Committee.

He wished to propose that the word "meritorious" in Section 3 (b) of the Bill be deleted and that the words "three years continuous service" be inserted in their stead.

He also wished to propose that a new sub-section (c) be added to the section to read as follows:—

"Other than a person in the service of the Medical Department of the Government who shall satisfy the Board that he is the holder of a Degree, Diploma, Licence or Certificate which would entitle him to practise medicine or surgery in any British Possession or Colony."

THE HON. B. S. VARMA seconded.

THE HON. THE PRINCIPAL MEDICAL OFFICER opposed the Motion for recommitment of the Bill. It was, he said, all important that in a young country like Kenya the level of medical qualifications should be at the highest point. Certain degrees and qualifications granted in India were recognised in England and in Kenya, and nothing could stop the holders from being registered. Certain other qualifications were not recognised. All Sub-Assistant Surgeons were not good Doctors and some were not fit to practice without supervision.

THE RT. HON. LORD DELAMERE, the Hon. Mr. Conway Harvey and the Hon. the Director of Public Works opposed the Motion for recommitment.

THE HON. SHAMS-UD-DEEN having replied the Motion for recommitment was put and lost by a majority, the only Members voting for it being the Hon. Mover and Secunder.

The question that the Bill be read a third time and passed was then put and carried.

The Bill was read a third time and passed.

#### THE CURRENCY NOTES (AMENDMENT) ORDINANCE, 1922.

THE HON. THE ACTING TREASURER moved that a Bill intitled "An Ordinance to amend the Currency Notes Ordinance, 1920," be read a third time and passed.

THE HON. THE CHIEF NATIVE COMMISSIONER seconded.

The question was put and carried.

The Bill was read a third time and passed.

#### THE WIDOWS AND ORPHANS PENSION (AMENDMENT) ORDINANCE, 1922.

THE HON. THE ACTING TREASURER moved that a Bill intitled "An Ordinance to amend the Widows and Orphans Pension Ordinance, 1921," be read a third time and passed.

THE HON. THE CHIEF NATIVE COMMISSIONER seconded.

THE HON. THE ATTORNEY GENERAL said that he had a small amendment to propose. The word "seventh" in the sixth line of the Bill should read "fifth." was purely a formal amendment and he did not think it necessary to ask that the Bill be recommitted.

THE HON. THE CHIEF NATIVE COMMISSIONER formally seconded.

The question that the Bill be amended accordingly was put and carried.

The question that the Bill be read a third time and passed was then put and carried.

The Bill was read a third time and passed.

#### THE IMMIGRATION RESTRICTION (AMENDMENT) ORDINANCE, 1922.

THE HON. THE ATTORNEY GENERAL moved that a Bill intitled "An Ordinance to amend the Law relating to Immigration," be read a third time and passed.

THE HON. THE COLONIAL SECRETARY seconded.

THE HON. B. S. VARMA moved that the Bill be re-committed to enable him to propose an amendment to Section 3 of the Bill. The amendment which he wished to propose was that the word "person" should be deleted and that the words "any native of Africa" be inserted in its stead. He said that his reason for the proposed amendment was that the Bill would in its present form operate against labour recruited in India.

HIS EXCELLENCY pointed out to the Hon. Member that the Bill had reference only to people who entered the Colony under an agreement which contained a clause providing for their repatriation at the end of their term of service.

THE HON. B. S. VARMA pressed for the Bill to be recommitted.

THE HON. SHAMS-UD-DEEN seconded the Motion for recommitment. He said that it had been stated on the introduction of the Bill that it was intended to apply to Natives of Tanganyika Territory engaged by the Railway Contractors for service in Kenya Colony. That being so he could see no objection to the amendment suggested by the Hon. B. S. Varma. He further said that as it stood, the Bill introduced dangerous principles and would result in litigation.

THE HON. THE COLONIAL SECRETARY opposed the Motion and said that he could not advise Council to embark upon class legislation of the type suggested.

