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# KENYA NATIONAL ARCHIVES

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Description of Document . . . LEGISLATIVE COUNCIL DEBATES, VOL. XIII.

Covering Dates . . . 18th Nov., to 18th Dec., 1941.

Reference No. . . . From Central Government Library.

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Date of Reproduction

*29<sup>th</sup> December, 1965.*



COLONY AND PROTECTORATE OF KENYA

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# LEGISLATIVE COUNCIL DEBATES

## OFFICIAL REPORT

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SECOND SERIES

VOLUME XIII

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1941

Second Session: 18th November to 19th December

### CHRONOLOGICAL INDEX

	<i>Column</i>
18th November	1
19th November	29
25th November	69
26th November	113
27th November	115
28th November	200
9th December	327
10th December	371
11th December	413
16th December	428
17th December	492
18th December	543
19th December	588

# List of Members of the Legislative Council

## *President:*

HIS EXCELLENCY THE GOVERNOR, SIR HENRY MOORE, K.C.M.G.

## *Ex Officio Members:*

CHIEF SECRETARY (HON. G. M. RENNIE, C.M.G., M.C.).  
ATTORNEY GENERAL (HON. W. HARRAGIN, C.M.G., K.C.).  
FINANCIAL SECRETARY (HON. C. R. LOCKHART, C.B.E.).  
CHIEF NATIVE COMMISSIONER (HON. E. B. HOSKING, O.B.E.).  
DIRECTOR OF MEDICAL SERVICES (DR. THE HON. A. R. PATERSON,  
C.M.G.).  
DIRECTOR OF AGRICULTURE (HON. D. L. BLUNT).  
DIRECTOR OF EDUCATION (HON. A. T. LACEY, O.B.E.).  
GENERAL MANAGER, K.U.R. & H. (ACTING) (HON. A. E. HAMP, C.B.E.).  
(1)  
DIRECTOR OF PUBLIC WORKS (HON. J. C. STRONACH).  
COMMISSIONER OF CUSTOMS (HON. A. W. NORTHROP).  
COMMISSIONER OF LANDS AND SETTLEMENT (HON. C. E. MORTIMER,  
M.B.E.).

## *Nominated Official Members:*

HON. S. O. V. HODGE (Provincial Commissioner, Coast).  
HON. H. M. GARDNER, O.B.E. (Conservator of Forests).  
HON. C. TOMKINSON (Provincial Commissioner, Central).  
HON. S. H. FAZAN, C.B.E. (Provincial Commissioner, Nyanza).  
HON. T. A. BROWN (Solicitor General).  
HON. R. DAUBNEY, C.M.G., O.B.E. (Director of Veterinary Services).  
HON. G. B. HILDEN, C.M.G. (Postmaster General).  
HON. H. IZARD (Provincial Commissioner, Rift Valley).  
HON. R. PEDRAZA (Commissioner of Mines). (2)

## *European Elected Members:*

MAJOR THE HON. F. W. CAVENDISH-BENTINCK, C.M.G., Nairobi North.  
HON. S. V. COOKE, Coast.  
MAJOR THE HON. LADY SIDNEY FARRAR, Nyanza.  
COL. THE HON. E. S. GROGAN, D.S.O., Ukamba.  
LT.-COL. THE HON. J. G. KIRKWOOD, C.M.G., D.S.O., Trans Nzoia.  
COL. THE HON. F. S. MODERA, D.S.O., M.C., Nairobi South.  
HON. W. G. D. H. NICOL, Mombasa.  
LT.-COL. THE HON. LORIS FRANCIS SCOTT, K.C.M.G., D.S.O., Rift  
Valley.  
HON. MRS. O. F. WATKINS, Kiambu.  
HON. E. H. WRIGHT, Aberdare.  
HON. W. A. C. BOUWER, Uasin Gishu (Acting). (3)

## *Indian Elected Members:*

HON. ISHER DASS (Central).  
HON. SHAMSUD-DEEN (Central).  
HON. J. B. PANDYA, C.B.E. (Eastern).  
DR. THE HON. A. U. SHETH (Eastern) (Acting). (4)  
HON. R. KASIM (Western).

## *Arab Elected Member:*

HON. SHERIFF ABDULLA BIN SALIM.

## *Nominated Unofficial Members:*

### *Representing the Interests of the African Community*

DR. THE HON. C. J. WILSON, C.M.G., M.C.  
HON. H. R. MONTGOMERY, C.M.G.



[H.E. the Governor]

asked to authorize the issue of a further half million in this session, while the Post Office Savings Bank receipts have reached the large total of £671,270.

So much for the past, but what of the future? I believe it is going to make much severer calls on our resources of will power and endurance. We all know the war is yet to be won, and most of us are already asking ourselves what more can we do both as individuals and as a community to help. We want to play an active, not a passive part, and resent the feeling of frustration which oppresses us at times because we can't be in the thick of the fight. We are ready enough to work hard and to make financial sacrifices, but we want to be assured that our work is useful and that our money is spent to the best advantage. We should feel happier in our consciences if food were scarcer and a bomb dropped occasionally to remind us that there was a war on. These are conditions that none of us can alter, if it were otherwise my duties and responsibilities would in one sense be made much simpler.

It is an incontestable fact, to which the Estimates of Revenue and Expenditure which are being laid before you testify, that the war has brought increased prosperity to Kenya in general and to certain sections of the community in particular, and though the increased taxation which has already been imposed here for war purposes has been substantial, if we remember the standard of direct taxation that obtained here before the war, it still falls far short—more particularly in the higher range of incomes of the scale of taxation imposed in the United Kingdom. The underlying principles on which such additional taxation is based were set out in Lord Moyne's circular despatch of the 5th of June, 1941, which has already been published for general information. One of its avowed objects is that of discouraging consumption of non-essential goods and the provision of funds which, if they cannot be immediately expended at the moment owing to lack of men and materials, can be utilized as reserves and lent in the meantime as interest-free loans to His Majesty's Government on condition that repayment will be

made at the end of the war, when those sums will be available for the work of post-war reconstruction and development. In conformity with this policy it is proposed to increase the rate of Income Tax and to impose a surtax on all incomes in excess of £3,000, and also to raise the Customs and Excise duties on certain specific items. I will refer to these proposals in more detail later.

But apart from these taxation proposals you may ask me what else we can do during the coming year. The answer is, we must go on producing to the maximum extent possible. But you may well ask are there any special crops such as wheat or maize of which we should produce still more, and, if we do, can we be sure that not only will our produce be required, but that shipping will be made available to carry it to the war areas where it is most needed. Any considerable increase of production raises at once the question of man power, and from the figures that I have already given you it is clear that so far as production on farms is concerned this in turn raises the difficult question of releases of personnel from the Army. Since April last year 65 men have been released from their civil occupations to enable them to join the armed forces, and during the same period approximately 57 have been released from the Army to return to their civil occupations. The military authorities have assisted Government with regard to these releases where they have been assured that the men would be required in order to maintain production, and comparatively recently some 14 men were released for wheat production in the Uasin Gishu area.

But the military authorities are also suffering from a shortage of European personnel, particularly of those with a knowledge of the language and handling of African troops, and it seems clear that before we can press for more men to be released we must get more definite information as to the openings that are likely to present themselves for the disposal of our surpluses to the military authorities here, in Occupied Enemy Territory and in the Middle East. Our delegation to the Middle East Supply Council in Cairo was sent for the

[H.E. the Governor]

express purpose of obtaining that information. From the preliminary report that Major Cavendish-Bentinck has given me verbally the prospects are distinctly encouraging. Much of what we can produce will be wanted and when there has been time to study the report in detail I hope we shall be able to formulate co-ordinated plans for increasing our production still further of those commodities which are required. In general terms the advice given by Captain Oliver Lytton, Minister of State, to our delegates was to stimulate local production, drastically to curtail imports and cut out luxuries so as to reduce shipping mileage in every possible way.

In this connexion I might mention the reasons that made it, necessary recently to issue Defence Regulations with regard to woman power in the Colony, particularly with respect to the compulsory registration of European women between the ages of eighteen and sixty. The primary object of these Regulations is to secure a complete record of all British woman power in the Colony in order that Government may be able to utilize their services to the best advantage. The Women's Transport Service, ordinarily known as the F.A.N.Y.S., has been placed on a military basis and is now recognized as one of the military units of the East Africa Command. Some of them will be required to serve further North, and in order to replace these and also to release men for service in other spheres the military authorities are making heavy demands on the woman power of this Colony. It is hoped, once this registration has been completed, to obtain by voluntary methods the most economical distribution of our woman power. Should this method fail, compulsory powers are provided under Regulation 5, but I should like to make it clear that the passage of these Regulations does not cast any reflection on the 'magnificent' work which so many of the women of this Colony have been doing both in the towns and on the farms, nor need any of them fear that they are going to be torn away from the care of their homes or of their children, in cases where they are already doing a woman's proper work. But since the war started

many women from abroad have obtained permits to enter Kenya for reasons connected with the war, and we want to satisfy ourselves, particularly in cases where they have undertaken to do war work of some kind or another, that in actual fact they are doing so.

Finally, there is the question of African man power on which, in the last resort, production whether on farms or in the native reserves depends. The seasonal difficulties over the supply of labour which are normal at this time of the year have been aggravated by a variety of factors such as military requirements, a particularly heavy coffee crop, and the redistribution of sisal quotas, all coinciding with the normal harvest season during the last three months of the year. The resultant shortage has led to a certain amount of criticism of the war effort of the African, and while I do not for a moment suggest that it cannot and should not be increased, I think it is important that we should see the whole picture in perspective before indulging in sweeping criticisms.

First of all, as I have just told you, there were in June last some 39,000 Kenya Africans, serving with the East Africa Force. I would remind you that since the fall of Amba Alagi in May, the main brunt of the East African campaign has been borne by native troops with a handful of white officers. Casualties fortunately have been small. Personal contributions by natives to the Kenya Central War Fund and the War Welfare Fund have amounted to about £15,300. In addition, natives of the Nyanza Province subscribed large sums towards the purchase of eight mobile ambulances and a mobile surgical unit; the natives of Embu gave £630 towards another mobile ambulance; Local Native Councils have subscribed over £12,000 towards fighter aeroplanes and have invested £26,000 of their balances in war funds. But perhaps the greatest contribution they have made is in production. Excluding tribes in the remote areas, there are about 480,000 able-bodied male natives in the Colony. These figures are admittedly an estimate as we are now long overdue for a scientific census. Of this number over 206,000 are employed by non-natives

(H.E. the Governor) outside the reserves and about 12,000 are in daily casual employment. To these must be added the many squatters not included in employment statistics, and the 39,000 in the Forces. So that if our estimates are anything like correct, over half the able-bodied males are in fact working outside the reserves.

But whatever may be the total number so employed, what I should like to dispel is the illusion that those remaining in the reserves are all of them necessarily idle. We all know that in accordance with native custom all members of a family have their appointed tasks in the shamba or looking after live stock; and while it is true that the woman in the native reserves does a heavy part of the cultivation, the man also has his appointed share. The first duty of these natives in the reserve is to produce most of the food necessary to support the total population of about three million Africans; in addition to this and to carrying out all the normal activities of life in the reserves, they have, as I have already told you, produced large quantities of foodstuffs both for the military and the civil population. I have already given you separate figures for cattle, sheep and goats. In other commodities such as maize and potatoes separate figures are not at my disposal, but it is well known that the native share is very large. At Kerugoya, where the dried vegetable factory is in operation, five hundred tons of vegetables a month are being provided by native growers and a second factory is to be erected at Karatina. These are facts which must not be overlooked, and while in order to meet the present emergency I have, by agreement with the military authorities and the neighbouring Governments, suspended recruitment in Kenya for the East Africa Military Labour Service and the African Auxiliary Pioneer Corps, and have also instructed Administrative officers to take special steps to impress upon the people the importance of maintaining production on farms at the present time and to assist farmers in want of labour to get into touch with potential sources of labour supply. I feel we have not by this action in any sense found a solution of the root of the problem: indeed, precipi-

tate Government intervention may have unexpected repercussions both in the reserves and on the farms themselves and tend to mar the happy relations which I know at present exist on most farms between the farmer and his labour force.

But I believe the more serious complaint is that much of the farm labour now offering is inefficient and work shy. This is no new phenomenon, though present conditions may have aggravated the situation. At any rate it is particularly exasperating at a time when group farm managers can necessarily give less detailed supervision, and farmers themselves are fully extended. Frankly, I can see no immediate sovereign remedy. In some cases the labour is raw, unskilled and under-nourished, and physically incapable of a full day's work. The ultimate solution of the problem is both to raise the standard of living and nutrition in the more backward Native Reserves, and also to improve general labour conditions on farms particularly in respect of balanced rations and better housing. I believe the ideal to be aimed at is the building up of a permanent labour force which takes a pride and a personal interest in the progress of the farm. Clearly the amount of casual labour required must vary with the nature of the farming operations, but a nucleus force of the kind to which I have referred should do something to discourage the attitude of mind which looks upon casual work on the farm only as the quickest way of earning tax with the minimum expenditure of energy. Such developments must necessarily be slow and, though they can be encouraged and assisted by Government action, the remedy lies largely in the hands of the farmers themselves.

In war time we cannot allow the production of essential commodities to suffer for lack of labour and, if the efforts of Administrative officers to organize and stimulate the flow of voluntary labour prove unsuccessful or likely to lead to abuses within the Reserves, it may be necessary to conscribe labour for certain industries. I have therefore decided to reconstitute the Committee which was appointed under the chairmanship of the Director

(H.E. the Governor) of Man Power in July, 1940, to inquire into and report generally upon the native labour position in the Colony, for the purpose of advising me whether in present circumstances any measure of legal compulsion is necessary or desirable in order to insure the supply of labour for the maintenance of production and essential services and, if so, in what form and subject to what conditions it should be introduced.

Turning to agriculture, the figures I have already given you as to supplies to the military are in themselves I think an indication that the industry as a whole has not done too badly during the war. Wheat farmers, protected by Government's guarantee of a minimum price and assisted by relatively favourable climatic conditions, are expected to grow sufficient wheat for all our local requirements. The dairy industry has been going from strength to strength and will benefit from the extension to the cool storage accommodation at Kilindini, which is now nearing completion. So far as the pig industry is concerned, the acquisition of the Uplands Bacon Factory, with Government financial assistance, under conditions which provide for ultimate ownership by the pig producers, will have repercussions in the dairy as well as the cereal industry. At the moment the Board of Management is arranging for extensions of buildings and plant. So far as the beef industry is concerned, the excessive wastage due to measles infection is a matter of grave concern to Government. Provision has been made in the Draft Estimates to meet the cost of certain additional control and research services, and we are endeavouring to secure the necessary technical staff for these duties. The past year seems to have been particularly favourable for the spread of tsetse fly, and severe outbreaks of disease have occurred in areas that are usually free from fly. Provision is therefore being made in the Draft Estimates for the institution of a comprehensive fly survey which should provide us with the fundamental information upon which both local and general control measures can be based.

The problems of the coffee industry, particularly with regard to the marketing

of the crop, have been so much ventilated recently that it is unnecessary for me to refer to them at any length, more especially as I indicated to the recent Coffee Conference the attitude which the Government proposed to adopt. As a result of the recommendation of that Conference I sincerely trust that all past controversy will now be set at rest and that the industry will apply itself to its problems in an atmosphere of harmony, goodwill and true co-operation. The pyrethrum industry is another industry in which there has been considerable controversy recently. Early in the year it was evident that if the acreages reported had in fact been planted and were going to produce a normal crop, there would have been an unmarketable surplus before the end of the year. This state of affairs led to the introduction of restriction of deliveries. It now appears that owing to the hot summer experienced in America, the actual demand was greater than anticipated, while local production, apart from the effects of restriction, has been much below the estimate. The market position is therefore now much more favourable than could have been expected some months ago and I understand that the delivery quota allotted to each grower has recently been increased by 25 per cent. In the case of pyrethrum, as in that of coffee, since the management of the industry is in the hands of the members of the industry, I hope that every possible effort will be made by the growers themselves to settle and compose their differences.

The interest that is now being taken in soil conservation measures is creating a demand both on European farms and in native areas which, under present staff conditions, the Agricultural Department finds it impossible fully to meet. While this response is most encouraging and plans are being prepared to increase the services when staff conditions and availability of equipment make this possible, it must, I am afraid, be faced that war conditions have necessarily proved a retarding factor.

Since the last session of Council, considerable progress has been made towards restoring Government schools in Nairobi and Mombasa to pre-war conditions, and educational activities are

[H.E. the Governor] developing as rapidly as the war effort of the country permits.

The Prince of Wales School will be returning to the buildings at Kabete in the New Year with a staff of twelve, which includes nine masters, eight of whom were on the staff before the war. The Boys' Boarding Block at the Nairobi Primary School which was used for some time as a Civil Emergency Hospital reverted to its proper use in August. As a result of representations which I recently made to the General Officer Commanding-in-Chief as to the urgency of arranging for the Kenya High School to return to its own home, I have just heard that the buildings will be returned to us by the middle of December, and I should like to take this opportunity of acknowledging the very sympathetic manner in which the General Officer Commanding-in-Chief has met us in this matter. As regards up-country schools, the permanent addition to Kitale School is now complete; the Government has sanctioned the expenditure of over £7,000 on additional boarding accommodation and new staff quarters at Nakuru. There has been some improvement in the number of masters employed in Primary Schools, and the situation in this respect is as good as can be expected. The Njoro Farm School is now in operation and last term 21 students were enrolled. A second boarding block is under construction and expenditure has been authorized on the erection of a hostel on the farm to accommodate twelve adult pupils in connexion with the training side of the scheme. I recently inspected the school myself and was much impressed with the keenness of the boys and with the progress that was being made under Mr. Burton's guidance. I feel that this institution is destined to play a most important part in the life of the European farming community.

The Indian Girls' School at Mombasa is now the only Indian School in emergency quarters and it will return to its proper buildings in the near future. The building of the new Indian school at Kisumu is proceeding rapidly. In order to ensure an adequate supply of well-trained Indian teachers, an Inspector of the Education Department is at present

in India visiting Training Schools and Colleges and establishing liaison with the Educational Authorities. The difficulty of obtaining European and Arab teachers for the Arab School at the Coast has not yet been overcome, but continued efforts are being made to recruit them from various parts of the Middle East. It has been decided to continue the amalgamation of the Primary and Secondary Schools at Mombasa until such time as the future of the Shimo-la-Tewa School is decided. The importance of providing improved facilities for vocational training, particularly in agriculture, for teachers in African schools has long been realized, and I for one feel that the importance of giving our African schools a more definite agricultural basis cannot be exaggerated. Detailed proposals for improving teacher training on these lines are now under consideration.

Of the many problems with which the Colony will be faced at the end of the present war, not the least important will be that of ensuring the re-absorption in the Colony of the British subjects of all races now serving with the Forces who may wish to obtain employment here on demobilization. In order that all essential information may be obtained and initial preparations may be made well in advance, three committees have been appointed to investigate and make recommendations upon the various aspects of this problem. Two of them under the chairmanship of the Director of Education have been appointed to advise on the steps to be taken for the preparation of schemes for the vocational training of demobilized European and Asian personnel. The other committee, under the chairmanship of the Commissioner of Lands and Settlement, is concerned with the major question of post-war employment of British subjects of all races on their discharge from military service, giving special attention to the provision of adequate safeguards to ensure that persons ordinarily resident in the Colony who were in civil employment at the outbreak of war are given suitable opportunities of re-employment. These committees have been actively engaged upon their respective tasks, and have initiated various preliminary inquiries on which to base their ultimate

[H.E. the Governor] recommendations. With the co-operation of the military authorities a questionnaire has been circulated to all members of the European East African Forces to discover the extent to which Government assistance will be required for ensuring employment at the end of the war or in providing vocational training preparatory to full employment. A similar questionnaire has been prepared and will be circulated at an early date in the case of Asian members of the Forces.

An important proposal has recently been submitted to the Government by the Employment Committee that the policy be adopted of refraining from discharging members of the military forces until satisfactory arrangements have been made for their re-absorption into civil life. This is a far-reaching recommendation which will be closely considered by this Government in consultation with the other East African Governments and the military authorities themselves. A generous offer of the British Legion to act as an employment agency for members of the Forces of all races who may be discharged before the end of the war has been accepted. The Legion is carrying out this task in close co-operation with the Central and Local Man Power Organizations. The Vocational Training Committees have almost completed their investigations and will, I am informed, submit their reports at an early date.

I will now turn to the financial position.

Hon. members will observe from the statement included in the Draft Estimates for 1942 that the surplus of revenue over expenditure in 1941 is now estimated at a figure of not less than £550,000. This result is mainly attributable to a large surplus under Customs and Excise which is now expected to yield £630,000 over the estimate. This remarkable result derives from a sustained increase in spending power due to our larger population and to the continued disbursement of money on a large scale for military purposes. The increase in the price level of imported goods also has an effect on the yield of import duties. On the expenditure side

it is now considered that the approved estimate for 1941 will be exceeded by a total of £237,100. A substantial proportion of this figure is represented by expenditure which is subject to reimbursement, and it also includes a proportion of the programme decided upon as a result of consideration of the disposal of our 1940 surplus.

It will be recalled that in April last I indicated that final figures as to the working of the year 1940 were not at that time available, but that the surplus was unlikely to be less than £150,000, and that the best method of its disposal for purposes in connexion with our war effort would be re-examined in the light of the changed local military situation arising out of the collapse of Italian resistance in Abyssinia. In actual fact, the true surplus on the year's working amounted to £200,000 and was put into a suspense account pending further consideration of its utilization. It was originally intended that the whole of this surplus should be utilized as a free gift to His Majesty's Government for the prosecution of the war, but this intention was finally abandoned as a result of Lord Moyne's published despatch on Colonial financial policy, and in consequence the sum of £200,000 has been returned to the surplus revenue balance where it properly belongs.

In the light of this decision the question was further examined, and the following programme of local expenditure amounting to a total of £150,000 has been recommended by the Standing Finance Committee:—Road construction, £80,500; Housing for Government African employees at Nairobi and Mombasa, £30,000; Soil Conservation measures in both European and native areas, £20,000; Purchase of land and other works in connexion with the Port Reitz Aerodrome, £8,200; Storage shed for sisal at Mombasa, £6,000; and the erection of a hospital for the treatment of disabled African soldiers, £5,300. Provision for this programme has been made in part by means of Supplementary Estimates during 1941 and in part by inclusion in the 1942 Estimates which hon. members have before them.

Before dealing further with those Estimates I will deal now in more detail



H.E. the Governor] with the two additional revenue measures to which I have already referred.

Firstly, it is proposed to increase the rate of income tax and to impose a surtax on all incomes in excess of £3,000. The present rates of income tax are one shilling in the £ for the first £250 of chargeable income, then rising by one-tenth of a cent for every £ of chargeable income up to a maximum of ten shillings in the £. The new proposals provide for a rate of two shillings in the £ for the first £250, rising by one-eighth of a cent for every £ of chargeable income up to a maximum rate of five shillings in the £ which is reached at an income of approximately £3,000. Beyond that point a surtax of four shillings on every £ in excess of £3,000 total income is imposed with an addition of one-twentieth of a cent for every £ up to a maximum of Sh. 7/50 in the £. An increase in company tax from three shilling to four shillings in the £ is also being made. The initial rate of tax of two shillings in the £ up to £750 of chargeable income on non-residents remains unaltered, but after that point the increases take place to which I have already referred. In the case of the higher incomes which already pay up to ten shillings in the £, the increase has been scaled down in order that no person should be required to pay more than half his income in income tax. It is proposed that these increases shall apply with effect from the 1st January, 1942. They are expected to yield £75,000 in 1942 and £150,000 in a full year. These increases in direct taxation, which are also being adopted in Uganda and Tanganyika, can fairly be described as drastic. They are not, however, more than the necessities of the time require, and the retention of the present relatively generous scale of allowances will ensure that no undue hardship need be felt by persons on the lower ranges of income. For example, a married man with two children, in his case the additional taxation involved will not exceed one pound a month until an income of £700 a year has been passed.

Before leaving income tax I should like to refer to the excess profits tax which was imposed at the last meeting

of this Council. The date for the completion of returns for assessment has only just been reached but, as a result of public-spirited action by certain business firms in this Colony, I am happy to be able to say that the sum already paid into the Excess Profits Tax Fund approaches a total of £100,000. It will be remembered that the yield from this tax is to be kept apart from the ordinary budget, and this figure is not therefore included in the Draft Estimates.

The second measure which becomes effective to-day involves an increase in certain customs and excise duties and is being applied in the case of customs duties by a surcharge on present duties at varying rates for different items of the tariff. The items selected for these special surcharges are those which represent unessential imports which can be replaced by locally produced articles or the use of which can be curtailed without undue hardship. The Bill to give effect to these surcharges has been circulated to hon. members to-day for subsequent enactment by Council but, in the meanwhile, the Commissioner of Customs has been ordered to collect the increased duties under the powers conferred on the Governor in Council by the Customs and Excise Duties (Provisional Collection) Ordinance, 1940.

I will refer briefly to some of the more important increases proposed.

The duty on spirits, such as brandy, whisky and gin will be subject to a surcharge of 50 per cent, which is equivalent to an increase of Sh. 3/38 per bottle. In the case of cigarettes the effect of the increased duties and of the corresponding alterations in excise are somewhat complicated, but their general effect should not increase the retail price of any brand by more than one cent per cigarette. This is an increase which will affect the native population, whose consumption accounts for a large part of the revenue derived from cigarettes and tobacco. The duty on motor spirit is to be subject to a surcharge of 66½ per cent in order to provide uniformity with the tariff applicable in Tanganyika and Uganda, but as it is considered undesirable to increase the price of petrol in Kenya a corresponding reduction is

H.E. the Governor] being made in the consumption tax and a Bill to give effect to this will be passed by suspension of Standing Orders through all its stages to-day. Kerosene oil will, however, be subject to the 66½ per cent surcharge, which is equivalent to about 11 cents a gallon. Amongst the items which have been subjected to 100 per cent surcharges are cosmetics, piece goods made of silk or artificial silk, beads, and wire used for native adornment. The present general surcharge of 10 per cent is being retained for all imports not subject to special treatment; in the case of excise duty, no increase is proposed in the case of sugar or tea and I have already explained the results of the taxation proposed in the case of cigarettes. The excise duty on locally produced beer is being increased by an amount equivalent to some 9 cents per large bottle, but it is proposed to take steps to ensure that this increase is not passed on to consumers so that no increase in the price of local beer should take place.

In regard to prices generally a "stand-still" order is being published to-day covering ales and beer, spirits, wines, cigarettes, tobacco, silk goods and cigarette papers which fixes prices for the time being, whether wholesale or retail, at the figure which prevailed yesterday, the 17th November. There are adequate stocks of these articles in the hands of importers at the present moment and no justification whatever is seen for any advance of prices until duty paid stocks have been substantially reduced and until the Price Controller has had time to examine the position and a new scale of prices has been fixed. I am aware that the effect of this attempt to control prices may be to hold up sales, but I would remind the public that Regulation 7 of the Price of Goods Regulations provides that if any wholesaler or retailer has in his possession a stock of goods of the description normally sold in his business and he refuses to sell such goods upon tender of immediate payment at the permitted price, he is guilty of an offence against the Regulations. I should like to make it clear that Government has no intention of making unreasonable use of these

Regulations, and I am confident that I can rely on the trading community to meet the situation in an equally reasonable spirit and not to endeavour to extract taxes from the consuming public which do not find their way in the Public Treasury.

It is recognized that these increased duties must shortly be included in the prices of the articles concerned and that this will have the effect of reducing consumption. It is intended that this should be so. The extent to which a reduction in consumption will occur and the extent to which many of the articles concerned will be available for sale at all cannot be foreseen at present, and I am unable therefore to provide an estimate of the additional revenue to be derived from these duties which would be sufficiently accurate to be worth quoting.

It has been the Government's policy since the beginning of the war, both in taxation and in the price control measures, to render unnecessary any general increase in salaries and wages. Where the cost of living has gone up, it is being most severely felt by those members of the European and Asian communities who are on the lower ranges of income; for that reason they are largely unaffected by these new taxation proposals. Those, however, enjoying the higher ranges of income will now be severely taxed, and in both cases the situation can and must be met by a reduction in unnecessary expenditure of all kinds. I desire to emphasize this point because it has a distinct bearing on the question as to whether at a time like this native taxation should also be increased. It is true that in certain Reserves, owing to military remittances and the amount of native stock and produce sold, there is more money in circulation than usual. We have also had practical proof in the past from various Local Native Councils of their willingness to make a cash contribution towards the cost of the war, but there are large sections of wage earners whose wage rates have not advanced, nor has the actual price level of native grown produce been subject to any marked improvement. The cost of imported goods has risen and it may rise further, while the increased excise duties on

[H.E. the Governor] cigarettes will largely affect the native, who is by far the biggest consumer. Any additional direct taxation might therefore well make it impossible to avoid some general revision of labour wages. Further, certain proposals affecting native taxation are being made by a committee under the chairmanship of the Financial Secretary, which is reporting shortly on the financial relationship between Government and Local Native Councils: I hope the report may be ready for consideration during the present session of Council. In these circumstances, no provision has been made in the Draft Revenue Estimates for any alteration in the existing rates of hut and poll tax.

I do not propose to refer in any detail to the Estimates for 1942, which will be fully explained when the budget is introduced. The increase in Kenya expenditure of £276,000 has been covered by a corresponding increase on the revenue side, resulting in a budget which has only just been balanced. The Expenditure Estimates have been compiled in accordance with the policy which has been pursued since the outbreak of the war, namely, to provide as economically as possible for the maintenance of our existing services. There is provision for development expenditure on roads, on water supplies, on soil conservation and upon essential building schemes. The vote for public works amounts to a total of over £120,000, and I regard this figure as being as much as it would be prudent or reasonable to expend in present circumstances when all our available resources should be devoted to objects directly connected with the prosecution of the war.

The surplus of £200,000 realised in 1940 to which I have referred earlier, plus the estimated surplus of £550,000 in 1941, makes a total of £750,000 which, if added to what may be described as our pre-war surplus of £450,000, results in a total estimated surplus of £1,200,000. From this sum, as I have already explained, I propose to invite hon. members to approve of an interest-free loan of half a million pounds to His Majesty's Government in the United Kingdom for the period of the war. This

will leave us with £700,000 in hand at the end of 1941 to provide a working margin on our accounts and to meet any financial reverses which the war may yet have in store for us.

As hon. members will have seen from correspondence between the Chairman of the Convention of Associations and myself, which has been published in the Press, I have had under consideration the question of extending the life of the present Legislative Council, following the procedure that has been adopted in the United Kingdom and, I believe, in certain Dominions and Colonies. On being satisfied that such a course was in the public interest and was in accordance with the general wishes of the different communities concerned, I approached the Secretary of State. Under the provisions of the Royal Instructions, the duty is laid on me of dissolving Council at the expiration of four years from the date of the last preceding general election. As the last election was held in March, 1938, the present Council is normally due for dissolution before March, 1942. I have now received a communication from the Secretary of State informing me that His Majesty has been pleased to modify the Royal Instructions so as to suspend for the time being the duty imposed on me by Clause XXXI of the Royal Instructions to dissolve the Council in March next at the expiration of four years from the date of the last general election. As a result I am now enabled by Proclamation to dissolve the Council at any time, whereupon a general election would then be held within three months from the date of such dissolution. With the appointment and election of a fresh Council these powers will automatically lapse. In order to conform with this modification in the Royal Instructions it will now be necessary temporarily to suspend section 16 of the Kenya Legislative Council Ordinance, 1935. This section states that a member elected at a general election shall hold his seat for a period of four years after such general election, or until the dissolution of Council, whichever is the sooner. A Bill to effect the necessary amendment will be in hon. members' hands very shortly.

[H.E. the Governor]

I would also like to take this opportunity of referring to a Bill, which has been circulated to hon. members, the purpose of which is to enable them to receive remuneration from the Crown for work done in connexion with the war and to hold office under the Crown while continuing to remain as Elected Members of Council. The primary object of this Bill is to remove all doubts as to whether Elected Members of Legislative Council who have joined His Majesty's Forces and are receiving remuneration from the Crown for their services have in any way prejudiced their position as Elected Members of this Council. Legislation on closely similar lines has been enacted in the United Kingdom and in certain other Colonies.

Apart from these Bills, hon. members will be asked to deal with a considerable body of legislation. Most of the Bills are in the form of amending Bills to existing Ordinances necessitated either by the recommendations of the various committees which have been considering the subject or to remove difficulties which have been found in existing legislation. But there are one or two Bills to which I would direct special attention.

The first is a Bill to consolidate and replace the existing Forest Ordinance. For some years it has been clear to Government that the present law on the subject was deficient and that many of the rules made thereunder were of questionable legality. The opportunity has been taken to incorporate many of these Rules in the new Bill and thus remove all doubts on the subject.

The Lands Trust Bill, which has received the attention and approval of the Law Society over a period of years, will place the law relating to trusts in land on a similar basis to the law introduced into Great Britain by Lord Birkenhead in 1925. The short effect of it will be to make transactions with regard to land more simple and to prevent the tying up of land for a period of a life in being and twenty-one years thereafter, which is possible under the existing law.

The last Bill of major importance is the Control of Grass Fires Bill, which has been the subject of investigation by a Select Committee of this Council, the report of which is being laid. This Bill

will require most careful consideration by hon. members as it will undoubtedly impose in many cases a heavy financial burden on the individual. If this Bill becomes law certain consequential amendments will be necessary to the Local Government (District Councils) Ordinance and the Local Government (Municipalities) Ordinance and the Kenya and Uganda Railway Ordinance. I am not sure whether these amending Bills have yet been circulated to hon. members, but if they have not been so circulated you will receive them in the near future.

Hon. members, in opening this session of Council I earnestly trust that, with the blessing of Almighty God, its deliberations may lead towards the promotion of the prosperity and welfare of this Colony and Protectorate.

#### MINUTES

The minutes of the meeting of 26th June, 1941, were confirmed.

#### PAPERS LAID

The following papers were laid on the table:—

- BY THE CHIEF SECRETARY (MR. RENNIE):  
Coffee Control, Report of Commission of Inquiry.
- Interim Report of Committee appointed to advise as to the steps to be taken to deal with the problem of overstocking in order to preserve the future welfare of the native reserves.
- Report on the Audit of Accounts, K.U.R. & H., for 1940, with copy of Transport despatch No. 44 thereon.
- BY THE ATTORNEY GENERAL (MR. HARRAGIN):  
Transport Licensing Board Report, 1940.
- BY THE HON. FINANCIAL SECRETARY (MR. LOCKHART):  
Schedules of Additional Provision Nos. 5 of 1940 and 2 of 1941.  
Financial Report and Statement for 1939.
- Draft Estimates of Revenue and Expenditure for 1942, with Memorandum thereon.
- BY THE ACTING GENERAL MANAGER, K.U.R. & H. (MR. HAMP):  
2nd Supplementary Estimates, 1940, and 1st Supplementary Estimates,

1941, and Estimates of Revenue and Expenditure, 1942, K.U.R. & H. BY THE COMMISSIONER OF CUSTOMS (MR. NORTHROP):

Annual Trade Report of Kenya and Uganda, 1940.

BY THE COMMISSIONER OF LANDS AND SETTLEMENTS (MR. MORTIMER):

Return of land grants, March-June, July-September, 1941.

By MR. HUDS (Postmaster General):

Kenya, Uganda and Tanganyika Savings Bank Annual Report, 1940.

By MR. BROWN (Solicitor General):

Select Committee Report on the Control of Fire Bill.

By MR. PEDRAZA (Commissioner of Mines):

Mining and Geological Department Annual Report, 1940.

#### BILLS

##### FIRST READINGS

On the motion of Mr. Harragin, the following Bills were read a first time:—

The Penal Code (Amendment) Bill.

The Criminal Procedure Code (Amendment) Bill.

The Forest Bill.

The 1940 Supplementary Appropriation Bill.

The Credit Trade with Natives (Amendment) Bill.

The Savings Bank (Amendment) Bill.

The Crown Lands (Amendment) Bill.

The Stock and Produce Theft (Levy of Fines) (Amendment) Bill.

The H.M. Forces Pensions Bill.

The Indian Succession Act (Amendment) Bill.

Notice was given to move the subsequent readings at a later stage of the session.

#### SUSPENSION OF STANDING RULES AND ORDERS

Under Standing Rule and Order No. 108 and with the consent of His Excellency, Mr. Harragin moved that Standing Rules and Orders be suspended in order that the Dangerous Petroleum Tax (Amendment) Bill be passed through all its stages this day.

MR. BROWN seconded. The question was put and carried. Standing Rules and Orders were suspended.

#### DANGEROUS PETROLEUM TAX (AMENDMENT) BILL

##### FIRST READING

On the motion of Mr. Lockhart, the Dangerous Petroleum Tax (Amendment) Bill was read a first time.

##### SECOND READING

MR. LOCKHART: Your Excellency, I beg to move that the Bill be read a second time.

Your Excellency has explained to hon. members the necessity for this Bill. The position is that the present petrol import duty rate is 30 cents, and it is subject—or was until to-day—to a surcharge of 10 per cent, making 33 cents. As a result of the revised surcharge of 66½ per cent the import duty becomes 50 cents a gallon. We in Kenya do not think it justifiable to increase the taxation on petrol, which already amounts to 82 cents a gallon; that is, 33 cents for import duty and 49 cents for consumption tax. It is proposed, therefore, to reduce the consumption tax by 17 cents, so that we shall have 32 cents for consumption tax and 50 cents for import duty, leaving the total tax at 82 cents.

MR. HARRAGIN seconded. The question was put and carried.

##### IN COMMITTEE

MR. HARRAGIN moved that the Council resolve itself into committee of the whole Council to consider the Bill clause by clause.

MR. BROWN seconded. The question was put and carried. Council went into committee.

The Bill was considered clause by clause.

MR. HARRAGIN moved that the Bill be reported without amendment.

The question was put and carried. Council resumed its sitting.

HIS EXCELLENCY reported the Bill without amendment.

##### THIRD READING

MR. LOCKHART moved that the Bill be read a third time and passed.

MR. HARRAGIN seconded. The question was put and carried and the Bill read accordingly.

#### ADJOURNMENT

Council adjourned till 10 a.m. on Wednesday, 19th November, 1941.

#### Wednesday, 19th November, 1941

Council assembled at the Memorial Hall, Nairobi, at 10 a.m. on Wednesday, 19th November, 1941, His Excellency the Governor (Sir Henry Moore, K.C.M.G.) presiding.

His Excellency opened the Council with prayer.

#### MINUTES

The minutes of the meeting of 18th November, 1941, were confirmed.

#### ORAL ANSWERS TO QUESTIONS

No. 54—RESTAURANT CAR STAFF, K.U.R. & H.

MR. KASIM (Western):

(a) Will the hon. General Manager, K.U.R. & H., state what was the number of Asian staff employed on each restaurant car before the war?

(b) In view of the considerable increase in passenger traffic since the commencement of the East African campaign, necessitating running the restaurant cars more frequently, with resulting increased hours and duties, has the number of the Asian staff been increased?

(c) If the reply to the above is in the negative, will the hon. General Manager consider increasing the staff instead of compelling the existing staff to do overtime work?

(d) Will the hon. General Manager state if the restaurant car staff is on the running staff list?

(e) If the reply is in the negative, in view of the fact that his staff has to travel up and down the line hundreds of miles every week, is it not fair that they should be on the running staff list?

GENERAL MANAGER, K.U.R. & H. (Mr. Hamp): (a) The Asian staff employed on each restaurant car before the war was three.

(b) The Asian staff permanently allocated to each car has not been increased, but extra staff is provided as requisite in order to assist when trains are heavy, and an additional car has been brought into full service in order to reduce the amount of running of each group.

(c) It is impracticable under the conditions obtaining to avoid the necessity for the staff to work beyond normal hours.

(d) Restaurant car staff are not classified as "running staff".

(e) The duties of restaurant car staff and the conditions under which these duties are performed do not justify such staff being included in the category of running staff. But Asian servants in the catering branch of the Administration's service, when travelling on duty on restaurant cars, are paid a running allowance at a rate which is lower than that applicable in the case of the running staff.

No. 55—INDIAN TRADERS, SONDU MARKET

MR. KASIM:

(a) Is it a fact that the property of Indian traders at the Sondu Market, situated on the borders of Lumbwa, Kisii and Central Kavirondo Districts, was looted in January, 1939?

(b) Will Government please state what was the amount of claims submitted by the Indian traders in this connexion?

(c) Will Government please state the number of head of cattle confiscated by Government from the tribes concerned in order to compensate the sufferers?

(d) Will Government please state when it is proposed to pay out the claims?

CHIEF SECRETARY (Mr. Rennie):

(a) Yes, certain property was stolen.

(b) Seven cattle and Sh. 681/05 worth of trade goods.

(c) None; because Government is advised that in the circumstances of this case no legal provision exists for the payment of compensation.

(d) In view of the reply to (c), this question does not arise.

No. 56—INDIAN ARTISANS, K.U.R. & H.

MR. KASIM:

(1) Will the hon. General Manager, K.U.R. & H., please state if it is a fact that the Indian artisans employed by the Railways on temporary agreement have submitted a memorandum, dated 20th June, 1941, to the High Commissioner for Transport in regard to their grievances?

[Mr. Kasim]

(2) If the reply is in the affirmative, and in view of experience gained during the last ten years, during which period the scheme has been in operation, what steps are being taken to redress the grievances of these artisans as enumerated in the memorandum, viz.:

That privileges should be extended to all artisans who have completed not less than three years' service and whose jobs could no longer be regarded as "casual appointment":—

(a) Half day off on Saturdays and full day off on Sundays with full pay.

(b) Leave with full pay on public gazetted holidays, including gazetted religious holidays.

(c) Fourteen days' local leave after a year's continuous service or seven days' leave after six months' service.

(d) Six months' leave on half pay (or even without pay) after three or four years' service, with assisted passage to India.

(e) Free medical assistance for the employees and their families.

(f) Provision of quarters free of rent or at nominal rent.

MR. HAMP: (1) A memorandum on this subject was received on the 26th of June.

(2) The memorandum contains certain misstatements of fact, some of which are indicated below. In accordance with the terms of their employment, fourteen days and one month's notice is given to daily paid Asian staff who have served for not less than one and two years respectively immediately prior to the date of the notice. In regard to the proposed privileges mentioned in Part (2) of the question:—

(a) and (b) The hourly and daily rates of pay, in relation to monthly rates, have been consolidated so as to cover full pay for time off on Saturdays, Sundays and public and religious holidays. It is not proposed to revert to reduced rates of pay compensated by half days off on Saturdays and full days on Sundays with pay. Approval has, however, been given to the proposal that fully paid leave should be granted to Asian labour on daily rates for public gazetted holidays

only when the works are closed at the instance of the Administration.

(c) Approval has now been given to an increase from seven days' leave per annum (which may be accumulated up to fourteen days) to ten days per annum (which may be accumulated up to twenty days).

(d) Asian staff on daily rates of pay are all recruited locally and the Administration is not prepared to grant overseas leave with pay. Permission will, however, be given to Asian staff to proceed to India at their own expense, the period of absence being treated as leave without pay. This will ensure continuity of service for the purpose of calculating retiring gratuity.

(e) Free medical attention for these employees and their families will be granted after one year's service.

(f) At centres where private accommodation is not normally available and the Administration has spare quarters, accommodation is provided at a nominal rental.

MR. ISHER DASS (Central): Arising out of the answer, Government appointed a tribunal in March—could not the whole case be submitted to them for investigation?

MR. HARRAGIN: Government would require notice of that question.

#### No. 59—ELEPHANT CONTROL

MR. COOKE (Coast):

1. Will the Government state precisely the terms of the arrangement with Mr. J. A. Hunter by which the latter has undertaken the control of elephants in certain areas of Kenya?

Also the date of the first engagement of that gentleman?

The number of (a) bull elephants, (b) cows, and (c) calves destroyed by him since that date?

The total weight of ivory carried by those animals?

And the number of tusks weighing over 50 lb. so obtained and the weight of the largest tusk?

2. Is it not the declared policy of the Government to discourage the obtaining of valuable game trophies for gain?

[Mr. Cooke]

3. Is the Government satisfied that the present system by which a European shoots for personal gain is preferable to a system by which the work is done by salaried Government servants who have no incentive to seek for the largest tuskers?

4. Will the Government consider the adoption of the Tanganyika system of control by which the work is done by trained African personnel under the supervision of their Game Department officers?

MR. RENNIE: 1. Mr. J. A. Hunter has on various occasions and in various areas undertaken elephant control at the request of the Game Warden. He receives instructions from the Game Warden with regard to the policy to be pursued in any area, and from the District Commissioner, if in a native reserve, with regard to the exact localities where he is to operate. In return for his work, he is granted the ivory of any elephants shot by him, and he pays to Government Sh. 1 per lb. in respect of any such ivory. On some occasions, where the sale of ivory obtained by him has not given a reasonable recompense over and above the expenses he has incurred, the Game Warden has waived the payment of Sh. 1 per lb.

Mr. Hunter was first engaged on elephant control in June, 1927.

It is not possible to classify, within the categories mentioned, the 537 elephants shot by Mr. Hunter.

The total weight of ivory carried was 13,721 lb., number of tusks of over 50 lb. was 35, and the weight of the largest tusk was 98 lb.

2. The answer to the second part of the question is in the affirmative.

3 & 4. As regards parts 3 and 4 of the question, the Government considers that the present system has proved to be adequate and satisfactory, but in view of the conditions now obtaining, proposes to introduce a modified form of the Tanganyika system to which the hon. member refers.

#### No. 60—NATIONAL PARKS

MR. COOKE:

Does the Government agree that it is desirable that the recommendations

of the Game Policy Committee regarding National Parks should be in their hands before the problems of post-war settlement arise?