The Motion for recommitment of the Bill was then put and lost by a majority, the Hon. Mover and Secunder being the only Members to vote in its favour.

The question that the Bill be read a third time and passed was then put and carried, the Hon. B. S. Varma and the Hon. Shams-ud-Deen dissenting.

The Bill was read a third time and passed.

#### THE LAND TITLES (AMENDMENT) ORDINANCE, 1922.

THE HON. THE ATTORNEY GENERAL moved that a Bill intitled "An Ordinance to further amend the Land Titles Ordinances," be read a third time and passed.

THE HON. THE CHIEF NATIVE COMMISSIONER seconded.

The question was put and carried.

The Bill was read a third time and passed.

THE SPECIFIC LOAN ORDINANCE, 1922.

THE HON. THE ACTING TREASURER moved that Council resolve itself into a Committee of the whole House to consider further the provisions of a Bill intitled "An Ordinance to make provision for raising a Loan of Three Million Pounds Sterling for the construction of certain Public Works and other purposes."

THE HON. THE COLONIAL SECRETARY seconded.

THE RT. HON. LORD DELAMERE said that before Council went into Committee the Hon. Elected Members wished to ask for information as to the present status of the Uganda Railway in relation to the Colony as a preliminary to discussing the allocation of loans for Railway development.

He said that the Hon. Elected Members asked for an assurance that the control of the expenditure of the Uganda Railway was the sole right of the Legislative Council of Kenya within whose territory the Railway is situated if the responsibility for making good any deficit between Railway profits and the amount to be paid in interest on loans for Railway development was to be borne by the Colony.

HIS EXCELLENCY THE GOVERNOR said that it was quite impossible for him as head of the Government to give any guarantee of the future actions of the Secretary of State. His attitude, fully supported by Council was set out clearly in his address to Council in October last when he said that he had made representations to the Secretary of State that he was strongly opposed to any divorce of the Railway control from the Kenya Government. That was still the policy of the Government.

THE HON. MAJOR GROGAN said that as the Home Government had disclaimed responsibility for the interest and sinking fund for the first loan, it was obviously intolerable that they should be asked to part with the Railway and take the full financial responsibility while leaving it free for the Imperial Government to take away the Railway arterial system of the country, and handing it over to anybody they might choose. He suggested it might be possible by cable to get some definite assurance before they continued with the matter of loan.

HIS EXCELLENCY informed the Council that no decision would be taken until a reply had been made from the Kenya Government to Colonel Hammond's report. The Secretary of State already knew his views on the subject.

THE RT. HON. LORD DELAMERE having intimated his desire to move a Resolution laying down the principle which should control the expenditure of Loan Funds allocated to Railway services.

THE HON. THE COLONIAL SECRETARY said that such discussion was out of order, the question being that Council dissolve itself into a Committee of the whole House to consider further the provisions of the Bill.

The question was then put and carried.

OATH OF ALLEGIANCE.

THE PRESIDENT said that he had received a telegram stating that the Hon. K. H. Radwell the Member for Mombasa had sailed for Europe. He would therefore administer the Oath of Allegiance to Mr. Alexander Morrison the Provisional Member. The Oath was duly administered and Mr. Morrison took his seat.

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

In Committee.

Discussion on the Bill took place.

THE RT. HON. LORD DELAMERE said that he wished to move an amendment which would lay down the principle which should control the expenditure of Loan Funds allocated to Railway purposes.

It was decided that such a principle could best be laid down by a Resolution passed in Council. The Hon. the Colonial Secretary moved that progress be reported to enable a Motion to be proposed.

The question was put and carried.

The Council resumed its sitting.

SUSPENSION OF STANDING ORDERS.

THE HON. THE COLONIAL SECRETARY moved that Standing Rules and Orders be suspended to enable the Rt. Hon. Lord Delamere to submit to Council a Motion of some urgency.

THE HON. THE ATTORNEY GENERAL seconded.

The question was put and carried.

MOTION.