If so, will they expedite the further deliberations of that Committee?

MR. RENNIE: The answer to the first part of the question is in the affirmative.

As regards the second part, the Government has been informed that the Chairman of the Game Policy Committee is arranging for the deliberations of his Committee to be resumed at an early date.

#### No. 61—DEFENCE REGULATION No. 53 of 1940

MR. COOKE:

1. With reference to the answer given to my question No. 14/41 to the effect that up to 31st March, 1941, no application had been made for an advance under 4 (1) of the Land and Water Preservation (Amendment) Ordinance, 1941, how does the Government reconcile that reply with the statement of the Attorney General, made in this Council on the 27th November, 1940, that Defence Regulation No. 53 of 1940 was urgently necessary so that the Director of Agriculture might "get on with the job," i.e. enable such advances to be made?

2. Does not Government now agree that the said Regulation was not urgent and that in fact it was illegal, since its provision regulating the priority of mortgages had nothing to do with the carrying on of the war, nor was its enactment essential to the life of the community?

MR. HARRAGIN: 1. I stated in the debate on the second reading of the Land and Water Preservation (Amendment) Bill, 1940, that the Regulation had been passed in order that the Director of Agriculture might "get on with the job".

Government is not of the opinion that there is anything in that statement which is inconsistent with the answer given to the hon. member's question No. 14/41.

2. The answer to part 2 of the question is in the negative.

MR. COOKE: Arising out of the answer, was there any reason to think at that time that the Director of Agriculture should "get on with the job"?

MR. HARRAGIN: The answer is in the affirmative.

NO. 62—LARI AND KERITA FORESTS EXCISION

MR. COOKE:

How does the Government reconcile the statements made in this Council on the 19th June last by the Chief Native Commissioner and by the hon. Member for Rift Valley (representing the Highlands Board and the Native Lands Trust Board) that every avenue had been explored to find other land adequate and suitable in the Highlands before recommending the Lari and Kerita Forests for excision with the statement I have received in writing from the Chief Secretary that the matter of the possibility of acquiring European farms for exchange was not submitted to the Highlands Board and that European farmers were not directly approached on the matter, and that no notice inviting applications was published in the Official Gazette?

MR. RENNIE: It is not considered that the statements to which the hon. Member for the Coast refers are contradictory. The question of finding suitable and adequate land in the Highlands was carefully considered by the Government, but, as was explained in the letter to which the hon. member refers, since there were no unalienated farms in the vicinity of the area affected nor undeveloped farms suitable for the purpose in view, and since the cost of acquiring developed farms would have been prohibitive, the Government regarded the acquisition of European farms as impracticable. No useful purpose would therefore have been served by reference either to the Highlands Board or to European farmers, or by advertisement in the Official Gazette.

NO. 63—COFFEE CONTROL COMMISSION OF INQUIRY

MR. COOKE:

(a) Was not the Coffee Control Commission of Inquiry *functus officio* as soon as it signed and submitted its report on the 23rd June?

(b) Were the Commissioners re-sworn in order to make the further inquiry alluded to by the Government in

their statement issued on the 12th of September?

(c) If not, was not this further inquiry *ultra vires* and consequently is not the report as amended null and void?

MR. HARRAGIN: The answer to each of the three questions is in the negative. (Laughter.)

MR. COOKE: Arising out of the answer, is the answer in the negative that the Customs Frauds Commission Inquiry is not "*not functus officio*" at the present time as well?

NO. 67—ASIAN STAFF, K.U.R. & H.

MR. ISHER DASS:

1. Will the hon. General Manager, K.U.R. & H., please state the number of Asian staff (in each grade) who have been at the maximum of their present grade for the last 2, 3, 4 and 5 years or more?

2. Will he please state if any arrangements are being made for the removal of this injustice?

MR. HAMP: 1. The number of Asian staff (excluding daily paid staff) who have been at the maximum of their present grade for the last 2, 3, 4 and 5 years or more are:—

	Clerical.	Non-clerical.
Two years .. ..	112	27
Three years .. ..	45	19
Four years .. ..	20	13
Five years or more	130	39
Total at maximum	307	98
Total staff employed	928	456

2. There is no injustice. Staff on the maximum of their grades are held up due either to there being no higher grade, no vacancies in the higher grades, or to the individual's lack of ability to warrant advancement to the next grade.

NO. 68—K.U.R. & H. EMPLOYEES' FURNITURE

MR. ISHER DASS:

1. Will the hon. General Manager, K.U.R. & H. please state if the European employees of the Railway Administration are supplied with household furniture?

2. If his reply is in the affirmative, will he state his reasons for denying

[Mr. Isher Dass] this privilege to his equally faithful and loyal Asian staff?

MR. HAMP: 1. European servants of the Administration are supplied with a limited quantity of household furniture, when available, in accordance with their terms of service.

2. Household furniture is not issued to Asian staff as their remuneration is deemed to cover this item.

NO. 69—REGISTRATION OF DOMESTIC SERVANTS ORDINANCE

DR. WILSON (Native Interests):

What action has been taken on the report and recommendations of the Registration of Domestic Servants Ordinance Committee, as submitted to Government in May, 1940?

MR. RENNIE: The Government carefully considered the report and recommendations, but decided that no action should be taken on them during the war.

SCHEDULES OF ADDITIONAL PROVISION

MR. LOCKHART: Your Excellency, I beg to move that Schedules of Additional Provision Nos. 5 of 1940 and 2 of 1941 be referred to the Standing Finance Committee.

That of 1940 is the winding up of the 1940 accounts, and the Schedule for 1941 covers the period 1st April to 30th June.

MR. HARRAGIN seconded.

The question was put and carried.

CHARGES AGAINST LOAN ACCOUNTS

MR. LOCKHART: Your Excellency, I beg to move:—

"Be it resolved that this Council hereby approves the expenditure of the sum of £22,243 incurred in 1939 upon the purpose specified in the Schedule hereto as a charge against Loan Account.

Schedule

Ordinance No. 43 of 1930 (£3,400,000 Loan).

Kenya and Uganda Railways and Harbours.

Item 6 (a), Railway Development, (i) Branch Lines."

This, and the motion that succeeds it, arises from technicalities from and oversights which occurred in 1938 and 1939. The loan expenditure has been approved by this Council so far as the total use of the loan is concerned, but it is also necessary to give covering approval to instalments spent each year.

MR. HARRAGIN seconded.

LORD FRANCIS SCOTT (Rift Valley): Sir, could we be told what this was for? It says "Railway Development, Branch Lines." I did not know any had been built during the last few years.

MR. LOCKHART: The actual expenditure was replacement of sleepers carried out in 1939.

The question was put and carried.

MR. LOCKHART: Your Excellency, I beg to move:—

"This Council approves the expenditure of the sum of £29,212 incurred in 1938 upon the purposes specified in the Schedule hereto as a charge against Loan Account.

Schedule

£5,000,000 (1927) Loan—	£
Extension of Uganda Railway into Uganda and construction of branches into Kavirondo and Uganda .. ..	1,175
Capital improvements .. ..	2,299
£3,400,000 (1930) Loan—	
Public buildings, medical buildings, group hospital, Nairobi .. ..	3,597
Educational buildings, boarding accommodation, Boys' European Primary School, Nairobi ..	2,213
Other buildings, K.A.R. Barracks, Nanyuki .. ..	5,978
Communications .. ..	26
K.U.R. & H., Branch Lines .. ..	8
£305,600 (1933) Loan—	
Public buildings, housing for Government servants, Provincial Commissioner's house, Mombasa .. ..	214
Water supplies, Kisumu water supply .. ..	4,202
£375,000 (1936) Loan—	
Land and Agricultural Bank ..	9,500
	£29,212"

[Mr. Lockhart]

As I explained in connexion with the last motion, these works have in fact been approved by Council, but covering approval was not given to the 1938 expenditure. I think the purposes of the expenditure in this case will be found set out in the schedule.

MR. HARRAGIN seconded.

The question was put and carried.

#### WAR LOAN ORDINANCE, 1940

##### FURTHER ISSUE OF BONDS

MR. LOCKHART: Your Excellency, I beg to move:—

"He it resolved that, under section 2 of the War Loan Ordinance, 1940, this Council authorizes the raising of further loans not exceeding £500,000 by the issue, whether within or without the Colony, of registered bonds."

Approval of this motion will bring the total authorized loan to be raised under the East African War Loan to £2,000,000. Your Excellency indicated in your address from the chair that the subscriptions to the loan already exceeded £1,000,000, so that we are well on the way to reaching the two million figure. I do not think I need add anything to the tribute Your Excellency paid to this highly satisfactory result.

MR. HARRAGIN seconded.

MR. NICOL (Mombasa): Your Excellency, I rise naturally to support the motion. But I should like to ask the hon. Financial Secretary whether, when the two million mark has been reached in this loan it is the intention of Government to issue another loan, and if any indication could be given the Council and the country as to what the terms of that loan will be? It is felt, I think, with the present loan that the repayment of it falls to be made in a very short time, and I want to know whether we are going beyond the two million mark or are going to call a halt and start a new loan with longer usage.

I should also like to know whether any further steps have been taken to make it possible for people to buy smaller denominations of war loan—savings certificates, call them what you will.

When we approved a similar motion to this which was before the Council at the last session, I did ask the hon. Chief Native Commissioner whether he agreed with the statement I made then: that I thought there was room for tapping the small savers, particularly the Africans. My hon. friend did not, unfortunately, get the opportunity to reply; I hope he will let us know now what he thinks of the possibilities of increased savings among the natives.

There is also the question of small denominations for the other communities, European and Asian, and I feel quite certain that with these new restrictions and duties and things like that now coming into operation the public are bound to be made to save. It is a bit difficult for some people to put down £5 at once or to collect up to £5; they get to £3 and then think it better to spend it on something, whereas if they could put down Sh. 21/6 or Sh. 17/6 for a small denomination we would be able to get their savings as and when they actually saved the money.

##### CHIEF NATIVE COMMISSIONER

(Mr. Howing): Your Excellency, as I omitted to reply to the question asked on a former occasion, I must do so now. My opinion is that savings certificates of a low denomination would certainly have an appeal to a large number of literate natives in particular. That is my personal opinion, which I have not discussed with the Provincial Commissioners.

MR. LOCKHART: Your Excellency, replying to the speech of the hon. Member for Mombasa, it is certainly not proposed to call a halt on war savings on reaching the two million mark, but it is proposed to close the present issue and to open a new loan. In regard to the possible terms of that loan, a letter has just been sent to the War Savings Committee, of which the hon. member is a member, and I should prefer to await their reaction and the progress of the discussions a little further before mentioning the terms now under consideration during this debate.

With regard to savings certificates, we have made this much progress: that we have got complete machinery for a

[Mr. Lockhart]

I am quite unable myself to see any advantage in it over that of the Post Office Savings Bank; in point of fact, it is rather more complicated. I know that the War Savings Committee, to which the hon. member belongs, is very keen on these savings certificates, and we have sent the scheme to the Postmaster General, to know whether it is really possible to handle it. These things are largely a question of staff. But I would point out that the Post Office Savings Bank as at present functioning is a great success. Your Excellency indicated in your address the figure which deposits have now reached, and I myself feel very doubtful indeed of the wisdom of introducing a different procedure, calculated, as far as I can see, to produce precisely the same result. However, we have got a complete scheme, and when we have the reactions of Tanganyika and Uganda—which happen to be very much the same as my own—from the Postmaster General we will forward the scheme to the War Savings Committee.

The question was put and carried.

#### PENAL CODE (AMENDMENT) BILL

##### SECOND READING

MR. HARRAGIN: Your Excellency, I beg to move that the Penal Code (Amendment) Bill be read a second time.

As hon. members are aware, provision has already been made in the Principal Ordinance, which is being amended, for the consolidation of the Penal Code for reasons then stated and accepted by hon. members. There was one omission, however, and that was to state the date when that new consolidated Ordinance would come into force. It is impossible to say at this stage when that will be, because it to a great extent depends on the position at the Government Printing Office, as to when they will be able to get it out, but hon. members can rest assured that it will be as soon as possible, because the actual consolidation has already been done. Clause 2 of the Bill gives Your Excellency power to declare in the Gazette when the measure shall be deemed to have come into force, which, we can take it, will be some time early in the new year.

The opportunity was taken also to amend, or rather to clarify, the position with regard to the sections which will be re-numbered under the consolidated Ordinance. It is, strictly speaking, merely a matter of commonsense that where section 29 as it exists to-day, if it happens to become 31 in the new consolidated Ordinance, of course any reference to 29 in the old Ordinance will refer to 31 in the consolidated Ordinance. However, to put the matter beyond dispute, clause 3 of this Bill gives the necessary authority for the courts to take notice of that re-numbering.

I may mention that the Bill which follows this, the amendment to the Criminal Procedure Code; is exactly the same as the one I am moving now.

MR. BROWN seconded.

The question was put and carried.

#### CRIMINAL PROCEDURE CODE (AMENDMENT) BILL

##### SECOND READING

MR. HARRAGIN: Your Excellency, I beg to move that the Criminal Procedure Code (Amendment) Bill be read a second time.

As hon. members will see, this amendment is practically the same as the Bill which has just passed its second reading, and I will not delay the Council by explaining the same reasons all over again.

MR. BROWN seconded.

The question was put and carried.

#### FOREST BILL

##### SECOND READING

MR. GARDNER (Conservator of Forests): Your Excellency, I beg to move that the Forest Bill be read a second time.

In your opening address, Sir, you explained some of the reasons for the introduction of this Bill, and I might say it has, in fact, been under consideration for the last fifteen years, most of the work on it being done before the war. I do not think there is anything contentious about it, and it seems as well to pass it and get it out of the way now.

[Mr. Gardner]

in spite of existing conditions. The existing Ordinance dates from 1911, and prior to that there had been various rules for forest protection, the earliest dating from 1902.

The present Ordinance, I think, may be said to have served its purpose very satisfactorily. Contrary to what is often the expressed opinion of what has been done in protecting our forest reserves, it may be said that Kenya has done better than most countries in the matter of forest conservation. So soon after Government was established in Nairobi as 1902, rules were made then to try and prevent and restrict some of the damage being done in the Kikuyu country where, of course, forest destruction was rampant owing to the Kikuyu habit of shifting cultivation. Government then had not sufficient staff to put a stop to it all immediately, but by 1910 all the main forests—the Aberdare, Mount Kenya, Mau and elsewhere—had been protected and safeguarded and destruction there had ceased. Of course, since then as you all know, there has been quite a lot of destruction of scattered trees and patches of forests in native reserves and on farms, but this constituted a very small proportion of the total forests of the country. I think it is correct to say that at least 95 per cent of the forests existing in 1910 are still intact and safeguarded.

We have also avoided another danger, which has ruined the forests of many countries. That is, the virtual alienation of forests to commercial concerns or the unregulated exploitation of those forests by concessionaires. Here, except in the native reserves, Government has retained complete ownership of the forests, and if the timber resources are being exploited by private enterprise that is being done under regulation. Government is getting a fair royalty on the timber and the forests are being adequately replanted. This holds good, except that perhaps the royalty is rather on the low side, even in the case of the one large concession given in the early days.

In the native reserves nearly all the forests are now under the control and protection of the Forest Department on behalf of the natives, and in the few out-

standing cases where they have not been brought under control the Native Lands Trust Board has complete power to bring them under similar control, and this will be done as soon as circumstances permit.

I would agree that our total area of forests is not as large as it should be, but that is due partly to what happened before the British gained control of the country and partly to the fact that a large proportion of Kenya is not naturally a forest country.

The present Ordinance has served its purpose very well, but it is out of date in some respects, notably as regards native lands, and experience has shown that there are certain omissions that require rectifying and certain improvements made. The alterations are mainly in detail, and I will deal with them as I go through the Bill.

Clause 2 contains the definitions. The main change is that Crown land no longer includes native reserves as it does under the existing Ordinance.

Clause 3 is the main operative clause of the Bill. It gives the Governor in Council power to make and unmake forest reserves, and repeats the provision in the present Ordinance, with one important addition. I might mention that in the existing Ordinance it is the Governor who has power to make forest reserves, but in this Bill he is replaced by the Governor in Council, and it is also provided that the Governor in Council, before declaring that any forest shall cease to be a forest reserve, shall cause a notice to be published in the Official Gazette. There is nowadays a very greatly increased interest in forestry in the country, and before taking any steps to reduce the forest reserves the public is to be given the opportunity of expressing their opinion about it.

Clause 4 repeats the provisions of the existing Ordinance, but there is a change in the method. The object of the clause is to give the forest reserves still greater security. When a forest has been reserved by the Governor in Council as a forest reserve and it has been established for some time, and it is quite clear it should become a permanent forest and its boundaries have been finally settled, and

[Mr. Gardner]

it has been demarcated and surveyed, then it is desired to give it an even more permanent status. The Governor in Council can then declare it to be, after being fully satisfied that all conditions have been fulfilled, a demarcated forest. Thereafter it cannot be de-forested except with the consent of another statutory body. In the present Ordinance that was a body of Forestry Commissioners with the Chief Justice as chairman and three other members appointed by Government. That body has never been appointed, and the provision regarding demarcation of forests was never put into force. It is thought, however, that this provision should be retained in the present Bill, but that instead of a special board it is, as in other matters, as well to make the final authority the Legislative Council. That is the main alteration in this clause.

Clause 5 contains a new provision. It gives power to constitute a "nature reserve" in any forest area. The idea is to preserve such areas of forest in a virgin state. Of course, the forests are being developed commercially and exploited for their timber resources as they should be, for forest reserves are a valuable economic asset and should be developed. But it is felt that in certain areas we should try and preserve for posterity to see pieces of untouched virgin forest, and this clause gives power to set aside certain areas for that purpose. It actually has been done in a few instances by administrative action, but it is felt that such action should have statutory authority behind it. It is unfortunate that in this country there is no National Parks Ordinance under which probably such provision would be more properly included.

All the acts which may not be done in a forest area have, under the present Ordinance, been included in rules but not in the Ordinance itself. All these prohibitions, which are absolutely necessary for the proper protection and management of the forests, should be included in the Ordinance itself, and clause 7 contains them. The list has been extended where experience has shown it to be necessary. Among the additions are (a) (ii), where it

is prohibited for anyone to remain in a forest area except between the hours of 6 a.m. and 9 p.m., or unless using a recognized road or footpath. That sounds, perhaps, unnecessary or drastic, but actually, I think, it is the only way in which we can control the presence of undesirables in a forest. We attempt to keep such people out, but under the present Ordinance we have to prove they are not residing there, and that is not too easy. We also get many cases where we find undesirables harbouring with our squatters or labourers. In most cases they say they have been staying with friends, and the magistrate accepts their plea. This does make the matter much clearer. Of course, it does not necessarily prevent people visiting their friends or staying the night, as it is perfectly simple for the friends to inform the forester that such people are staying with them, and there is nothing said.

(a) (viii) says that no person shall, "except under the licence of the Conservator, set or be in possession of any trap, snare, gin or net, or dig any pit for the purpose of catching any animal, or use or be in possession of any poison or poisoned weapon." It has been found very desirable to include this, as it is not adequately covered by the Game Ordinance.

Sub-clause (2) of clause 7 says, "Any cattle found in any forest area or in any demarcated-forest shall be deemed to be there under the authority of the owner thereof unless the owner thereof proves the contrary, and under the authority of the person, if any, actually in charge of such cattle." We all know that it is extremely difficult to deal with trespassing stock, and this is an attempt to fix the responsibility for such stock.

Clause 8 does not need any comment.

Clause 9. The power to compound minor offences has hitherto been given by rules, but it is now incorporated in the Ordinance. It has been in force actually since the earliest rules dating from 1902. I would point out that an offender is always given a chance to have his case tried by a magistrate if he prefers it.

Clause 10 repeats the provisions of the present Ordinance, but in a rather more intelligible and orderly manner. It extends the powers of foresters and police

[Mr. Gardner] officers to game wardens and assistant game wardens.

Clauses 11 to 13 merely repeat the provisions of the present Ordinance.

Clause 14 gives the Governor the necessary rule-making powers for regulating and carrying out the provisions of the Ordinance. In the present Ordinance, a large part of it is taken up with the enlistment of forest guards and details of their terms of service. It is considered that that is rather out of place in the main Ordinance, and it has been replaced in this Bill by giving the Governor in Council power to make rules to provide for all that.

Clause 14 (1) (c) is new. It gives the Governor in Council power to make rules "for the protection and management of forests on private land". That is a power which exists in many countries but is not included in the present Ordinance. It is not really of very great importance in Kenya, because a very small proportion of the Kenya forests are in private hands, not more than 2 per cent at the most, but some are in rather important positions and it was considered well to have this power. Actually, most of such cases would probably be best dealt with under the Land and Water Preservation Ordinance.

The existing Ordinance was based on the South African model, and in replacing it I have had before me the new South African Ordinance which has just been passed, and it has been extremely useful in providing suggestions for rewording and ordering the existing Ordinance. As I have said, there is nothing revolutionary in this Bill. It follows closely the principles of the existing Ordinance and brings it up to date, and fills up the various gaps which were found to exist in the present law.

MR. HARRAGIN seconded.

LORD FRANCIS SCOTT: Sir, I rise to support the motion in general, but I have one or two points which I wish to bring forward.

The first one is that in the old Ordinance provision was made for the appointment of a board of forest commissioners. That has been left out of this Bill, and

I strongly urge that it be reinserted when the Bill goes to the select committee. It is the general tendency in this country, and very rightly, that Government are associating the unofficial-community of the country with Government in most of the affairs which concern the welfare of the country as a whole, and I do consider it is a very retrograde movement to delete that provision. It may be argued that this board has never yet been appointed and therefore it is not necessary. I do not agree with that at all. Not only should the provision be reinserted but the time has come when such a board should be appointed. A board of forest commissioners would be of immense support and help to the Conservator of Forests. Many times in the past he has perhaps been in a difficult position and the Forest Department perhaps has been treated in a way which it should not have been, and if he had had a board of commissioners behind him I consider it would have made and will make his position ever so much stronger than it is at present.

The other point is this. It is considered that in clauses 3 and 4 there should be a little more safeguard for the public in regard to alterations of forest areas, whether added to or taken away, and it is suggested that in the second part of clause 3, on the last line—where it says "the Governor in Council shall cause notice thereof to be published in the Gazette"—after the word "cause" and before "notice" the words "three months" should be inserted, so that there should be three months' notice given. There should be a similar amendment to clause 4 (2) (c), giving three months' notice "of the intention to declare such area to be demarcated forest to be published on three occasions in the Gazette and in one or more newspapers circulating in the Colony." The word "consecutive" should be left out.

Some of my constituents asked me to raise these points, as they feel it will give greater security, and I hope the suggestions will be considered by the select committee. With these remarks I support the Bill.

MR. WRIGHT (Aberdare): Your Excellency, I beg to support the point

[Mr. Wright] just made by the noble lord the hon. Member for Rift Valley, not only in respect of the suggested alterations to clauses 3 and 4, but most notably in the need for the insertion in this Bill of the old conditions whereby a board of forestry commissioners should be appointed. The hon. member in charge of the Bill said that this amending Bill was the result of some fifteen years of cogitation of a measure which was dated 1911 and which laid down quite definitely that the board should be appointed, with the Chief Justice of the Colony in the chair. I should have thought that that action might seriously have been taken long ago, and I think it would be a retrograde step at this late date, thirty years after, when the need for forest supervision becomes greater than ever, if this Council is asked to substitute the impartial body which should have been appointed long ago.

This Bill purports to be a consolidating and amending Bill relating to the law respecting forests. We are all aware, as the previous speaker said, of complaints of forest policy all over the country, but the hon. mover said there were no difficulties in respect of the Aberdare forest. There is a particular case which is *sub judice*, but I know of cases where water-courses have been interfered with and forest rights infringed, and I should have thought that the Conservator of Forests would have welcomed, not now but long ago, the appointment of such a board of forestry commissioners as was enacted and provided for in the law of 1911.

MR. GARDNER: Your Excellency, on a point of explanation, I would say that I explained, or thought I did, that the board had one function only, and was to be replaced in carrying out that function by the Legislative Council. That is the sole difference between the Ordinance and the Bill.

MR. WRIGHT: I merely protested against the substitution of one for the other.

MRS. WATKINS (Kiambu): Your Excellency, the hon. member in charge told us that this was not a contentious Bill, that nothing in it could be found to

be objectionable, but I submit that this Government department is arrogating to itself powers that are very arbitrary, and may be hard on forest neighbours, be they white or black. The Conservator of Forests, for instance, wishes to have the right to close any road or footpath through the forest, without notice given to neighbours before that decision is made final. He also wishes to have powers beyond those of any other landowner in this country, and more protection legally also than has the ordinary landowner. I therefore feel that the Bill must on principle be objected to.

There are several clauses in it with which we are in entire sympathy—that of creating nature reserves and trying to protect the forests in every way; but I would submit one thing. We who have the responsibility of producing in this country are presumed to be protected by the law, and particularly by the one known as the Stock and Produce Theft Ordinance. If that is not sufficient to protect the Conservator of Forests in his forests, that law should be amended for us all. If it is sufficient to protect him he needs no further protection. The Stock and Produce Theft Ordinance has, perhaps, fallen into disrepute by not being administered in the best interests of the producer, or perhaps it needs amending in certain clauses, but if either of these things is so then these should be remedied, and any lack there may be in the law or its administration should not be particularly bolstered up for a Government Department when Government is the producer. I do believe from my own experience of farming for many years in this country that the Stock and Produce Theft Ordinance has not helped us as we thought it would, and if it is not helping the Conservator of Forests I am glad to hear it, because he is in the same boat as we are, and perhaps we shall get something done about it. That is the first principle.

The second principle is that it is interfering unduly with the liberty of the public. There are paths through forests which existed long before we came to this country; there is the immemorial right of gleaning for the poor. These laws would need very reasonable interpretation, and I submit that reasonable application is



[Mrs. Watkins]  
not, and never has been, made in the past for forest laws. A senior member of our family was on this Council at one time when these forest laws came up for discussion, and he opposed one or two of the more arbitrary things. He was then assured that these laws were made for specially difficult situations, but would be applied with reasonableness. I maintain that this has not been so. I can only say that once or twice, when the Forest Department has sold timber to an Indian contractor and that timber has been carted away, and chips were left lying about the ground, a native woman, without a bean in the world, came to collect these chips, wood for which the Forest Department had already been paid, mark you, and the forest officer has taken it upon himself to run that woman and fine her the heavy fine of Sh. 10 for these gleanings. If the hon. member wishes to plead that these laws are going to be administered reasonably, I would ask him: Is that reasonable?

I see also in one or other of the clauses that employers are to be made liable when employees damage a forest. Is that fair or reasonable? I admit that this is reasonable, but let us see whether this sweet reasonableness is made consistent. Let us for a moment put the boot on the other leg. It has happened, and not very long ago, that the Forest Department, in clearing for a plantation of young trees, has allowed fires to spread across their boundaries and has, through carelessness of their employees, both white and black, burnt down the coffee trees of an adjacent farm. These trees are a permanent crop, and take four years to mature. Twice it happened and all responsibility was refuted and damage denied, but the third time, when an unimpeachable native witness was brought into the case, the damage was admitted, and the native employee was run at the request of the farmer who owned the coffee trees. The court fined this native Sh. 100 for damage done, but the Forest Department did not request the court that even this Sh. 100 should be allocated to the farmer in part payment of the damage, but Government pocketed the Sh. 100 of the fine, thus making £5 because their employee had done damage to a farmer. Is this reason-

able? Does this give one confidence in the reasonable application of further arbitrary powers arrogated by this Department?

Again, the closing of footpaths and roads that may be used by the public daily is being put in the hands of any forest officer. Some of these roads are roads of access, and also the natives in this country have had immemorial rights of passing through the forests, and certain of these paths and roads can be shut without even notice being given. It may have to go before Your Excellency in Council, but no notice is given to the neighbourhood, to neighbouring landholders, white or black, and the first thing an interested person hears about it is that the Governor in Council has closed it without notice being given in the Gazette, and even if it is in the Gazette the ordinary farmer does not get it. It should be notified in writing to the neighbouring farmers and published in the daily newspapers. Those are the powers the forester is taking to himself, and I do submit very strongly that it should not be passed giving those very wide and very arbitrary powers to a Government department.

Any native forest guard appears to have unlimited powers conferred under this Bill. The deletion of the word "any" from some of the clauses means any forester not a European forester. Again, about cattle found in forests. We farmers who are landowners are protected by the different Ordinances, and I do not see why the Conservator of Forests should not submit to the same laws which are good enough for us. I do maintain that a Government department as a producer should suffer and stand by the laws Government imposes on the rest of the community. Again, the compounding of offences. We have to get down to practical politics when talking to natives about compounding offences. If an offence has been committed in a forest, a native has cut or damaged a tree, the forester, who is not necessarily a patient man, can in a moment of heat and impatience say to the native that he must pay any sum up to £5 or go to prison. The native may collect the £5 or may not, but I consider this is a very arbitrary

[Mrs. Watkins]  
power to give a forester, who is the injured person. We are not as a rule allowed to try our own cases and decide the damages, but we take them to court, and it is a protection for the native that these cases should be taken to court.

I should also like to be assured that this law about being able to turn anybody out of a forest at any time without any reason given, will be used with a great deal of reasonableness. I see that we are only allowed on paths, we are not allowed in a forest between certain hours, and we can be turned out. If administered reasonably, I have got nothing against this particular clause, but I have a great deal against handing ourselves over to the interpretation that any forester chooses to put upon it. That is what I think is happening here.

I should very much like to see the special protection for the forest produce washed out entirely. I should also like to see the immemorial rights of the public in our forests maintained, whether it be the use of paths that have existed for years, or picnicking, or for the natives of gleaned dead brushwood for their fires. It should not be possible for a native woman who is penniless to be fined through her husband, who is earning Sh. 10 a month, because she picked up some chips for which the Forest Department has already been paid but which the purchasers did not take away. The thing is ludicrous. All this seems to me an unnecessary restriction on our liberties, on the white population, and on the poorer black.

MR. COOKE: Your Excellency, I am supporting this Bill, not only for the excellent new proposals that it contains, but also because I regard it as an earnest that the Government is at last awake to the necessity of preserving our natural resources. I thought the hon. member in charge was a little bit optimistic—I won't use the word complacent—when he spoke about the present condition of the forests of Kenya. Certainly when we realize that the forest area in Kenya is only 5 per cent of the whole of the land of Kenya, it compares very unfavourably, for instance, with that in Germany, where it is something like 25 per cent,

and although we shall never rise to anything like that we should aim at something larger than 5 per cent.

There are one or two small criticisms I have to make. The first is in clause 3, I should like firstly to see European farms in the Highlands included in this proviso. It may be said that would be trespassing on private property, but I do not know that they can be regarded as private property because most of the farms are leased from Government and remain Government land. I do not see how we can put forward this policy of preserving the Highlands for the Europeans if at the same time we are not prepared to preserve these great natural assets which we have inherited. I should like therefore to see the alienated Crown lands come within this clause.

The hon. Member for Rift Valley suggested an amendment to the second part of that clause. Actually, I think it is rather badly worded and will need an amendment in any case, but that will come before the select committee.

I welcome the realization on the part of the authoritarians on the other side that it is about time to return to democratic principles by recognizing this Council, and I therefore very heartily welcome clause 4 (4), which makes it compulsory to consult this Council before any demarcation of land is deproclaimed. If we had had that under the old Ordinance those wicked men who alienated Uplands Forest would have been debarred from doing so. But there is one thing I am not quite clear about in this clause. Will the present forests have to be re-demarcated before they come within the provisions of this particular clause?

With regard to clause 5, nature reserves, I think that is to be very heartily welcomed, and I hope the Conservator of Forests will not stop short at proclaiming as many forest areas as he can, especially in view of the fact that the national park proposals seem to be holding fire at the moment, and it is as well to get as many reserves as possible proclaimed until that policy functions.

The hon. Member for Kiambu criticized the compounding of offences. I think we shall have to keep that clause.

[Mr. Cooke]

because it must be remembered that it is a great convenience to a person found out to be able to pay on the spot rather than be dragged into court with loss of time and possibly money. There is one small point. If you look at the interpretation clause you will find that under "forest officer" is included forest guards, who are, of course, natives, and although Your Excellency has no intention of giving them that power it might be as well to make it clear they will not have power to compound offences and that we cannot give them that power.

That is all I wish to draw attention to. I will sit down after expressing the wish that the Conservator of Forests will not allow the Ordinance to become a dead letter but will see that it is administered firmly and fearlessly.

COL. KIRKWOOD (Trans Nzoia): Your Excellency, I rise to support the Bill for the purpose of its consideration by a select committee which, I presume, will be formed. I have three queries to make.

The first is about a matter not in the Bill but which the hon. member on my left (the hon. Member for the Coast) proposes to put in the Bill. I would point out that alienated farms are not forest reserves, and it would be intolerable to put them in the classification which he suggests.

Turning to clause 9, the compounding of offences; I think that that is going to be objectionable if the person concerned is going to be judge and jury. The maximum fine, I think, is £10 for each offence, and it will be difficult under this clause, which does not say what the offences might be. Supposing the forest reserve on Mount Elgon was set on fire and 10,000 acres of forest land burnt, can you compound the offence under this clause when the person responsible should get ten years for the offence? I agree with the hon. member on my right, when referring to the interpretation clause, that a native could compound with a native. It is most objectionable; and where there is an offence which is especially serious it should go before the judiciary and be tried according to the British standard of justice.

Referring to clause 14, here the Governor in Council can make rules under (b) "with respect to forest guards and may for that purpose" prescribe for their re-engagement, retirement, and so on, and rates of pay, and under (vi) "provide for the imposition of fines for offences against discipline, for the recovery of such fines from the offenders' pay, and for the disposal of any fines or stoppages of pay: Provided that in no case shall the fine prescribed by any rule exceed, in the case of a first offence, one-third of a month's pay or, in the case of a subsequent offence of the same kind or an aggravated offence, one-half of a month's pay." I think that that clause is a very dangerous one. Because of the undisciplined native labour throughout the Colony at the present time, it is quite an inadequate sentence, and I suggest that instead of fining them a third of a month's pay or a half that you should allow the officers concerned to inflict corporal punishment. Our gaols are full now with first and petty offenders, which is expensive, unsatisfactory and not getting the result we want. I suggest seriously that if corporal punishment was inflicted instead of petty fines it would restore the discipline that we are aiming at in many other Ordinances apart from this. I do hope it will be given consideration.

One other small point. Clause 14 (b) (vii) provides for the apprehension of deserters and their punishment. All I can say is that it is a pious hope. I am not aware that any deserters are ever apprehended and consequently are never punished.

DR. WILSON: Your Excellency, I support this Bill in the interests of the natives. If I thought there was any foundation for the criticism directed by the hon. Member for Kiambu against this Bill I should find it difficult to do so. It is all very well to speak of the poor women gleaning in the forest, but one knows perfectly well that gleaning in the forest leads to cutting down trees, and if you allow such things at all there is no limit. Although I dislike drastic measures applied to natives living on the boundaries of forests, I think it must be in their interests that these rules should be made and adhered to.

[Dr. Wilson]

The other point on which I disagree with her entirely is the question of compounding offences. I have the honour to be an honorary forest officer, and I am perfectly certain that it is far fairer to a native and far better for the forester that these offences should be discussed on the spot. The offender is then told, "Will you pay the fine, so much, or go for trial?" To talk about compounding with a native for £10 or sending him to prison is not the case at all. He is told he has done wrong, and if it is the first time he has appeared on this charge he is fined Sh. 2 or Sh. 5, and told not to do it again, and that if he does not like it he can go before a magistrate. It is perfectly fair to the native and satisfactory for the Forest Department.

There is one small point in the Bill I should like to ask about: clause 7 (1) (a) (ii). The hon. mover, speaking about this, said it would not prevent friends of the forest squatters visiting them. In other words, it sounded to me that this would be a law which would not be strictly carried out, and a law not carried out is no use at all. It is a pity this was taken out of the rules and put in the Ordinance, because it is a drastic prohibition to prevent people going into a forest except between 6 a.m. and 9 p.m. without licence from the Conservator. I take it that the licence covers the case for the forest squatter, but how you will allow friends to visit the squatter without breaking the law I am not sure. It is a small point, and could be more easily dealt with by rule than in the Ordinance.

Clause 9 (1), as regards compounding offences, reads "with the consent of the Conservator". I take it that that does not mean that prior to compounding an offence the Conservator has to be approached and his consent obtained in each case, but reading that clause, not as a lawyer but a layman, it reads as though it will.

Finally, the hon. member in charge referred to clause 14 as a very minor point. If under this Ordinance it will be possible to make rules to control the destruction of forests on private land, I think it is one of the most important

points in the Bill. If it is dealt with under the Preservation of Land and Water Ordinance well and good; but I did not like very much to hear him describe that as a very small point.

MR. HARRAGIN: Your Excellency, there are one or two legal points which I should like to clear up on once.

I think the point made by the hon. Member for the Coast is met by section 7 of the Interpretation Ordinance, which reads: "(1) Where any Ordinance repeals and re-enacts, with or without modification, any provision of a former Ordinance, references in any other Ordinance to the provision so repealed shall, unless the contrary intention appears, be construed as references to the provision so re-enacted." I think, though, that I will go into it in select committee, that where a forest has been declared under the old Ordinance, it will continue to be so declared under the new, unless the contrary intention appears in the new Ordinance. I have no doubt actually that as a matter of practice the Conservator will in fact re-gazette them all, but there will be no hiatus caused as the old Ordinance in no way conflicts with the new and the demarcation of forests under the old Ordinance will be preserved until something is done under the new which will supersede the old notices.

The noble lord the hon. Member for Rift Valley referred to two points. The first was with regard to doing away with the Forest Commissioners. The short fact is that we have substituted, as pointed out, Legislative Council for this body, and I should like to agree with remarks by subsequent speakers that it gives this Council a great deal more power over this particular matter than it ever had before. Instead of Your Excellency having power to appoint three commissioners, as envisaged in the old Ordinance, and without anyone knowing anything about it when they give their approval or disapproval, under the new Ordinance it will be necessary to come before this Legislative Council when everyone will have the opportunity of expressing his views, as the hon. Member for the Coast pointed out. Although it is not a point one would fight over, it does seem to me it is a still further safeguard

[Mr. Harragin] that the whole Council should consider the matter than under the old Ordinance, where three gentlemen sit in a small room, possibly without any witnesses, the procedure which they could follow under the provisions of the old Ordinance.

The point made by the noble lord regarding three months' notice being given, I, personally, see very little objection to. It has always been the avowed intention of Government to give as much notice of these matters as possible, and I have Your Excellency's authority to say that in select committee Government members will give very serious consideration to that point.

The hon. Member for Kiambu spoke at some length on the Stock and Produce Theft Ordinance, and when in due course an amending Bill comes up I hope to meet her with regard to some of the points. Actually, this does not seem a suitable moment to invert stock and produce provisions into a Forest Ordinance.

The point raised by the hon. Member for Trans Nzoia regarding the compounding of offences has always been a difficult one for a lawyer to deal with, because from a lawyer's point of view every case should be brought before a court of law and should not be settled in some forest as between two men. As against that, I must admit that you have another precedent in the Customs Ordinance, where customs officials may compound customs offences. It has been pointed out, and I think the hon. member Dr. Wilson has again reiterated that point, that you do not want, because you see a native woman carting off six-pennyworth of *kumi* she has scrounged from the forest, to take her off to a court where the case might not be tried for some time when suitable punishment can be given on the spot. As I say, compounding offences generally is one we have to guard against very strictly in this Council, and it will receive very serious consideration in select committee, though hon. members are probably aware that it exists under the present law and I do not think that I personally have heard of it being abused in any way.

The point made by the hon. member Dr. Wilson is not quite clear to me, regarding clause 7 (1) (a) (2), because provision is made in the rules to deal with that point. If the hon. member will look at the rule-making section he will see that rules may be made extending the time. It may seem very arbitrary at the moment, but provision is made to alter rules in the ordinary way from time to time.

This Bill, I have your authority to say, Sir, is going to a select committee, and all the various small points which have been raised regarding the drafting will be carefully considered when the select committee meets.

MR. GARDNER: Your Excellency, most of the points raised have been dealt with by the hon. and learned Attorney General very comprehensively, and I do not think there is much for me to say.

I should like to reiterate, regarding the compounding of offences, that it has been the practice in this country for 40 years, or 39, anyway, and not only in this country but practically throughout the Empire. It is in force in all colonies, and throughout India. In the whole of the forty years it has been in force I have never heard of any complaints of it being abused, and I think that should be sufficient evidence of its reasonableness. I will say that the matter was brought up at a Provincial Commissioners' meeting a few years ago and thoroughly discussed and it was agreed to as being a very sound and useful provision. It is certainly a great time-saving one for all concerned. I would point out that every offence compounded has to be confirmed by the Conservator of Forests. A return is sent in each month, and anything unreasonable can be sent back and reinvestigated, and the fine refunded if necessary. Every case has to be confirmed by the Conservator of Forests.

The point was raised that forest guards might be given power to compound. No one has any power unless authorized by Your Excellency. I really do not think it necessary to put a clause in the Bill that Your Excellency shall not allow native forest guards to compound.

[Mr. Gardner]

The hon. Member for Trans Nzoia mentioned forest guards and their enlistment and punishment. He seemed to rather confuse forest guards with ordinary labourers. Forest guards are a small body specially enlisted and attested under very special conditions, just like the Police Force. They are a carefully selected body, and offences by them which would need punishment are rare. If they are serious the forest guard is dismissed. I do not think that anything else is necessary other than is mentioned in the Bill.

Similarly, the point the hon. member mentioned in regard to compounding offences—it would be quite wrong to compound the offence of burning the Mount Elgon forest for a few shillings. Compounding refers to minor offences only. We should never permit the compounding of serious offences but would take them to court.

The hon. Member for Kiambu raised many points. I am afraid that I did not understand what most of her objections were. One of her complaints was that people were now prevented from carrying out immemorial practices. That is done in every civilized country; immemorial practices have to be put a stop to or regulated. I should say that if it was an immemorial practice for natives to take fuel off and cultivate on the hon. member's farm, for instance—and certainly natives do do it—she would put a stop to it. (Laughter.)

MRS. WATKINS: For the hon. member's information—she has not. (Laughter.)

MR. GARDNER: If you allow any produce to be taken free out of a forest, it is impossible to draw the line as to by whom and what. As regards the case referred to by the hon. member, of the poor woman picking up chips who was fined Sh. 5—they all know that it is an offence, perfectly well, and every twig in Karura Forest has a demand for it. In this particular case these women were the wives of the hon. member's labourers, and if they are not provided with fuel on her farm, and have to take to stealing, whose fault is it? Certainly not mine. (Laughter.)

Your Excellency, I do not think any other points were mentioned that cannot be dealt with in select committee.

The question was put and carried.

MR. HARRAGIN moved that the Bill be referred to a select committee consisting of Mr. Harragin (chairman), Mr. Blunt, Mr. Gardner, Major Cavendish-Bentinck, Mr. Wright, Mr. Bouwer, Mr. Isher Dass and Mr. Montgomery.

MR. BROWN seconded.

The question was put and carried.

#### CREDIT TRADE WITH NATIVES (AMENDMENT) BILL

##### SECOND READING

MR. HOSKING: Your Excellency, I beg to move that the Credit Trade with Natives (Amendment) Bill be read a second time.

The Principal Ordinance has been on the Statute Book since 1903, and was applied generally throughout the provinces in 1929. It is not often invoked, but it certainly has had a restricting influence in preventing undue credit being given to natives. The amendment is merely to allow the limitation of the sum of £10 which is at present in the Ordinance. Credit cannot be given exceeding £10 at present without the certification of an administrative officer. The amendment would allow Your Excellency to vary this amount in respect of certain areas. The call for this amendment really comes from the coast, where in the Protectorate the habit of natives hypothecating crops is becoming a real menace to production. Complaints have been received from the administrative and agricultural officers that they cannot help the native to help himself while he is so deeply in debt to traders.

I would point out that the Ordinance as amended does not prohibit entirely the granting of credit to a native, but merely ensures that where credit, for originally £10 or in future any lesser sum, is given a native, he fully understands the contract into which he is entering. A district commissioner, on sanctioning a contract under the Ordinance, shall satisfy himself that the native understands the contract and agrees thereto. It is not complete prohibition which is required.

MR. BROWN seconded.

The question was put and carried.

### SAVINGS BANK (AMENDMENT) BILL

#### SECOND READING

MR. HEBDEN (Postmaster General): Your Excellency, I beg to move that the Savings Bank (Amendment) Bill be read a second time.

It is approximately five years since the Principal Ordinance became law, and Council is now asked to approve the amendments in this Bill in order that existing practices, which are common throughout the Empire, may be regularized.

Clause 2 of the Bill amends section 5 of the Principal Ordinance by deleting the words "post office" and substituting therefor the word "place". I think it only reasonable that the Postmaster General, with the approval of the Governor, should have power to open savings banks at any place in the Colony and not necessarily be restricted to established post offices. I think this is more important now in view of the fact that every effort is being made to encourage thrift.

Section 9 of the Principal Ordinance is repealed, and advantage is taken to amend the wording of the second proviso by deleting the word "amount" and substituting therefor the words "account the credit balance of which". It is obviously more correct to say that such interest shall not be payable on any amount the credit balance of which is less than Sh. 20, than to say that such interest shall not be payable on any amount less than Sh. 20. Again, the second part of this proviso regularizes the existing practice by adding the words "authority to withdraw such part of the deposit shall have been given". There are two ways of withdrawing deposits: one "on demand", which is handed over the counter, and the other by a "warrant" obtained from the Chief Accountant. Provision is made in the Principal Ordinance for interest to cease on the last day of the month preceding the withdrawal of the deposit, but no provision is made for the interest to cease on the last day of the month preceding the issue of a warrant of withdrawal. I believe that,

until recently, once a warrant to withdraw has been issued, interest ceased on the last day of the month preceding the issue of the warrant, as the money is tied up and cannot be used by Government in any way until such time as the warrant is cancelled. It so happens that warrants for withdrawal are frequently cancelled, and the third proviso again regularizes existing practice by providing for interest to re-commence to accrue and the warrant be cancelled before payment is due.