THE RT. HON. LORD DELAMERE then proposed the following Motion:—

"The Hon. Council resolves that the following principle shall control the expenditure of monies to be voted for Railway purposes in the Ordinance making provision for a loan of £3,000,000.

(1) That principle of allocation shall be to secure the maximum mileage of new construction compatible with the provision of adequate rolling stock and equipment (2) that such allocation should be decided by this Hon. Council in Committee (3) that in no circumstances shall a lesser amount than £1,450,000 be expended on new construction and (4) that priority of charges on the consolidated Railway loan shall be.

(a) The Uasin Gishu Railway to Turbo.

(b) The Nyeri Railway to Nyeri.

(c) The Uasin Gishu Railway to Kitale.

THE HON. MAJOR GROGAN seconded.

THE HON. CAPT. J. E. CONRY said that he would like to place before Council some facts to convince the House of the necessity of the Railway to Kitale being constructed. He stated that the Hon. the Director of Agriculture during a recent tour in the Trans-Nzoia had met the Farmers there and after encouraging them as much as he could, had said that unless means of communication improved he could not hold out much hope. The Hon. Member proceeding, said that the Trans-Nzoia was the biggest Soldier Settler area in the Colony and pointed out that very few Soldier Settlers would be adequately served if the Railway went to Turbo only. He submitted figures relating to settlement in the Trans-Nzoia to production and to the financial position of Farmers in the area.

Further discussion having taken place the Hon. the Colonial Secretary moved that Council resolve itself into a Committee of the whole House to permit of freer discussion on the Motion.

THE HON. THE ATTORNEY GENERAL seconded.

The question was put and carried.

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

*In Committee.*

Full discussion on the Motion took place and various amendments were made.

*The Council resumed its sitting.*

THE RT. HON. LORD DELAMERE moved that the Motion which had been amended in Committee to read as follows:—

"That in the opinion of this Hon. Council the following principles should control the expenditure of moneys provided out of Loan Funds for Railway purposes, namely:—

1. That the principle of allocation shall be to secure the maximum mileage of new construction compatible with the provision of adequate rolling stock and equipment, and necessary improvements to the general Railway system.
2. That such allocation should be laid before this Hon. Council.
3. That priority of allocation of the aggregate sums provided in the Specific Loan Ordinances, 1921 and 1922 for Railway construction shall be:—

- (a) The Uasin Gishu Railway to Turbo.
- (b) The Nyeri Railway to Nyeri.
- (c) The Uasin Gishu Railway, Kitale Branch"

be now put.

THE HON. MR. CONWAY HARVEY seconded.

The question was put and carried unanimously.

## THE SPECIFIC LOAN ORDINANCE, 1922.

THE HON. THE ACTING TREASURER moved that Council resolve itself into a Committee of the whole House to consider further the provisions of a Bill intituled "An Ordinance to make provision for raising

a Loan of Three Million Pounds Sterling for the construction of certain Public Works and other purposes."

THE HON. THE COLONIAL SECRETARY seconded.

The question was put and carried.

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

*In Committee.*

The Bill was read clause by clause and the word "commencement" in item (c) of the schedule was deleted.

*The Council resumed its sitting.*

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

THE HON. THE ATTORNEY GENERAL seconded.

THE HON. THE ACTING TREASURER gave notice that he would proceed forthwith to move the third reading of the Bill.

## THE SPECIFIC LOAN ORDINANCE, 1922.

THE HON. THE ACTING TREASURER moved that a Bill intituled "An Ordinance to make provision for the raising a Loan of Three Million Pounds Sterling for the construction of certain Public Works and other purposes," be read a third time and passed.

THE HON. THE COLONIAL SECRETARY seconded.

The question was put and carried.

The Bill was read a third time and passed.

## ADJOURNMENT.

THE HON. THE COLONIAL SECRETARY moved that Council stand adjourned until such date and time as His Excellency the Governor should by Proclamation appoint.

THE HON. THE ATTORNEY GENERAL seconded.

The question was put and carried.

*Council adjourned accordingly.*