These last two provisos simply regularize existing practice and make it clear that the maximum loss of interest any depositor can save by a cancelled warrant is one month.

The final clause makes it clear that interest on deposits when accredited to the capital sum shall be regarded as part of the deposit for the calculation of interest, and this is tantamount to giving authority to pay interest on interest, which has always been the case ever since savings banks were first opened.

MR. HARRAGIN seconded.

MR. COOKE: Your Excellency, I should like to support clause 2 especially as the suggestion was put up by myself many years ago, but like many other constructive suggestions I have from time to time put up when an administrative officer, no notice whatever was taken of it. (Laughter.)

One thing I would urge. This is throwing an extra burden on administrative officers, because it will mean more clerical work for them, and I hope Government will bear that in mind when there is an appeal, especially in the bigger places, for extra clerical assistance which may be necessary to make this burden less intolerable to the people concerned.

The question was put and carried.

### STOCK AND PRODUCE THEFT (LEVY OF FINES) (AMENDMENT) BILL

#### SECOND READING

MR. HARRAGIN: Your Excellency, I beg to move that the Stock and Produce Theft (Levy of Fines) (Amendment) Bill be read a second time.

[Mr. Harragin]

The sole object of this amendment is to give jurisdiction to first class magistrates to try offences against the Ordinance. It so happens that as the schedule is drawn up in the Criminal Procedure Code an offence where the punishment is over seven years' hard labour has been withdrawn from the jurisdiction of a first class magistrate and is only tried by the Supreme Court unless special provision is made in the Ordinance itself. It has been pointed out that a great many stock thefts are being dealt with under this particular Ordinance, and it is thought more desirable from every point of view to allow a first class magistrate to take them under this Ordinance.

I may mention in passing that the usual provision will apply, namely that a first class magistrate may not give more than three years, though the punishment if the case went to the Supreme Court could be ten years. In a serious case it will be the duty of the first class magistrate trying the case to commit the man to the Supreme Court if he is of opinion that three years is not a sufficient punishment.

MR. BROWN seconded.

The question was put and carried.

### HIS MAJESTY'S FORCES PENSIONS BILL

#### SECOND READING

MR. LOCKHART: Your Excellency, I beg to move that His Majesty's Forces Pensions Bill be read a second time.

As hon. members will see, in clause 2, this is an enabling measure, but provision is made in sub-clause (2) for any pensions regulations to be laid on the table of Council and to be dealt with here if necessary.

Clauses 3 and 4 are in common form in pensions bills referring to attachment, and what happens in the case of a beneficiary convicted of a criminal offence.

Although perhaps I am not strictly in order, hon. members may be interested to have sketched briefly what the present position is. In the case of European members of the Forces, regulations have been put into effect but they still await

the approval of the War Office and also of the Secretary of State and complete agreement between other East African territories, but they will, we hope, shortly be in a position to be laid. In the case of Asians, the regulations are in course of preparation, but if any cases arise they will be dealt with by means of provisional awards. In the case of Africans, the regulations are approved and will be laid on the table in the course of this session.

Regarding the machinery, the position is that in the case of disablements and if invalidated by the military authorities, a certificate is given to the effect that the member of the Forces has sustained injury or sickness in the course of military duty, and also with the report on the case, but the actual assessment of the award is carried out by an assessment board on which the medical officers are civilians. Regarding payment, the position now is that although these pensions fall in the first place against Kenya revenues, the amounts involved are deducted from our military contribution to the War Office. As to what eventually the incidence of the pensions will be will depend on the financial settlement at the end of the war, but if it should so happen that these pensions remain a charge on Kenya funds I do not think any hon. member will be disposed to begrudge them.

MR. HARRAGIN seconded.

MR. ISHER DASS: Your Excellency, I would ask the hon. and learned Attorney General to answer one or two doubts in my mind, and for which I have strong reasons for asking.

In connexion with clause 3, I will quote an instance. A man was unfortunately bankrupt before he joined the military forces, and he was unfortunately killed in action. The Governor in Council was pleased to grant a gratuity to the family. Who is entitled to have the gratuity—the dependants or the Official Receiver? Clause 3 provides that pensions awarded by Your Excellency shall not be transferred or assigned. I should like the hon. Attorney General to give an assurance that in such cases a gratuity granted by the Governor shall not be

[Mr. Isher Dass] handed over to the Official Receiver to meet the claims of the creditors and the family of a man killed in action left destitute.

MR. HARRAGIN: Your Excellency, under the particular clause to which the hon. member refers a pension or gratuity will not form part of a bankrupt estate but will go to the dependants. The hon. member is probably thinking of the gratuity paid to the personal representative of a deceased civil servant under the ordinary pensions law, where it is by law paid into the personal estate, but this is worded differently.

MR. SHERIFF ABDULLĀ BIN SALIM (Arab): Your Excellency, I should like to ask a question. No mention has been made about Arabs serving in the Forces. I should like to know whether they will be included under the Asian scheme or what provision is made for them.

MR. LOCKHART: Your Excellency, I am afraid I am not able to answer the question of the hon. member regarding Arabs, but I can assure him that suitable provision will be made in some regulation or another.

The question was put and carried.

#### SUCCESSION ACT (AMENDMENT) BILL

##### SECOND READING

MR. HARRAGIN: Your Excellency, I beg to move that the Succession Act (Amendment) Bill be read a second time.

This is a very short amendment necessitated as a result of the present war. A will, as we all know, has to be attested by two witnesses, and under the present law has to be verified by one of them. Under present conditions, it is pointed out by the Chief Justice, it is almost impossible to obtain this verification within a reasonable time. Difficulty of communication is one point and the extreme delay caused is another. It is therefore proposed, and his Honour the Chief Justice is in entire agreement with this amendment being made, to amend the law so that it is not necessary where

the will is otherwise in order to have the verification made by one of the witnesses.

MR. BROWN seconded.

The question was put and carried.

#### BILLS

##### IN COMMITTEE

MR. HARRAGIN moved that the Council resolve itself into committee of the whole Council to consider the following Bills clause by clause:—

The Penal Code (Amendment) Bill,

The Criminal Procedure Code (Amendment) Bill,

The Credit Trade with Natives (Amendment) Bill,

The Savings Bank (Amendment) Bill,

The Stock and Produce Theft (Levy of Fines) (Amendment) Bill,

The H.M. Forces Pensions Bill,

The Indian Succession Act (Amendment) Bill.

MR. BROWN seconded.

The question was put and carried.

Council went into Committee.

The Bills were considered clause by clause.

MR. HARRAGIN moved that the Bills be reported without amendment.

Council resumed its sitting.

HIS EXCELLENCY reported the Bills accordingly.

##### THIRD READINGS

MR. HARRAGIN moved that the Bills be read the third time and passed.

MR. BROWN seconded.

The question was put and carried and the Bills read accordingly.

#### ADJOURNMENT

Council adjourned till Tuesday, 25th November, 1941, at 10 a.m.

#### Tuesday, 25th November, 1941

Council assembled at the Memorial Hall, Nairobi, at 10 a.m. on Tuesday, 25th November, 1941, His Excellency the Governor (Sir Henry Moore, K.C.M.G.) presiding.

His Excellency opened the Council with prayer.

#### OATH OF ALLEGIANCE

The Oath of Allegiance was administered to:—

Dr. A. U. Sheth, Acting Member for Eastern Area.

#### MINUTES

The minutes of the meeting of 19th November, 1941, were confirmed.

#### PAPERS LAID

The following papers were laid on the table:—

By MR. RENNIE:

Standing Finance Committee Report on Schedules of Additional Provision Nos. 5 of 1940 and 2 of 1941.

By MR. LOCKHART:

Schedule of Additional Provision No. 3 of 1941; Financial Report and Statement for 1940.

#### ORAL ANSWERS TO QUESTIONS

No. 71—INCOME TAX COLLECTIONS

COL. MODERA (Nairobi South):

(1) What is the amount of Kenya income tax collected during the current year in respect of assessment years up to 31st December, 1940?

(2) What is the amount still outstanding for the same period?

(3) Are all assessments in respect of the same period now complete; if not, what is the approximate amount of tax involved?

MR. LOCKHART: As regards the first and second parts of the question it is not possible to give exact figures, since up-to-date particulars of payments received by the Crown Agents and the other East African territories are not available. An approximate estimate is, however, as follows:—

(1) £240,000.

(2) £71,000, including sums to be written off as uncollectable and tax held over where appeals are outstanding.

(3) All assessments are not complete. An estimate of the amount involved in incomplete assessments is £50,000.

#### No. 72—COST OF LIVING

MR. R. KASIM:

(1) Has Government received the statement compiled by Mr. D. G. Mehta, Hon. Secretary of the Federation of Indian Chambers of Commerce and Industries of Eastern Africa, comparing prices of essential commodities as during the August/September, 1939, and August/September, 1941, and showing increases in percentages and average increases in the cost of goods and cost of living (at Mombasa)?

(2) If the reply is in the affirmative, does Government agree with those figures, viz. that the cost of local produce, foodstuff, etc., has gone up by 36.14 per cent; that the cost of imported foods, drink, tobacco, etc., has gone up by 66.60 per cent; and that the average general increase in the cost of living has risen by 87.94 per cent?

(3) If Government does not agree with these figures and conclusions, will Government state by what percentage has the cost of living risen since August/September, 1939?

MR. LOCKHART: (1) The answer is in the affirmative.

(2) The figures in question have not been examined in detail but the Government is unable to agree that the figures quoted by the hon. member relate to the cost of living as the term is generally understood.

(3) On information supplied to the Government the rise in the cost of living in towns since August, 1939, in the case of Europeans has not exceeded 18 per cent.

#### STANDING FINANCE COMMITTEE APPOINTMENT OF

MR. RENNIE: Your Excellency, I beg to move that the Standing Finance Committee be reconstituted and shall consist of the following members—The

[Mr. Rennie]

hon. Chief Secretary (Chairman), the hon. the Financial Secretary, the hon. the Chief Native Commissioner, the hon. elected Members for Nairobi North, Mombasa, Ukamba, and Eastern Area (Mr. Pandya), and Dr. the hon. Wilson (Native Interests).

Since the question of the composition of the Standing Finance Committee came before this Council last in November, 1938, one or two changes have occurred in the membership. The Committee at that time consisted of the Chief Secretary, Financial Secretary, Chief Native Commissioner, the elected Members for Rift Valley, Mombasa, Kiambu, and Eastern Area (Mr. Patel), and Dr. Wilson (Native Interests). The membership at the present time consists of the same three official members and the elected Members for Rift Valley, Mombasa, Ukamba, and Eastern Area (Mr. Pandya), and Dr. Wilson. Moreover, the noble lord the hon. Member for Rift Valley is, on account of his military duties, no longer able to continue his membership of the committee, and it is proposed to appoint in his stead the hon. Member for Nairobi North. That is the only difference between the committee as at present constituted and the committee which is now proposed.

MR. HARRAGIN seconded.

LORD FRANCIS SCOTT: Sir, as I am particularly interested as to why this motion is before Council, there is one point I should like to raise. I know that on the last occasion the members were mentioned by their constituencies, but I suggest that in fact they should be nominated by name. My reason for suggesting this is that if one member goes out of the country I think the Governor has the right to nominate somebody to take his place for the time being, and if the membership is mentioned by constituency I suggest that His Excellency has no alternative but to appoint the acting member for that constituency.

MR. PANDYA (Eastern): Your Excellency, this question of the reconstitution of the Standing Finance Committee has not yet been considered by the Indian elected members. In view of the fact that some changes are to be made,

I think it would be fair to give those members the opportunity to suggest any change if they wish to do so. I am sorry that the question has not yet been considered by them, but if Your Excellency would be kind enough to postpone a decision on this matter until after the usual recess this morning, or until tomorrow, we will bring forward any alterations we believe necessary in the composition of the committee.

MR. SHAMSUD-DEEN (Central): Your Excellency, on a point of procedure, in view of what the noble lord mentioned, I should like it made clear as to whether the Governor appoints anybody he likes or whether it is the privilege of the retiring member to nominate someone. What is the constitutional procedure?

MR. SHERIFF ABDULLA BIN SALIM (Arab): Your Excellency, when the Standing Finance Committee was first appointed, in the time of the then Governor, Sir Joseph Byrne, the Arabs applied for a seat on the committee, and it was at the request of the noble lord the hon. Member for Rift Valley, that they agreed to let the seat go by temporarily. But as the noble lord is going out of the committee, the man in whom we have every confidence, the Arabs reserve the right to ask for a seat after the next general election.

MR. HARRAGIN: Your Excellency, on the point raised by the noble lord the hon. Member for Rift Valley, I of course agree with him that if the Standing Finance Committee is appointed by designation rather than by name naturally the member acting in place of, say, the hon. Member for Nairobi North would automatically come on the committee without more ado. But it is a fact that it is the correct procedure in this Council to refer to hon. members by their official designation rather than by their personal designation. It would always be possible, if thought desirable, to add to the motion providing that in the event of any member ceasing to be a member of the Standing Finance Committee the Governor should appoint someone else in his seat or whatever wording appealed to the member moving the motion. Actually, it has always been

[Mr. Harragin]

done in this way, and it is a matter for consideration whether we should not continue to do what is strictly speaking—and the noble lord would be the first to agree—the correct procedure in this Council, namely, to refer to hon. members by their official designation.

Regarding the point raised by the hon. member Mr. Shamsud-Deen as to Your Excellency's power to appoint someone in the stead of any person who, through absence from the country, is unable to attend, your power is given under Standing Rules and Orders which deal with select committees. There it says, in effect, that where through unavoidable absence a member appointed to the Standing Finance Committee is unable to attend, in order that you will not have to reassemble Council and have someone else appointed and in order that the business of the committee may proceed, you, Sir, have the right to appoint anyone you think fit.

COL. GROGAN (Ukamba): Your Excellency, if the procedure is as outlined by the hon. Attorney General, on what grounds is an exception made on behalf of my hon. friend on my left (Dr. Wilson), who is mentioned by name?

MR. HARRAGIN: On a point of explanation and not on a point of order, the hon. member is a nominated member and is nominated by name to this Council. Other members are elected by constituents.

HIS EXCELLENCY: In view of the request made by the hon. member Mr. Pandya that this matter should not be put to a division until after the recess as he wishes to consult the other Indian members, I am willing to adjourn the debate and will continue with the motion after the 11 o'clock interval.

The debate was adjourned.

#### DRAFT ESTIMATES FOR 1942 REFERENCE TO STANDING FINANCE COMMITTEE

MR. LOCKHART: Your Excellency, I beg to move that the Draft Estimates of Revenue and Expenditure for 1942 be referred to the Standing Finance Committee.

Sir, before dealing with these Estimates I would like, with the indulgence of Council, to provide a brief review of our finances since the beginning of the war.

In 1939 we had a surplus on the Estimates under the revenue heads proper, that is, the first ten heads of the Revenue Estimates, of about £120,000, of which customs and excise accounted for £90,000 in a total collection of £918,000. This surplus was absorbed in special expenditure brought about by the war, and we actually finished the year 1939 with a margin of only a few hundred pounds. Our surplus at that time was £400,000.

The 1940 Estimates as originally prepared were just balanced; and in the course of 1940 we commenced to feel some of the benefit from war expenditure, and a surplus on the estimate accrued under what I have just described as the revenue heads proper amounting to £438,000. Of this surplus, customs and excise accounted for £248,000. The total collection under these duties was £1,038,000, which was only £120,000 more than in 1939, although the duties had been raised, and included a 10 per cent surcharge over the whole tariff. Income tax was up in 1940, and the Posts and Telegraphs did very much better as a result of the increase in population.

It was necessary, as a result of Italy's entry into the war, to incur substantial amounts of special expenditure, and despite the very much improved revenue position the actual margin between the revenue and expenditure amounted to only a little over £250,000. The details making up this figure will be found in the Financial Report and Statement which has been placed before hon. members this morning, and it will be seen that the true surplus in 1940 was found to be some £200,000 only, which, as hon. members know, was transferred to a suspense account pending a decision as to its disposal. Hon. members will remember that it was originally proposed that any surplus revenue over expenditure during the war years should be voted as a free gift to His Majesty's Government in the United Kingdom. Your Excellency explained the position in

[Mr. Lockhart]  
your Communication from the chair, and I need not elaborate it. A programme was drawn up amounting to £150,000, and Your Excellency gave hon. members details of that programme. It was further explained that the provision in that programme will be met by supplementary estimates this year or in the Estimates for 1942, and the approval of hon. members to that expenditure will be sought by that means which is, of course, the normal and proper manner.

Now that the question of the 1940 surplus has been settled, there is no further object in maintaining the suspense account, and the amount has been restored to the surplus balance.

We now come to 1941, the present year, which opened with a surplus revenue balance of £450,000 and a budget which was only just balanced. The prosperity of the country increased as a result of war conditions, and hon. members will see from the Revised Estimates that in the first ten months the same revenue heads expected to realize £760,000 more than was estimated a year ago. Of this figure, £630,000 came from customs and excise at a total of £1,450,000, the income tax estimate has been increased on revision by £90,000, and the remainder of the increases was spread in relatively small items throughout the revenue estimates. But we had comparatively heavy supplementary estimates again, which included substantial provision for roads, medical and educational buildings, water supplies, and storage facilities, including cold storage.

The estimated surplus on the present year is £550,000. This makes the total of the estimated surplus available at the end of 1941 £1,200,000. Of this amount it is proposed, as Your Excellency indicated, to vote £500,000 to a reserve fund and to lend it free of interest to His Majesty's Government for the period of the war. This will leave us with a surplus balance of £700,000.

Hon. members will see that the effect of the war to date so far as Kenya finances are concerned has been to increase our surplus balance by £300,000 and give us an invested reserve fund of

half a million. That is to the end of 1941. I emphasized the position during these three years under the customs and excise head because they are of value in considering the Estimates for 1942. In considering the revenue improvement it would be extremely difficult, if not impossible, to say with any pretence to accuracy how much and to what extent taxation has brought about this result, but I think a review of our finances is not complete without some reference to taxation.

Two years ago, in our first war budget session, we increased income tax by a surcharge of 40 per cent on individuals and 50 per cent on companies; there was also a 50 per cent surcharge on non-native poll tax, and substantial increases in customs duties on luxury articles. Eight months later, in 1940, we proceeded with effect from the beginning of the year to make substantial increases in the income tax rate and imposed a surcharge of 10 per cent on all customs duties, with a corresponding increase in the case of excise duties. The consumption tax on petrol was increased by 22 cents a gallon, and the inland postage rates were also raised. From the beginning of this year we adopted a revised personal tax for non-natives and a surcharge of 50 per cent on traders' licences. Further tax increases which now apply and which are reflected in the budget will be fresh in the minds of hon. members, and they will soon commence to affect their pockets.

I think it can be said that the increased taxes which have been proposed and accepted in this country since the beginning of the war will compare more than favourably, from the point of view of the sacrifices which are being asked from the people, with any other colony in Africa. I think, too, they are consistent with the war time economy and financial policy that it is necessary to pursue. Increased taxation must go hand in hand with strict economy, and that is a point I shall enlarge on later.

To turn to the Estimates for 1942, which hon. members will see once more are only just balanced with a margin of £1,414, I should like to make quite clear that this result does not arise from some ingenious juggling with a figure

[Mr. Lockhart]  
(as I sometimes hear it suggested) but by the more simple, and rather more difficult, process of cutting our coat according to our cloth. Again, taking count of the first ten heads of revenue, the increase over the sanctioned Estimates for 1941 will be seen to be £202,000, but when comparison is made with the revised Estimates for 1941 then the 1942 estimate is lower by no less than £558,000. This deduction is accounted for under the customs head where, when allowance is made for adjustment in respect of the petrol consumption tax (hon. members will remember that it was reduced and customs duty increased), the decrease in the estimate under customs and excise for 1942 compared with the revised Estimate for 1941 amounts to £576,000 or 40 per cent of the 1941 figure, and this despite the recent increased duty.

This reduced estimate has been framed with the knowledge that in 1942 the spending power available in the Colony may very well have reverted to the 1940 level and the availability of imported goods will have substantially declined. Indeed, it is our business to see that availability does substantially decline. There is no rule of thumb by which you can arrive at an estimate of revenue under customs and excise. It is very largely a matter of opinion, but I think if hon. members examine the details of the estimate which they will find on page 12 any member would hesitate before advocating an increase in any one of those items with any feeling of real confidence. This is a matter, of course, which will be closely examined in Standing Finance Committee. In the case of the excise duties these apply only to our local manufactures, and substantial increases are shown both in the estimates for this year and the actual results of 1940, but in this case the effect of the increase can be predicted very much more safely because the same supply considerations do not apply. In the case of income tax it is also possible to give a reliable estimate. The total of the estimate under income tax has risen to a figure of £400,000, and that is an increase of £165,000 over the original estimate for 1941. This estimate was increased on revision by £90,000, which

has again been increased by £75,000 as a result of the proposed revision of income tax rates which will come before hon. members this session.

When that figure is considered, £400,000 from income tax, in conjunction with the excess profits tax for 1942, it will mean that the amount which will be withdrawn from spending power and saving power; from the amount that is available to be spent or saved by the non-native communities of this Colony in 1942 will total something over half a million of money. I suggest that that is as far as it is safe to go even in times of war.

There is, I think, no other item in the revenue estimates on which I may comment, except under native hut and poll tax, £512,000, which is £21,000 below the estimate for 1941. That is due to a remission of the tax in case of natives serving in the army, but I think it may be possible to increase this estimate in the Standing Finance Committee.

I now turn to the expenditure estimates which show a total increase of £276,000, of which I shall give an analysis on quite broad lines.

First of all, to take our standing charges—that is to say, the expenditure for which we are committed, either by statute or regulation or some contractual obligation—these amount in total to £935,000, or 30 per cent of the total expenditure, and they show an increase of about £57,000, mainly on the following accounts: £3,091 under the agreement for the Imperial air mail service on account of the permanent settlement we have arrived at in regard to our obligations regarding marine craft; £4,658 under Education represents an increase in the grants-in-aid to Indian and African schools; £8,500 under Local Government in respect of grants to local authorities; £10,400 under Pensions; £30,000 under Public Debt, an increase arises, except for about £1,000, from payment of interest on East African war bonds and is recoverable.

Turning to departmental expenditure, the total of personal emoluments amounts to £1,115,000, or 37 per cent of our total expenditure. The increase here is £34,000, of which £27,000, or about 2½ per cent of the total personal

[Mr. Lockhart] emoluments, is due to normal increments, and £7,000 to the net effect of such staff changes as are included in the Estimates. That is the cost of new appointments less reductions which have been made. The new appointments, such as they are, will be found quite fully described in the memorandum on the Estimates, and I will be very brief here.

I would mention that under Agriculture we have two additional agricultural officers, one for pyrethrum investigation which the Pyrethrum Board is paying for and one for native settlement in Olgunguone. Under Soil Conservation Services provision is made for an inspector, six assistant conservation officers, one Avian surveyor, and the necessary African staff. Under Education, there is provision for three additional posts for European education and two under Indian. As I have already explained, grants-in-aid have been increased to Indian and African education. Under the Game Department it is proposed to employ a full-time game and vermin control officer. Under the Medical Department it is proposed to appoint five additional medical officers partly to compensate for those released for military service and, also to, take charge of the anti-beef measles unit, and also for an assistant medical officer of health at Mombasa, and two additional sub-assistant surgeons at Thika and Kerugoya. Seven additional European posts are also required for yellow fever measures, although whether it is possible to recruit them all I think is somewhat doubtful.

In the case of the Police certain adjustments are suggested, but they do not increase the total establishment. Hon. members will see from the memorandum that there are proposals to improve the scales of the salaries of the assistant inspectors serving in the Kenya European Civil Service, and these proposals have been given an examination by the Civil Service Board and that for very obvious reasons, because I need not remind hon. members that the salaries and terms of service of the Kenya European Civil Service, of which the salaries of the assistant inspectors of Police form an integral part, have

resulted from long and considered recommendations of various committees on which unofficial members participated. The last of these committees reported in 1939.

The Estimates before Council provide for a total European establishment of men and women of 1,506 persons. Some of these are serving in the Army, and some are on war-time temporary employment, but that is the establishment, 1,506, 588 are in what is called the "overseas service" on pensionable terms, and 918 are in the Kenya European Civil Service, or on a non-pensionable basis. Of that latter figure, 109 are in the Police. It is plainly necessary to proceed with caution in dealing with conditions in any section of a Service which it has taken such an effort to create as has been the case with the Kenya European Civil Service.

Three additional posts of veterinary officer have been provided in substitution for officers who have been released for military duties, but no increase in establishment is proposed as it is expected that vacancies will arise to absorb these officers.

So much for personal emoluments.

Ordinary departmental recurrent charges, the actual running costs of departments other than staff, amount to a total of £595,000, or 20 per cent of the total expenditure. All these costs have increased by some £57,000 in these Estimates. I think when regard is had to the increase in the cost of materials and other services, an increase of slightly over 10 per cent in these charges can hardly be regarded as the subject of criticism. The total of departmental operating charges, that is the staff and other costs, amounts to about £1,700,000 and includes an increase in 1942 of £90,000.

I have emphasized in previous budget debates that these are the figures that need watching, and these figures have been watched. I suggest that any firm in Kenya to-day which proposes to provide the same services for a larger number of customers at an increase in cost over the past year of not more than 5 per cent would be regarded as quite an economically managed business, the

[Mr. Lockhart] sort of business of which the managing director and the board might well expect to have conveyed the congratulation of the shareholders at the annual meeting. (Laughter.)

I should like to dwell a little longer on this rather important subject, and I would refer hon. members to some of the figures which will be found on page 3 of the Financial Report and Statement for the year 1940 which is before them. Comparison is given there between actual expenditure in 1937 and actual expenditure in 1940, and it will be seen that the total of 1940 has increased over 1937 by about £500,000, which is a formidable figure. But it will be further seen that £483,000 of that increase is accounted for by a small group of items. There was the contribution to naval and military expenditure and the cost of the Kenya Air Unit, civil defence measures necessitated by the war, civil aviation, recoverable expenditure on Abyssinian refugees and from Colonial Development Fund and Parliamentary grants, the transfer to the forestry replanting fund, and £200,000 of the 1940 surplus, and finally the increase under public debt, pensions and gratuities.

When the increases under these items are eliminated the remaining expenditure of the Colony went up by only £15,000 between 1937 and 1940, and I suggest that this shows there has been no tendency to allow departmental expenditure to get out of hand during the war. No such tendency appears in the Estimates for 1942, and I venture to express the hope that when they return from the Standing Finance Committee they will be in an equally sound condition. So far during the war our revenue has been buoyant, and it is quite conceivable that that will continue so, but I suggest that it will be unfortunate if this state of affairs is allowed to lead to an expansion in our departmental services to a scale that we might not be able to sustain when the war is over. Some expansion is quite healthy and quite necessary, and there is no reason whatever to suppose that the prosperity of the country after the war will not enable improvements to be made in all our social and economic services. All I suggest is that we should

look to the future and to proceed with moderation until that future is a little clearer than it is to-day.

Extraordinary and war expenditure is £390,000, or 13 per cent of our total expenditure, and shows an increase of no less than £128,000. This is mainly under Public Works, but a comparatively substantial provision has been made under Veterinary for a tsetse fly survey, for tsetse fly control measures in Sabukia-Solai, and Makueni-Kikuuni areas, and for the anti-beef measles unit. Provision is also made for a further contribution of £10,600 to the forestry replanting fund which, added to the 1940 and 1941 figures, should give us a figure at the end of 1942 of no less than £50,000. Under Public Works there is provision for £30,000 for native housing, £48,000 to continue the road programme, and about £15,000 under water supplies. The total under this head is £122,600, and this requires to be viewed not only in terms of money but in terms of manpower and material.

War Expenditure Civil again shows an increase of about £15,000 despite reductions it has been possible to make in air raid precautions and certain other items. The cost of the auxiliary police force and of internees has gone up, and so has the cost of special war time measures it has been necessary to take under import control and other Supply Board activities. These last figures are not very formidable, and I am doubtful whether they have gone far enough. It must be obvious that the State will have to play an increasingly important part in obtaining supplies for the civil community, and it is essential that these matters should be handled by an adequate and competent staff. I visualize also that closer attention will have to be paid to matters of price control, and the public cannot be given the assurance they are entitled to expect that their interests in this important matter are being safeguarded unless the department concerned is given adequate machinery with which to do the work. The more intensified import control which, with general assent, is now being applied, calls for more detailed examination of licence applications and indents, and merchants are also entitled to expect



[Mr. Lockhart] prompt service there, which can only be done by a trained and adequate staff. I think hon. members will agree that efficiency here is worth paying for.

As anyone can see for himself, if he cares to look at the shops, the supply position in Kenya at the end of over two years of war can be regarded as highly satisfactory, but there are shortages in those materials which are needed in the prosecution of the war. I refer to iron and steel, machinery, tyres and tubes, and it would be wrong that there should not be these shortages because it shows that the materials and the man-power and shipping are being utilized in making implements of war in the United States and Great Britain, and the more of those that are made the sooner we shall get back to a free supply of all commodities. All that can be done here to deal with the situation has been done and, in fact, essential needs so far have been met. An Iron and Steel Control and an Overseas Purchasing Department has been set up and is functioning, and a control over tyres and tubes for motor vehicles is being instituted which, when it comes into operation, will I think ensure that all priority requirements for essential services are met.

No improvement in the position, I am afraid, can be looked for in the future. I can only say it is being closely watched. There is, of course, no substance whatever in attributing any shortage of essential materials to the exercise of imports control. That control applies to non-essentials only. In regard to imported articles in free supply in the country of production, if it is a sterling country no quantitative control has yet been applied on a quota basis. Imports from the United Kingdom are subject to restriction and in certain cases to quotas, and the quota is operated in conjunction with the Ministry of Food. But I should like to say here that, in the case of an import such as liquor, it is not drawn from the United Kingdom in unlimited quantities as is sometimes stated, but in accordance with a quota approved by responsible authorities in the United Kingdom, and if they choose to say we can have no more there will be no complaint forthcoming so far as

Kenya is concerned. There is a restriction on imports from sterling sources which is being applied in a modified way by confining licences to pre-war importers, and the work of consolidating this on a more regular basis is now under consideration.

To those who advocate, and I know there are many, more heroic measures in the way of import restrictions, I can only say that the Supply Board has proceeded step by step in applying restrictions in accordance with what was conceived to be the necessities of the time and the policy laid down by the responsible authorities in the United Kingdom, and when any more stringent measures are called for there will be no hesitation in adopting them. This is a matter in which the individual can play his part, as indeed is being constantly pressed on him, so I will not repeat it here, and I should like to say too, that we are receiving considerable assistance in this matter from the Press. I can say that that advocacy might be more impressive if we were not required to carry newsprint all the way from North America in order to have urged upon us the purchase of somebody's sparkling wines or be reassured as to the resistant qualities of some make of lipstick. (Laughter.)

To summarize expenditure. An increase is proposed of £270,000 which consists of £57,000 for what are virtually unavoidable commitments; £90,000 as an addition to departmental expenditure which is equivalent to 5½ per cent on that expenditure and includes provision for increased services on a modest scale under Agriculture, Education, Medical and Veterinary; and £128,000 under capital, extraordinary, and war expenditure. The total expenditure is £3,034,667, and the surplus revenue over that figure leaves the narrow margin of £1,414.

It would not surprise me if the proposals in these Estimates are criticized on the ground that they are conventional and unimaginative, and no doubt they are if by that is meant that the increase in direct taxation has been applied only to those individuals who will still be left with an income sufficient for all the essentials of a civilized life, and if in-

[Mr. Lockhart] direct taxation has been applied only to those articles the use of which can be curtailed or discontinued by a measure of personal sacrifice of which no one can have the hardihood to complain. I suggest furthermore to hon. members that the Revenue Estimates are compiled on sound and conservative lines, that the Expenditure Estimates make provision on a reasonable scale for maintaining all the Colony's essential services, that the capital expenditure is constructive, and that it makes as heavy a demand on materials and man-power as we are justified in approving in present circumstances.

Broadly speaking, this budget seems to carry out those economic principles and those conceptions of social justice which form the basis of the war time financial policy of the Colonial Empire, and it is as fulfilling that policy that I submit and commend these Estimates to the consideration of hon. members of the Council.

MR. HARRAGIN seconded.

The debate was adjourned.

#### STANDING FINANCE COMMITTEE APPOINTMENT OF

**HIS EXCELLENCY:** As I stated that we would resume the debate on the proposal to reconstitute the Standing Finance Committee immediately after the interval, the debate is resumed.

MR. KASIM moved that the motion be amended by the substitution of the name of the hon. Isher Dass (Central Area) for that of Mr. Pandya.

MR. PANDYA: Your Excellency, I beg to second. I would not have been in order in moving this amendment since I had already spoken on the original motion. In view of the fact that I intend leaving the country at the beginning of next year, I think this is a good opportunity to make a permanent change in the personnel of the Standing Finance Committee. I therefore second the amendment, which is agreed to unanimously by the Indian members.

The question was put and carried.

The question of the motion as amended was put and carried.

#### DRAFT ESTIMATES FOR 1942 REFERENCE TO STANDING FINANCE COMMITTEE

The debate was resumed.

**LORD FRANCIS SCOTT:** Sir, it always falls to my lot to have the very difficult task of going in first to face the bowling of my hon. friend opposite, but as I found that none of my colleagues had got their pads on I felt I had to go in, although I have only one pad on, probably on the wrong leg! However, I will say this. The speech we have heard from the hon. mover is straightforward, good-length stuff, no googlies or anything of the sort, with the exception that some income tax payers may consider there was a bit of bodyline in it. Otherwise it was perfectly straightforward bowling.

On this subject I should like to say this. I think it a tragedy that at the present stage of this country, when our position as a supply depot is becoming more and more important, we should be having the Chairman of our Supply Board taken away from us and sent to the other end of Africa. (Hear, hear.) Those who have had the privilege of working with the hon. Financial Secretary during the last few years know that though his bark at times may be a bit snappy, in fact he has thrown his whole heart and soul into the welfare of this country, and I do hope that even at this eleventh hour wiser counsels may prevail and we may still have him here moving the Estimates this time next year. (Applause.)

To come to the Estimates before us, I think we have got to consider them from one point, and one point only, and that is: how do they affect our war effort? Nothing else to-day matters, Sir. We are engaged in the greatest war the world has ever known, far greater than the last great war, and at present the fate of nations is hanging in the balance. I think we are all perfectly confident that we are going to win, but to achieve that victory on which the fate of our Empire depends every possible sacrifice has got to be made and we have got to go through much more difficult times and we have got to devote everything we possibly can both as a community at

[Lord Francis Scott]

large and as individuals to the prosecution of that one object, to win the war. Then we have got to ask ourselves: What have we done in this respect and what can we do?

Sir, let us cast our minds back a year when we were debating these Estimates last year. What was the position then? Only a few months had elapsed since the collapse of France, Great Britain and our fellow countrymen there had been through that terrific bombing from the air and they had won the battle of Britain. Our fellow countrymen and women and children had shown that magnificent stuff they were made of, and how they had stood up to that devastating bombing which they had to undergo. At this time last year General Sir Archibald Wavell made his spectacular advance to Benghazi, and the Greeks were having the better of their fight with Italy. We ourselves had not then started on our campaign which, under the brilliant leadership of Sir Alan Cunningham, resulted in one of the most remarkable feats ever achieved in that a numerically vastly inferior force, with material much less good than the enemy's, took the offensive the whole time and drove the enemy from pillar to post without ever allowing them to consolidate themselves until we annihilated the whole army. Now, to-day, the last stage in that campaign is taking place around Gondar.

Shortly afterwards the tide turned. Germany, with the connivance of the various countries in the Balkans, was able to take the offensive in Greece. We, rightly or wrongly, denuded our forces in North Africa to go to the help of the Greeks, and they got driven out, first from Greece and then from Crete. At the same time we lost those gains we had made in Cyrenaica, and only in the last few days we have once more taken the offensive there, and at the present moment we are engaged in the greatest battle which our troops have had to fight during this war. However, we did take the initiative, at least in a few places, with the result that to-day Iraq, Syria, Iran, are all safely protected from the influx of the enemy. Then, on the top of that, came the Germans' great attack on

Russia, involving the employment of troops in millions such as has never been known before in the history of the world. That great continuous battle over an enormous frontage goes on day by day, the losses are colossal, and one must admire the way in which Germany has brought her troops up and supplied them and kept them going in that contest, while our admiration for the resistance put up by the Russians is unbounded. Further troubles seem to be looming up in the Far East, and on the other side of the picture America to-day is committed pretty wholeheartedly to our side.

That is the position all over the world, and we here in this country play a very small part of necessity in that big world picture. But we have got a part to play, and we have got to see how we can best play it. There is no question but that on the military side the people of Kenya have proved themselves. The native troops have been splendidly led by their officers and non-commissioned officers, and have proved themselves good fighters. I can assure this Council that I have personally heard from various commanding officers how extremely good our Kenya lads have been in their battalions. (Applause.) One commanding officer told me the other day that all his four company commanders were Kenya settlers, and he could never ask for four better company commanders.

We have done all we could on that side. The proportion of our man power which has joined the Army is very high, probably too high. Those who have been left behind have been working double time and doing all they can to keep production going, and so on. What can we do in the future on the civil side, and how does that affect this budget which we are now discussing? It is quite obvious that the big question facing us to-day is the question of supplies and shipping. The further this war spreads so do the difficulties of shipping increase. We are geographically placed so that we can send supplies to the Near East where battles are going on to-day and where even greater battles may take place in the future. We are geographically well placed to send supplies by shorter journeys by ships than would come from

82 Draft Estimates, 1942

[Lord Francis Scott]

other parts of the world, and I understand that as a result of a visit made recently by representatives from this country that the Mid East people do want to take all the produce which we can produce which is required for their troops and for other purposes in those countries.

If we are going to help in production and to send those supplies, we must not be stopped from doing so in any way by lack of finance. For instance, I am told that they require a considerable amount of maize in the Near East. If that is so, we know that we can produce maize in this country, but we cannot ask the growers to produce that maize unless they are going to be given a price which is going to cover the costs of production. Farmers are not asking for big profits, but they do ask to be given a sufficient price to cover the costs of production, and I do not know what price they are prepared to offer in the Mid East. It may be it will be such a price as will pay a reasonable figure to the grower but, if not, some of our surplus balance should be used to subsidize the farmers up to a reasonable figure.

This is no time to stick to orthodoxy. We have got to see how we can help this production which is necessary, and we must see that it is not stopped in any way by lack of finance. It is no good arguing at the present moment on the theoretical side of whether subsidies are right or wrong. If they want the maize, if it is decided to ask people to grow maize, then those people must be guaranteed a reasonable price. And, what is more, that must be done at once. Unless farmers are told within the next week or so what is required it will be too late because they will not be able to get their land ready.

The fact is that, as far as maize is concerned, the acreage is being enormously decreased of recent years because the price has been such a bad one. I myself some years ago had 800 acres under maize. That particular year I produced over 9,000 bags and lost half a crown on each bag, and so to-day I have 60 acres under maize which I am only growing for my own requirements. If I am wanted to grow more I can do so, but it is not right or fair to ask an

individual farmer to grow any crop at such a low price that he is going to lose by it and the individual should be put in the position to be subsidizing instead of the general community from whom so much money is being taken.

There are other things in connexion with this where money may have to be spent. One thing in particular is storage. With the difficulty of not knowing when ships are coming and how you can get your stuff away, it is very essential that whatever is to be shipped should be ready to be sent off, and to do that you must have storage. I suggest that we should be prepared to spend any money which may be considered necessary to provide that storage. Again, machinery for agriculture. The ordinary individual probably cannot afford to buy extra machinery, but they must not be prevented from providing the supplies which are necessary for lack of that machinery. It is therefore up to Government to purchase the machinery and then see how it can best be used for the purpose of providing those supplies for the war effort.

With all these matters in front of us, and of course there are many others beside the ones I have mentioned, I personally—and I am supported by most hon. members on this side—am opposed to the present proposal to lend free of interest half a million pounds to the home Government. I do not say that I am opposed to it altogether for ever, but what I do suggest is that the money should be kept in our surplus balance for the next few months until we see how the position is and what we require here to put our own house in order to enable us to pull our maximum weight. That half a million pounds, which, of course, is a very small thing compared to what the total expenditure has been on the war, would be just as useful to the home Government six months hence as it is to-day. On the other hand, it has been impressed on us very strongly by Lord Moynce, the Secretary of State, in his circular despatch of last June, that the first thing all the colonies have got to do is to put their own house in order to see that they are not a burden on the home people, and that they must use their moneys for what is required in those countries. I suggest that we must

[Lord Francis Scott]

do that first. If, having done that and found that we still have a considerable surplus left, then the next best way is as proposed, to lend the money to the home Government free of interest so that it will be available for us after the war for purposes of further reconstruction in this country.

In August, 1940, speaking in this Council, I advocated that there should be a separate war account kept. The hon. Financial Secretary did not agree with that, and I do not wish to press that point provided that the people do realize how the money which is being taken out of their pockets by taxation is being spent. There is no doubt, I think, that everybody in this country wants to do the utmost they can. They are quite prepared to shoulder this increased taxation which, as the hon. Financial Secretary pointed out, compares very favourably with any other part of the Colonial Empire. They are quite prepared to stand that burden if they are satisfied that the money is being used in the proper way for the prosecution of the war or any other matters which are helping towards the prosecution of the war.

I think everybody agrees with the extra tax on non-essentials. Quite frankly, what have we had to put up with in this country so far? The other day I must say that the horrors of war were brought home to me when I was told that no more imported toothpicks were available, and that is about the greatest sacrifice I have come across so far. (Laughter.) A great many others feel like I do, that we really have made no sacrifice at all here, with one exception: one part of the community, that is the people on the farms. They are people who do not go in for luxuries, they are shouldering added burdens to whatever they do in peace time. Men and women are looking after about three times as much as they do normally. They have all the difficulties of dealing with recalcitrant labour, and the difficulties of being unable to get necessary spares for essential machinery on their farms. They certainly are feeling the difficulties.

But those of us who are living a normal life here so far, I submit, have suffered in no way whatsoever. I do feel

that many of us would like to feel we were doing a bit more, but it is not so. It is very difficult to know how one can. One can cut out a few drinks, those who smoke can smoke less, ladies can order fewer clothes, and so on, but it is all very small, and there is not very much one can do. But I do feel we can help on this side and produce more to help the supplies of those areas which are not very far from us, and by so doing we can help in the shipping space, which is the most important matter in the war effort at the present time, however you look at it.

The question of native taxation has come up. Many people feel that the natives, who have played their part very well—so far as the military side is concerned they have done well, and in many other directions—have in fact made more money during this war than probably they ever had before. There is more money circulating in the reserves, and it is felt they should contribute to the general war effort by some extra taxation. Some people fear that if they were taxed any more, it might mean a rise in the labour standards, but, of course, that is a very illogical argument. The fact of a native having one shilling a year or more to pay in taxation is hardly justification for a shilling a month more in wages. My suggestion is that there should be a special war tax for these natives. I do not advocate increasing the ordinary hut and poll tax from Sh. 12 to Sh. 13, but a completely separate tax, a war tax, say about one shilling as poll tax. I should advocate that the money collected from that tax should be put in a special fund, and in the same way as I have advocated that the half a million which has been earmarked to be lent to the home Government should be used in the meantime for any expenditure which we find it necessary for the prosecution of the war, in the same way I consider that money should be taken from this particular fund for the purpose of doing certain works for the natives which in spite of the war are very necessary.

I am referring to certain medical requirements. I am told that there is a bad incidence of increase in consumption among the natives, and there may be other requirements of a hospitalisation

[Lord Francis Scott]

type and, of course, improved housing. All these things require money, and though these things are very necessary and they cannot be called a direct war effort indirectly, of course, if you improve the health of the people you are helping the war effort. At the same time, I do not think that you can justly ask the non-native population who are contributing such an enormously increased amount to the general revenues, to be asked out of those increases to finance these sort of projects, whereas if you had a poll tax on natives of the sort I suggest we should get a considerable sum of money which could be used very advantageously for the natives. If afterwards, when we have done what was wanted for them, there still remains a considerable surplus, I suggest that could be lent to the home Government in the same way free of interest, so that we should again have a nucleus of money which could be used advantageously after the war for native betterment in the various reserves.

Part of our war effort is, of course, internal security. As you know, the K.D.F. has recently been reorganized on what is considered a sound and more practical basis, and that is going to give added work to many people who are already doing a full time job in civil life. But another part of internal security is our local police, and people do feel that the time has come when we have got to be prepared to spend considerable sums of money in putting our Police Force on a proper footing. We have got to have a contented force and reasonably good terms of service. I see there is a slight suggestion of improvement in the budget we have before us. But I do suggest that when the new Commissioner of Police has had time to go all over the country and get a proper appreciation of the situation of his force, when he has done that and if he puts up definite proposals to Government which may entail a certain amount of expenditure of money, but which will lead to a more contented and therefore more efficient force, his recommendations should be very favourably considered. Apart from that, money will have to be spent on better housing.

I was saying just now that increased production for the purpose of supplies to the forces must not be hindered in any way by lack of money. I should like further to say it must not be handicapped in any way by lack of labour. We have all heard recently that the labour situation of the country is not too satisfactory. I know Government have taken steps to put this right and I know that certain Administrative Officers have also done their best to help, but it must be laid down as a principle that production must not be impeded for lack of labour. Of course, it pre-supposes reasonably good conditions for the natives on farms, but I do not agree with those who say you must increase the wages to get more labour and better work.

Unfortunately, the native has not yet learnt that by better work he will get better pay. I am quite certain that the majority of the farmers of the country would willingly pay better wages if they could get better work, but up to date that has not proved to be the case. Perhaps in years to come it may be. One does know that if you let the natives do their work by the hour they will very likely work from 7 to 3 or something of the sort doing the job, whereas if you give them piece work they will probably finish in half the time. They can do much better work if one can persuade them to do so, and the only way one can get a better return for one's money is by a system of piece work. I do trust that that principle will be accepted, that our job of producing more to help save space and so to help the shipping shall not be impeded by lack of labour.

Turning to the budget, I am delighted to see that money is put in for soil conservation. If we are to produce more we must conserve the soil on which those products are to be produced from, and I trust that if the personnel can be obtained no limitations will be put on the financial side to prevent what is necessary to be done so as to preserve one of the great assets of this country.

Similarly, if we are going to move produce we must have good roads on which to move it. I know there is a nice voice in the budget for the improvement

[Lord Francis Scott]  
of roads, and I know the programme which is being thought out, and I do trust that again lack of money will not stop that programme being pursued as far as it is possible to do so. Don't let us be tied down only to the labour of Italian prisoners of war. Use them by all means as much as possible, but where we cannot, I hope the hon. Director of Public Works will be able to employ as many natives as it is possible to get on this work and put our roads in good order. One gets a little sad on picking up a hook of anyone who has travelled through this part of the world when every time we see the same remark: "Then we came to the awful roads in Kenya." It is more difficult here to keep up roads than in Uganda, and probably the Congo, but I do feel the time has come when with modern traffic we must have proper roads which can carry that traffic, and it will certainly be economic in the long run because of the saving in wear and tear and in other respects.

Another good move is this reforestation fund. I understand that the Conservator of Forests is unable to do what he would like to do for lack of personnel, which is unfortunate, but still he has the money there and if he can get the personnel he can get on.

One thing I feel is fundamental if we are going to have better labour, and therefore better work, on the farms and so on, is that every effort should be made to eradicate the various worm diseases in the native. That seems to me to be at the bottom of a great deal of our troubles.

Perhaps the almost most important thing from the ordinary point of view of the Colony is our water supply. In Africa, water is everything. We have here a reasonably high rainfall, and a lot of water from that rainfall falls on the earth but most of it gets wasted and lost. In Europe we are accustomed to seeing a river start as a small stream, get bigger and bigger, until a large river flows into the sea. Here we start with a reasonably big stream which gets smaller and smaller by evaporation and faults in the bed of the river until little is left at all. I personally believe the only effective way of making the best use of

these water supplies is by a system of piping, probably in conjunction with big dams and reservoirs. I realize that piping cannot be got at the present time, and therefore it is no good thinking of any large piping scheme while the war is on, but I do suggest that we should do all we can to have surveys made of the water supplies all over the country, so that when the war does come to an end and when we can get piping once more we shall be ready to start in the right way on a comprehensive scheme of making our water supplies go very much further than they do at the present moment.

Another point on which my colleagues feel very strongly is the question of compulsory education. You may very well say that that is a social service and has nothing to do with the war and therefore cannot be considered at the present time. It may also be argued that we have done without it all these years, and therefore why support it at this moment. My colleagues feel very strongly on this and feel that the time has now come when we cannot afford to go on risking having a poor white uneducated community growing up in this country. I know my hon. friend the Director of Education feels very keenly on this matter, and I believe he is of the opinion that the increased cost would not be very much, but the general idea would be to have compulsory education for all European children and compulsory education for Indian boys in certain big townships but not all over the country. I understand that is the general view.

I have touched on a good many things which I feel are of great importance to the country at the present time, and there is one last thing which I should like to speak about.

Some years ago we had a gentleman called Pim come out here and he made a report on the reorganization of the Government machinery and so on, and general proposals were made to effect a greater decentralization and to stop the bottlenecks which seem to be blocking up Government work. I feel that those recommendations have not borne the fruit hoped for. Many of us feel that there is still far too much centralization. I remember many years ago when I was

[Lord Francis Scott]  
on the staff of the Viceroy of India the system there was quite different to what it is here. There was no Secretariat. Each department had a secretary in that department who had access to the Viceroy whom he saw once a week, and certain departments were grouped together under an executive councillor, I think about half a dozen. He also had access to the Viceroy.

Here it seems that everything has to go through the Secretariat and through one bottleneck which prevents expedition in the executive Government services. It does seem to me that if you have highly paid officers, heads of departments, provincial commissioners and so on, either they are not fit to hold those jobs or, if they are, they should be given more latitude in the carrying out of their duties in their department or province. Certainly they have got to be subject financially to the approval of the Standing Finance Committee. But within those limits I do suggest that they should be able to do a bit more without having so much referred to the Secretariat which, as a result, is frightfully overworked and has great difficulty in getting through all they have to do.

Another point in connexion with that is that when people are getting senior in the Service they should be promoted on merit and not just automatically.

I have not dealt with any details in this budget which I hope will be dealt with in Standing Finance Committee. Such matters as a doctor for Naivasha I hope the hon. member Dr. Wilson will look after in that committee, and other matters of that sort. What I have tried to do is this: we have got to look at everything in these days from the point of view of whether or not it is going to help us win this war, even if it is only a very small part in comparison to what is going on elsewhere. I feel that the time for rigid orthodoxy has gone and that we must treat everything on its merits as it stands, not to think whether the Secretary of State will agree or not, but to get on with the job and do everything we can to see that other people get on with the job, so that in our small way—it may be small compared to other parts of the world—in our own small

way we can do the utmost which is possible for us in this country to help on the general effort which is being so gallantly done by all parts of our great far-flung Empire.

MR. PANDYA: Your Excellency, I had hoped that some other hon. members would have stood up to speak this morning but everyone seems to wish to reserve their arguments until others have spoken. I was particularly anxious not to speak until to-morrow morning, because it will not be possible for me to complete my speech to-day before Council adjourns. Anyhow, as it appears that other members are not ready, I will speak now.

In these Estimates we have before us there is a new principle in Government finance. Additional taxation is generally imposed, in the general terms of Government finance, for the purpose of providing funds for increasing social services or for unavoidable expenditure. That again is subject to the capacity of the country as a whole to bear that extra burden. These principles have been scattered to the wind in connexion with these Estimates, and we have before us two new principles on which the Estimates are based: one, that it proposes to impose additional taxation in order to deprive taxpayers of the surplus amount of money they may have so that they may not spend it in buying unessential articles and also that they may not cause inflation by paying high prices for land or other investments; and two, that it is proposed to finance this war as far as possible from taxation.

These are quite necessary principles to-day in view of the extraordinary circumstances created by the war. But in the particular application of these principles to Kenya, there are somewhat different circumstances which should be taken into consideration. In a recent dispatch from the Secretary of State for the Colonies, we have been asked or it is suggested to us that the surplus balances which are created as a result of this additional taxation need not be paid as a free gift to the Imperial Government, but it is suggested that instead we might make a grant free of interest to the Imperial Government for whatever surplus we may possess and it is

[Mr. Pandya] proposed that half a million could be so given to the Imperial Government. In this connexion I am in full sympathy with that proposal, but the noble lord, the hon. Member for Rift Valley, suggested that the European elected members are not in favour of making a free of interest grant to the Imperial Government. The reason suggested is that they may require this amount of money, or some portion of this surplus, for development schemes in this country.

That is exactly the point where there is a difference of opinion in regard to the disposal of surplus balances realized from war taxation. It is human nature to be liberal even in individual cases when pockets are full and funds are available—and more so invariably when the funds do not belong to us—it is human nature to be more liberal. In this connexion I would not say we have been liberal in providing money for things which are not essential, but I think it would be admitted all round that because of the fact that the financial circumstances are better in view of the additional taxation we are imposing during the war, there are certain schemes for which funds are made available which in ordinary circumstances we would not do. It is in this connexion that we have to bear in mind that heads of departments who have on many occasions tried in vain to get money, have now got something towards those schemes. We have also to bear in mind that we have in the Civil Service very experienced heads of departments who can make out a very convincing case on paper, and it is very difficult for members to oppose those schemes or not to provide the money, particularly when there are plenty of funds available.

That is exactly the danger. I should personally like to go further. I would much prefer a separate account to be kept of the revenue derived from the additional taxation imposed and after paying for the war services and civil expenditure the amount so saved should be earmarked for giving a free of interest grant to the Imperial Government. I would say this. I believe people are of the opinion in this country that whatever sacrifices the taxpayers are called

upon to make though to-day perhaps not in terms of hardship, but in terms of money for the purposes of the war should be used only for that particular purpose, and that ordinarily it should not be spent on schemes which would not otherwise have been agreed to or on any schemes of production for which finance would be available in the ordinary circumstances and where perhaps the profits would go into private pockets.

Having sounded this warning in connexion with the spending of the amount realized from additional taxation, I shall certainly support the proposals for additional taxation which are before us in these Estimates. They are based on the fair and just principle of capacity to pay, and as such should be generally agreed to by everybody. In this connexion there is one point to which I should like to draw the attention of Government: that it has been suggested in a recent dispatch by the Secretary of State that whatever the circumstances and conditions the standard of living of the poorer sections of the community should not only be maintained but even, if necessary, raised. This is one of the principal issues, and Government should bear this in mind. I very much appreciate that in the proposals which are before us in connexion with additional taxation, as Your Excellency mentioned in your speech from the chair, the people who are on a lower scale of income have been given relief from additional taxation. That is done by Government in order to meet to a certain extent criticisms in connexion with the standard of living. But, while that is so, it has been generally agreed that the cost of living in this country has gone up, I should say by approximately 30 per cent, although some people would put it at a lower figure and others at a higher figure. I consider that 30 per cent is a reasonable figure.

In view of the fact that the Secretary of State has suggested that the standard of living should not be lowered, and recently the Under Secretary of State in a speech in the House of Commons reiterated that very principle, I think it would be fair if Government made some inquiry into the question as to how the

[Mr. Pandya] cost of living of the poorer sections of the community is affected by the increase in the customs duties and the increases in the prices of essential articles. I entirely agree with the view that there should be no attempt to increase the standard of wages all round, which would help to inflate currency or cause inflation and create a vicious circle. But there is a case for consideration of people who are on a lower scale of salary; as an instance, clerks in Government employment and on the Railway who are on a low scale and whose cost of living has been increased. These are the people who deserve sympathy and some consideration, and I hope something will be done in this matter.

I should like to associate myself with the noble lord when he paid a very deserved tribute to the hon. Financial Secretary whom it is hoped we shall not lose permanently. I have worked with the hon. gentleman on many occasions on many committees, and I should like to say that while he is a strong man, and whenever you happen to be on the opposite side he can hit very hard, at the same time his sense of justice, his conscientiousness, his experience, and his charming manners are such that everybody who came in contact with him are always inclined to praise him. We shall be sorry to lose him if we are to lose him at all, and I join in the hope of the noble lord that he will be back in this country in a short time.

I should like now to refer to the question of price control, which has been mentioned by the hon. Financial Secretary. The department comes under him, and he is familiar with all the points, but I do not propose in any way to suggest he is responsible personally for what is happening. There is a good deal of complaint in connexion with the administration of the Price Control Department, and I must say that in my opinion the department or those in charge of it seems to have lost touch with the realities. Traders generally agree that some sort of price control is essential in the interests of the consuming public, and it would be true to say that from the very beginning the trading community has co-operated with the price control

system, but as time went on that co-operation was discouraged, autocratic means, methods and systems were adopted, and the department was organized on lines of the C.I.D. model, not Gestapo, which created a great deal of hardship for the trading community. Prosecutions have many times been undertaken without proper investigation, and it has led to increasing hardships on the trading community. They have had to fill in innumerable forms and to give particulars about basic prices, turning it into a sort of persecution. I would not like to enlarge on the subject to-day in view of the fact that I am going to take a long time in my speech on another subject, but I will say this: that we have, as far as I am concerned, no sympathy with the people who try to take advantage of present circumstances and make illegal profits. At the same time, our complaint is against the autocratic spirit and unsympathetic administration of price control which inflicts unnecessary hardship on the trading community.

I will now refer briefly to the question of imports control, which was mentioned by the hon. Financial Secretary.

There is no difference of opinion on the principle of control, if it is necessary in the interests of the war effort; even if it creates difficulties and hardships we have got to bear it. We all realize that, and agree in principle that some sort of import control is necessary in regard to articles which are in short supply and also in regard to items of unessentials which are classed as luxuries, but the Government policy in this matter is not yet quite clear, and the hon. member has suggested that it is under consideration.

There is one thing, I should like to draw attention to: that while in principle we agree that import control is necessary for certain things, there is no such need for strict control in regard to articles which are in free supply in India and South Africa. Some of these articles are controlled in those countries. As an instance, iron and steel is prohibited for export from India, and recently there has been a certain restriction on exports of foodstuffs. In addition, shipments are

[Mr. Pandya] to a certain extent subject to shipping space available from those countries. Therefore there is some amount of restriction even in regard to goods supposed to be in free supply. Proposals are still under consideration, and no doubt any objections will be favourably considered, but I should like to make it clear that if it is proposed that the number of importers should be restricted to the number of pre-war importers it will be difficult for people who have started business during the war, and I should like to say that as far as the Indian community is concerned we are opposed to those things, which are not in the interests of the war effort, and we will not accept the introduction of those pet schemes intended to harm Indian interests which were advocated during peace time but are now being pushed forward under the guise of defence measures. I hope Government will consider the objections which the trading community have raised against them.

MR. LOCKHART: On a matter of explanation, is the hon. member referring to the panel of importers proposal or some other proposal?

MR. PANDYA: I am referring in general terms to the panel of importers as well as the proposals to restrict the number of importers. While in entire agreement with the system by which the import of articles not in free supply is controlled it is not necessary to extend the same control over articles in free supply.

I wish now to refer briefly to the question of roads at the coast. This question of communications at the coast has been raised by us in this Council in almost every year's budget debate, but so far we have not been able to get an improvement in the road system. Members of Legislative Council representing the coastal areas at their meeting on 22nd August decided to move a motion in this Council to the effect that neglect by Government to improve essential communication at the coast has seriously hampered the development of that area, and that immediate steps be taken to establish a road system to restore to the coast some of the prosperity

it had previously enjoyed. In view of the fact that we can raise this issue in the budget debate, we are not going to move the motion, but it is suggested that if the Government reply is unsatisfactory we reserve the right to move the motion at a later stage.

The condition of the roads at the coast, even the roads supposed to be the main system between Mombasa and Voi are particularly bad. The Mombasa-Tanga road, which is also the main road system on the southern side, is particularly from the Kenya end very bad indeed, and there are patches which it is difficult even in the short rains to get through. This applies to the supposed good roads on the coast. I raised the question at the Standing Finance Committee when the hon. Director of Public Works was requested to submit a comprehensive scheme of the road systems and the expenditure involved in regard to the roads at the coast. I hope the hon. Director is in a position to give us some information on this question, and at the same time I would suggest that he gives some sort of figure as to the cost involved in getting an all-weather road system at the coast, so that we may have some idea of the cost involved.

The question of the coast roads having become so acute and complaints having been received by the Mombasa Chamber of Commerce, that body appointed a committee to go into the question. The committee reported on the 4th November, and they observe in their report:

"We are informed that none of the coast roads are deemed to have come under Class I category and in consequence do not receive Class I allowance for maintenance and repair, and that the present allowances do not permit the Public Works Department to keep the coast roads in sufficiently good order to prevent them being closed during the rainy season. It seems therefore that it is of the first importance to convince Government that coast roads are of the highest importance in the general development of the Colony, and certain of them should come at least under the heading of Class I and receive the maximum amount allowed for maintenance

[Mr. Pandya] and repair from the central revenue fund."

The feeling at the coast is not confined to the people using those tracks in the districts, but commercial people have also complained to the Mombasa Chamber of Commerce about bad roads. The district roads are in a very bad way, they are only tracks, and they have to be closed during the rainy season. The hardships involved when the roads are closed are very many. These have been represented to the Director of Public Works many times. It has happened also in certain instances that people living in a district have not been able even to get to the hospital when they are sick, and permission to go over the roads has been refused.

When complaints are made the answer generally given is "scarcity of funds". The Director of Public Works is a very obliging person, usually very polite, and answers in a way most pleasant, but that does not help us. (Laughter.) When it comes to the question of scarcity of funds, he passes the baby to the hon. Financial Secretary. Therefore, as suggested by the committee of Mombasa Chamber of Commerce, it is a question to be considered by Government as to whether they would not be justified in providing more funds to give an all-weather road system, and for the time being a larger amount of money for repairs; and I hope that will be sympathetically considered.

Another point in this connexion which I should like to raise is the question of Nyali Bridge at the coast. This bridge belongs to a private company and connects the island with the mainland on the Malindi side, a very productive area on the coast. The toll levied is Sh. 8 per lorry return, which is bearing heavily on the producer at the coast. I suggest that Government should consider the question of acquiring this bridge. I understand that the lease will expire shortly, and an opportunity will be afforded Government then to consider the question. One of the conditions in the lease is that Government could acquire it from the company at cost plus 10 per cent. The estimated cost was £70,000, but I am not quite sure of that.

I hope this point will be considered when it comes before Government. We would much prefer to see this bridge as part of the road system so that this toll can be done away with. That would be only an extension of the principle agreed to when the ferries were made free, and we should acquire the bridge so that the whole of the road system on that side can be improved.

I am now coming to the matter of the harassments and hardships inflicted on the poorer section of the Indian community in connexion with the collection of the personal tax at Mombasa. I shall be a little lengthy on this point because I have got to bring out facts to prove my contention that there is really harassment and hardship, and I hope hon. members will give me that indulgence which is necessary.

The question about these difficulties at the coast has been brought up in the last two or three years. The revenue officer has been behaving most arbitrarily during this time and complaints have been made from time to time by taxpayers to the Indian Association at Mombasa. The Indian Association has taken this question up with the revenue officer and the District Commissioner, who is in charge of the administration, but they have not been able to make any headway in trying to make conditions more satisfactory.

On my return from India in April of this year the Indian Association found themselves unable to do anything further in this matter. They therefore approached me and sent me a memorandum giving particulars of the hardships and harassments involved and asked me to bring this question to the notice of Government. But, as is usually my custom, I did not make representations to the head of the department until I found the people in charge had had the opportunity and had not taken it. I therefore did not make any representations to the central Government but sent a copy of the memorandum to the District Commissioner, who is in charge of the office. The District Commissioner arranged an interview in his presence between myself, the revenue officer, and the secretary of the Indian Association, and we discussed at very great length

[Mr. Pandya] many issues involved in that memorandum.

I was under the impression that things were satisfactorily settled and that matters were going smoothly. But subsequently the revenue officer again adopted his previous tactics of giving trouble to the people, and people again complained to the Indian Association. At that stage the Indian Association called a public meeting on the 10th August, when the question was discussed at very great length by various people who had suffered from those hardships. They went on the platform and gave their tale of the way they were harassed in connexion with the collection of the personal tax. It was then resolved that, in co-operation with the Indian elected members, representations should be made to Government with a view to devising means for a permanent solution of these difficulties.

In order that the representations be focussed on the issues which were bearing hardly on the community and which should be substantiated by facts and evidence, it was also resolved that a committee be appointed to investigate this question. The committee appointed by the Indian Association was the hon. A. B. Patel as chairman, Dr. Rana and Mr. H. H. Mody. They had many sittings, and interviewed people who gave evidence of the difficulties and hardships from which they were suffering. In order to give those particulars I will only read the points in the summary which the committee submitted to Government:—

1. Poor people and those who had no income were not exempted.

2. The revenue officer arbitrarily and without any reasonable ground calls upon taxpayers to pay Sh. 40, when they are liable to pay under the ordinance Sh. 20 and Sh. 60 in case of Sh. 40, even though the taxpayer produces evidence of his income by way of a certificate from his employer about his wages. This evidence is ignored and he is made to pay more than he should pay according to his income.

3. Several cases were brought to the notice of the committee of people who were served with summonses for non-payment of the tax when the tax in fact was already paid. There is an instance of a man who had already paid his tax being summoned, and having shown the receipt to the revenue officer explained his reasons of being unable to be present on due date. He was arrested, locked up and tax and penalty were collected though not due."

I will later read the affidavit of this man signed before the Registrar of the Supreme Court showing the glaring instance of injustice and high-handedness.

4. There are instances of people having been threatened by the collector of expulsion from the Colony if they did not pay the full tax. They borrowed from their friends and paid the tax. The Association could prove this from numbers of cases brought to their notice.

5. Tax was demanded from students over eighteen years and from old people who have no income and are maintained by others.

6. Penalty has been demanded from people who left the Colony in January and returned in April and paid their tax before due date.

7. There are instances where taxpayers paid Sh. 20 or Sh. 40 according to their income and yet receipts were issued showing such acceptance of tax as poverty tax.

8. Taxpayers in several cases were asked to produce their receipts for the past several years which the ordinance does not authorize.

9. Several complaints have been received by the Indian Association from taxpayers about the rude treatment and discourtesy shown to them by the revenue officer."

When this summary of complaints was ready, efforts were made to make representations to the Central Revenue Office or to the Commissioner of Inland Revenue in order that they could be discussed and some way found to

[Mr. Pandya] ameliorate conditions, but it was suggested that as the Mombasa office was under the Administration, the district commissioner being nominally in charge—although the second man, the revenue officer, is really responsible for creating the difficulties; he is seconded by the Central Revenue Office to Mombasa and the district commissioner is only nominally in charge and cannot intervene in the day to day working of this office—in view of the fact that as far as Government was concerned the Administration was in charge, it was suggested that representations be made to the Chief Secretary. The memorandum was therefore sent to the Chief Secretary on the 22nd September, 1941.

I do not blame the hon. Chief Secretary, because I am quite sure he has not had time yet to look into this question. No doubt he is responsible for so many things which come before him and, as suggested by the noble lord the hon. Member for Rift Valley, he is a bottleneck of the Secretariat and it has not been possible for him to give attention to this particular question so far. I will therefore not discuss the question as to the suggestions made by the Indian Association to meet the position, which no doubt the hon. Chief Secretary, when he has time to consider this matter, will sympathetically consider, but the points I am raising to-day are points of fact proved by the Indian Association, and I will confine my remarks to a discussion of the problem of the hardships.

In the first place, I think one may reasonably ask why this question has been raised in this way and in this pointed manner by the people at Mombasa. It may be pointed out that similar hardships have not been reported in other centres. I should therefore like to explain the peculiar conditions which are existing at Mombasa.

We have there a section of the Indian population who took up their domicile on the coast even prior to British occupation. They have lost touch with India and more or less are domiciled in Mombasa. Many of them are economically on the lower strata, and there are cases of low incomes and poverty and hardship peculiar to the conditions existing at

Mombasa, conditions which do not in that particular way apply to Indians settling in up-country districts. It is natural for the department to argue that this agitation has been got up by people who have so far escaped from the payment of taxation, and have now been caught in this net for payment of the tax by this particular officer. I should like to say that there is no truth in that, and would say for myself and the responsible members of the Indian community at Mombasa that we say plainly to our people that those who can afford the tax must pay it. At the same time, in view of special conditions prevailing at Mombasa, we have got to protect, and are bound to protect, the poorer people from harassment and hardship in the collection of this tax.

I will deal briefly with the points raised by the Indian Association.

The first point I should like to emphasize is that this summary of complaints is the result of a thorough investigation by a committee of which the hon. member Mr. Patel was chairman. In my opinion his standing, his legal experience, his training in sifting evidence should convince Government about the genuineness of these grievances. I am sorry he is not present in this Council to-day, otherwise he would have replied to any points raised by hon. members. This particular thing should be borne in mind in regard to these complaints: that they are not the complaints of irresponsible people but they have been carefully investigated by a committee of responsible citizens of Mombasa.

The first complaint is in connexion with the people who have no income, as an instance, boys of 18 years who are at school and aged people who are maintained by relatives from whom the tax is demanded. In this connexion I should like to refer to the definition of "total income" in the Ordinance. The Personal Tax Ordinance was passed in 1940, and the definition of "total income" has the meaning assigned to it in the Income Tax Ordinance, with certain reservations, but without analysing it further one finds that in the Income Tax Ordinance income derived from foreign sources is not counted for the purposes of taxation.

[Mr. Pandya]

while as far as the personal tax is concerned it is counted for the purpose of the tax whether received in the Colony or not. That is the difference between the two.

This particular definition has created a position of hardship or misunderstanding as far as some of the Indian taxpayers are concerned. In view of this definition of total income, the Inland Revenue Officer is no doubt quite in order in asking the question of an Indian taxpayer whether he happens to own a house or some property in India. As far as it is known, most Indians in this country have got a house in India and say "Yes". But in many cases it is a joint family property, and he has a right to live in it, but its rental value in my experience is practically nil, and I can say from my own experience and knowledge that I have seen in India houses given to people for occupation rent free for the sake of keeping it clean. If it is a question of a house having any rental value, from my own experience and knowledge I can say that as far as the rent is concerned it would not be more than Sh. 9 to Sh. 18 per annum, and the people who come before this officer for exemption are the type of people who have this sort of house.

If any officer was fair and just in regard to his treatment of people he would make inquiries and ascertain the facts just mentioned by me—and I must admit that the heads of department, Mr. Milstead and the Commissioner of Income Tax, have always acted in a just manner, but in this particular instance it happens that this officer is not of the type that I assume every Government officer ought to be and most are, and he has in his hands arbitrary powers which authorize him to create hardships for the taxpayers. Under section 14 of the Ordinance, he has got the power to assess the tax as he likes, and when a man says he has got a small house in India he jumps to the conclusion that the man having a house should pay the tax. Therefore, under section 14, the moment he decides that the tax has to be paid there is no other course open but to pay.

In this connexion it may be argued that in the Ordinance there is provision

to prove that the assessment is unjust before a court of law, so that if any man has a grievance he can prove it before the magistrate and get his remedy. That is in theory quite true. I think that is the course which Government, in their opinion, think would be justified, but many times in life theory is one thing and practice is another thing. This theory is true, but in practice it is not possible. When a man is asked to pay the tax assessed by the revenue officer and the man says he is not liable to pay he can go to the court, but the burden of proof is on the taxpayer. The type of man involved in these disputes with the revenue officer cannot do that himself, he has got to engage a lawyer to give him assistance, and the cost of that legal assistance would be very much more than what he would have to pay the revenue officer. I think that if he had the money, if he really was in possession of the money or liable to pay it, he would prefer to pay the Sh. 20 more to the revenue officer instead of paying it to the legal man and also wasting his time, because most of the type of people about whom I am speaking, being wage-earners, cannot afford to waste two or three days in a court.

Therefore, while in theory the legal course may be open, in practice he cannot take the advantage offered. If we suggest that a magistrate is supposed in the case of a man not very well educated to find out for himself the whole thing, I would say that in a town like Mombasa, where the magistrate is overworked, it is not possible for him to look into these grievances.

**HIS EXCELLENCY:** If the hon. member is likely to keep the Council further, I would suggest that we had better adjourn now.

The debate was adjourned.

#### ADJOURNMENT

Council adjourned till 10 a.m. on Wednesday, 26th November, 1941.

**Wednesday, 26th November, 1941**

Council assembled at the Memorial Hall, Nairobi, at 10 a.m. on Wednesday, 26th November, 1941, His Excellency the Governor (Sir Henry Moore, K.C.M.G.) presiding.

His Excellency opened the Council with prayer.

#### MINUTES

The minutes of the meeting of 25th November, 1941, were confirmed.

#### ORAL ANSWERS TO QUESTIONS No. 70—COST OF LIVING

**MR. ISHER DASS:**

"Whereas the cost of living in Kenya has increased by 30 per cent since the 3rd September, 1939, and whereas the unofficial communities have benefited financially by the war situation, and whereas the Indian and European employees of the Civil and Railway Administrations drawing less than £600 per annum have suffered considerably by the increased cost of living, will Government be pleased to state if any action is intended to be taken to relieve the hardship of their employees?"

**MR. LOCKHART:** (a) Government does not accept the statement that the cost of living in Kenya has increased by 30 per cent since 3rd September, 1939.

(b) As at present advised, Government does not intend to take any action to increase the salaries of its employees on account of the cost of living.

#### No. 74—LAND TENURE COMMITTEE LORD FRANCIS SCOTT:

"Will Government please state—

(a) Has the committee appointed by His Excellency the Governor under Government Notice No. 812 dated 29th September, 1939, to consider and report on land tenures, yet furnished a report?

(b) If the answer is in the affirmative—

(i) When did Government receive the report?

(ii) When does Government propose to publish the report?

**MR. RENNIE:** (a) Yes.

(b) (i) The 2nd of October, 1941.

(ii) The report is now in the hands of the Government Printer and will be pub-

lished for general information as soon as possible after it has been printed.

#### DRAFT ESTIMATES FOR 1942 REFERENCE TO STANDING FINANCE COMMITTEE

The debate was resumed.

**MR. PANDYA (continuing):** Your Excellency, the second point is in connexion with the people who have already paid the tax but who were summoned before the court despite the payment of that tax for that year. According to section 7 of the Ordinance, there is provision there for giving notice in such cases, and in 7 (3), thirty days' notice is prescribed. The point is that in these cases no notice has been given, and the man has been summoned to the court, when he has produced his receipt, and yet he has had to pay Sh. 6, the cost of the summons. In those cases it has not been the fault of the taxpayer. If he were given notice in the ordinary way he would have been able to produce the receipt to the revenue officer and would have escaped the cost of the summons. But the revenue officer, in his zeal, creates this difficulty for these poor people, whereas in fact the cost of the summons should be paid by the revenue officer from his own pocket, because he has pushed the man into a court of law. Perhaps he cannot be made to pay, and the result is that the poor man has to pay Sh. 6 from his pocket.

There have been other instances where people have already paid, and although the receipts have been produced to the revenue officer a summons was issued against them and they have been arrested. There is also an instance of a man being kept in the lock-up. I should like to read an affidavit which this man signed before the Registrar of the Supreme Court which will explain in a nutshell the whole situation:—

"In the Second Class Magistrate's Court at Mombasa.—Civil Case No. 146 of 1941.—The Commissioner of Inland Revenue (plaintiff) versus Yusufali Amiji, tinsmith, Mombasa (defendant).

#### *Affidavit*

I, Yusufali Amiji, British Indian, tinsmith, of Mombasa, hereby make oath and say as follows:—



(Mr. Pandya)

1. I am the defendant in the above case.

2. I paid my non-native poll tax for 1940, including penalty for paying late, as under:—

On 30-4-40	..	Sh. 25
On 22-1-41	..	Sh. 20
On 15-3-41	..	Sh. 15
		—
		Sh. (60)

3. On 5th September, 1941, I received a summons dated 3rd September, 1941, commanding me to appear on 12th September, 1941, and to show cause why I should not be ordered to pay Sh. 60 for 1940 as endorsed on the said summons. On the back of the summons a statement endorsed showed that I was required to pay Sh. 35 for tax and costs.

4. I appeared before the Second Class Magistrate's Court on the 12th September, 1941, when I was asked to attend on 19th September, 1941.

5. I appeared before the revenue officer on the 18th September with the receipts for the payments made referred to in paragraph 2 hereof and showed the same to him, when he asked me to appear on 19th September, 1941. I informed the officer concerned that I was to go to Changamwe-Miritini for military work there, and it would not be possible for me to attend on 19th September, 1941. I clearly pointed out to him that I was a poor man and had to maintain a family of three with my daily work, and I cannot afford to disobey military authorities and lose my work also which gave me my and my family's bread.

6. On the morning of the 19th September, 1941, at about 7 a.m. I went on the military vehicle to Changamwe-Miritini Camp for work.

7. On Sunday, the 28th September, 1941, at 12.15 noon I was arrested on a warrant which required to pay Sh. 70. I remained in the lock-up at the police station from 12.15 noon to 4.30 p.m., by which time three friends of mine collected Sh. 70 and paid the same to the officer in charge at the police station, and I was released. When I asked for a receipt for Sh. 70, the police officer informed me that it will be given by the Revenue Officer.

8. On Monday, 29th September, 1941, I went to the Revenue Officer and asked for receipt for Sh. 70, when he informed me that there was some mistake and that I would not get receipt for the shillings paid. Thereafter he gave me Sh. 30 and kept Sh. 40 with him, informing me that after investigation and production of receipts the same will be refunded.

Sworn by the above-named deponent at Mombasa this 30th day of September, 1941.—Signed by Esufali Amiji.—Certified by the Ag. District Registrar, Supreme Court of Kenya."

This is a difficult case, and it shows what is happening in Mombasa. The man had paid his tax. He was summoned without being given notice as is provided in section 7. If he had been given notice under section 7 he would have produced his receipts to the revenue officer and perhaps there would have been no necessity for him to go to court. But, after being summoned to appear on the 12th September, the case was adjourned to the 19th. In this connexion I would like to emphasize one point, that we see here an instance of the magistrate being over-worked at Mombasa, because it is a fact that it was not possible for the magistrate to attend to this case on the 12th September, and the poor man, a daily wage-earner, even if he has paid the tax, has to waste two days and suffer the loss in wages in attending the court.

On the 18th it appears that he went to the revenue officer and informed him that he was engaged on military work at Changamwe, and he produced his receipts and asked permission not to attend court next day. Perhaps this was not given, but the point is that having produced his receipts to the revenue officer, any officer who is fair and just and is satisfied there is some document which conveys to him that the tax has been paid would either have withdrawn the case or asked for an adjournment on the 19th, so that he could satisfy himself as to the genuineness of the receipts. In this instance the officer did nothing; he did not ask for an adjournment or give the man a chance, and on the 28th the man was arrested. He was on military duty on the 19th, and I think in these days,

(Mr. Pandya)

when the war is on, the officer, whoever he may be, should have given some consideration to such a man.

But this officer did not even show any consideration for the military work on which the man was engaged and had him arrested on the 28th. After being locked up for four hours the money was collected by friends and paid. When the man asked for a receipt the officer coolly informed him that there was some mistake and took Sh. 40, but returned Sh. 30. I do not know what happened to the Sh. 40.

This is a typical case which proves to the hilt the complaints we are making that the revenue officer has been behaving arbitrarily and is unnecessarily harsh. I have similar evidence in regard to other points, but I will not take the time of Council by reading them and so tiring members. In this connexion I should like to emphasize one point, that the complaints in connexion with these difficulties about the poll tax took place long before the public meeting was held on the 10th August and after that the memorandum was addressed to the Chief Secretary on the 22nd September and a copy was sent to the district commissioner who is in charge of the office at Mombasa.

In spite of having all these things happening, the officer went on with his tactics, and arrested the man on the 28th September. The complaint that hardships are deliberately inflicted on the poorer section of the Indian community is borne out by these facts, and I think Government must take a serious view of the situation. In a town like Mombasa the revenue officer had the audacity to indulge in an illegal method of extraction. He may be authorized to do it sometimes legally, but here he has been doing things illegally and abusing his powers in extracting this money from the poor people who cannot resist. Here is an instance of the extraction of money which was not due.

Where a man has not paid he should be subject to a penalty, but here he had paid and in spite of that he was made to undergo the humiliation of arrest and lock-up. What is more, the actions of this man at Mombasa are being supported by

his superior officers at the Central Revenue Office. I am sorry to see that spirit, which I have never seen before. They say the man has been unjustly complained of by people and is collecting more revenue. If the collection of more revenue by the measures this gentleman has adopted is the reason of the support by his superior officers, I am bound to say there is something wrong with the administration of the department. I am not prepared to accept that explanation, and hope it is not correct, and it is for that reason that I have the painful duty of bringing this matter to the notice of this Council so that it can be properly understood by the head of the department and Government.

There have been other instances, but there is a typical one which I will give Council of the way in which this gentleman has been behaving. Under section 6 there is provision that if a man happens to leave the country in January after the tax is due and returns later on, he has got to pay the penalty. But what happened in this instance is that a man left the country in January and returned in April, and paid his tax before the 30th April, before the date it was due. When this was found out by the officer, he served him with a notice asking him to pay the penalty because he had left the Colony when the tax was due. This question was brought to the notice of the Central Revenue Office, and perhaps on a ruling given by the hon. and learned Attorney General the officer was given instructions that the penalty was not due.

The point I wish to make is that here is not an instance of collecting revenue. Here is an instance of collecting the pound of flesh in the shape of the penalty which was not due. It is going beyond the performance of a duty by a display of excessive zeal which should be reprimanded and not supported.

Under section 15 (1) there is provision for the demanding of past receipts, and it authorizes the officer to ask for a receipt for one year past. Under section 7 there is provision for collecting the difference of the tax for the past three years. This revenue officer at Mombasa is in the habit of demanding receipts for the past several years. In some instances people

[Mr. Pandya] have been asked to produce their receipts for seven years. I should like to know whether any member of this Council has his receipts for the past three years. But the demand is illegal. If a man has not paid the tax the remedy is there, and the officer can find out from his books. But for him to demand these receipts from the poor people who do not know what a receipt is, for the past six or seven years, is inflicting a hardship on them which is very serious.

Lastly, a complaint has been made in connexion with the rude treatment and discourtesy generally indulged in by this particular officer. I have had this said to me by merchants and other professional people who were unfortunate enough to have to visit that office. An instance was reported to me in which the matter was coming to blows, and I would not be surprised if ultimately it does come to blows, because that may be the only remedy possible to improve the conduct of such a gentleman. Even when people come to pay their taxes and to do their duty by paying it, this sort of rude treatment by the officer is, to say the least, most objectionable.

Officers who have got to serve the public should be engaged from the class who are not exorable and do not lose their tempers and are not rude by nature. This is an exception, I think, with which we are dealing, but when such complaints are made it is duty of Government to deal with those cases. If these officers must be engaged and nothing can be done with them, they should be kept to the perusal of files in the filing section of the Secretariat, but without the authority to write minutes on those files, because the moment they write minutes they would spoil the lunch or dinner of any officer reading them.

I should like to emphasize again that there is nothing further from the truth when it is said that these complaints are the result of the people who have been caught in the net and who have escaped so far. I assure you that this matter is raised by responsible people, who have a standing in the community and in the country, and it would be foolish on our part, if I may say so, to bring a case which had little substance. We have tried

to show the Government and I can assure you that we are not supporting the people who are trying to escape the tax; I can assure you we have not reached that stage yet. I am satisfied that these things have happened and have gone beyond control so far as we are concerned. The arbitrary powers conferred by this law necessarily must be conferred, because the administration of a law like that cannot be done without arbitrary powers, but they must be used with common sense, and when they are so used there should never be any complaints. This law has been in existence for many years, and we have not had many complaints; they were settled by the district commissioner.

Therefore there must be something wrong now. The facts are as I have stated here, and they cannot be divorced from personalities who play a great part in making good laws tyrannous. We have no animus against the officer concerned, but facts are facts, and when these things happen Government should take a serious view in the good name of the Administration. I hope Government will sympathetically consider the case presented here and do all it can to bring about some change in the method of collection to avoid these incidents. In view of these complaints, Government should consider the question of appointing a committee of inquiry into this matter, and no doubt the Indian Association of Mombasa would be able to prove and fully substantiate the case. In fairness to the officer concerned, in order to give him an opportunity to present his case, I suggest a committee of inquiry should be appointed.

Before resuming my seat, I should like to say a few words in connexion with one or two matters which the noble lord the hon. Member for Rift Valley raised yesterday in the debate.

In the first place I would like to associate myself with the tribute paid to our armed forces led by General Sir Alan Cunningham, which have freed the country from the menace of the enemy. We fully appreciate having the security and protection afforded us by our gallant armed forces, and I join with the hon. member in wishing Sir Alan Cunningham

[Mr. Pandya] every success as well as his troops in their heroic struggles with the enemy.

The hon. member referred to the question of guaranteed prices for maize, and he went on to suggest that if it were necessary Government should subsidize farmers to this extent. He was quite reasonable when he advocated that the basis of that guarantee should be the farmers' costs of production. I do not know if anybody would take any objection to that principle, because we must agree that people cannot afford to produce and sell at a loss, but in my opinion the price of maize to-day is not based on the world export price. The Supply Board fixes the prices of local produce mainly on the cost of production. Therefore there can be no complaint in this matter.

I see no reason or necessity for such a subsidy. I am opposed to the principle on this ground, that once you accept the principle of subsidy for a certain thing it does not stop there, and there will be many other instances where subsidies will be demanded. We ought to be very careful because of the demands on our finances for such subsidies.

The hon. member made a point in connexion with the increase in native taxation. It was said that there was plenty of money going about the reserves, and I hope it is true. But the point I should like to make is that in Your Excellency's address from the chair you gave the figures of natives in war employment. The figure I understood was 39,000 natives from Kenya. If this is the total employed on war work and who are to-day getting more money, it cannot be said that the reserves have so much benefited by that money, because in comparison to the total population of the country this figure of 39,000 is very small. In this connexion we have to take into consideration that the wages generally have not yet gone up, and the cost of living, it cannot be denied, has gone up; by how much is in dispute, but whatever the percentage may the cost of living has gone up. The native community, in my opinion, is already over-taxed in proportion to their earnings, and the suggestion to increase their tax is hardly fair, in view particularly of the views of the Secretary of State for the

Colonies that the standard of living of Africans or poorer sections of the community should not be lowered.

I should like to associate myself with the remarks of the noble lord in connexion with compulsory education for European and Indian children. There is no doubt that this is a step forward, a very great step forward, in the right direction in the educational policy of this country. In my opinion, in the interests of the future generations we should take this step now. The Indian community feels equally strongly on this question, and I do not think this measure would necessitate a very large expenditure, because most of the children who are supposed to come under this scheme are already at school to-day, and the additional expenditure involved will be very small. I hope Government will adopt this policy of compulsory education as early as possible.

COL. MODERA: Your Excellency, I was delighted to find that the analogy of the British national game of cricket has not been omitted from this debate. This year I understand we are batting, and this year, I am glad to say, we are a complete eleven. To go in first wicket down, I understand, is quite an honourable place, and I think it is the faint-hearted batsman who does not like to go in and have an early crack.

Your Excellency, a distinguished visitor who came to this Colony recently from distant parts with his wife, said to me: "Do you know that Nairobi is probably the most pleasant place in which to be located in the whole of the British Empire? Your climate is grand, your populace is not disturbed by political agitation, you are free from the horrors of war, you live more or less a normal life, you get the sports which you want, you can get all you want to eat and drink, you can buy what you want in reason in your shops, and your dancing halls and places of entertainment are full to capacity." Well, that was very pleasant hearing. It also afforded much food for thought.

It is very pleasant that we can afford the amenities of life here, but one is bound to ask one's self the question whether we are doing here in Nairobi all that we can in the common war effort.

[Col. Modera] and what I think applies to Nairobi applies probably to the majority of townships in the Colony. If we cast our minds back over a period of twelve months, we will remember that it was at this time last year we were debating whether the Colony could withstand an increase in the rates of income tax, the imposition of an excess profits tax, and an increase in certain customs duties. Those increases were duly made. We have emerged from the period in which they were imposed. We have not only emerged successfully but we have emerged with a balance in the neighbourhood of half a million, and I don't think, and I daresay hon. members will agree with me, that the spending power of the citizens of the Colony is any less prolific than it was at this time a year ago.

It is true my hon. friend the Financial Secretary, when he was moving the submission to the Standing Finance Committee of the Estimates, stated that he thought that the spending power for 1942 would return to that of 1940. The spending power has been, however, I venture to suggest, in no way diminished by the handsome response which has been made by all concerned to the recent calls on the public purse. I refer to the Russian Relief Fund, the K.W.E.O. Christmas Comforts Fund, the Red Cross and St. John in hospital Christmas Comforts Fund, and the Earl Haig Poppy Day Fund.

It will in some quarters, I know, be argued that this affluence, or apparent affluence, is due to the presence of the military, that it is the military who spend, and that it is the military who have the money to spend. I suggest that an examination of that argument will find that it is not entirely or by any means the case. This budget indicates that it is now proposed further to increase the income tax, the company tax, and certain customs duties. I say straightaway that I for one welcome these increases. I am not quite certain that the Colony could not have afforded them twelve months ago, but—and this is a very big "but", and a but with a capital B—I only welcome these increases provided the revenue derived therefrom is employed for the prosecution of the war.

The hon. Financial Secretary stated, if I understood him rightly, that we had to cut our coat according to our cloth. Three years ago in this Council I pointed out, or ventured to point out, that that principle is always far distant from the facts when we come to examine how budgets are framed, because the cloth is capable of extension just as much as is required by the taxation machine.

As far as income tax is concerned, it is now always included as a basic commodity in the provision of revenue, and there is a tendency continually to increase the amount of the tax. In 1939 the estimate was £154,000; in 1940, £235,000, and now it is £400,000. I would remind hon. members that this form of taxation with its continual increase is only agreed to by a number of us on this side of Council as a war measure and for the war period only. So far, since the introduction of this form of taxation, our surpluses in revenue have invariably exceeded the amount raised by income tax.

Whilst agreeing generally with what the noble lord the hon. Member for Rift Valley said yesterday in regard to the proposed disposal of the £500,000 loan, I for one think it will be time enough to discuss that matter in detail when the motion which has been tabled by my hon. friend comes up for debate in this Council.

I take it that the principles underlying this increased taxation are to be found in the determination of Government to control and reduce spending, and particularly spending on unnecessary articles and luxuries. If that be so, I would suggest that Government could take other steps, and should take other steps beyond the actual imposition of taxation, to implement their determination. Perhaps I may with all humility venture to suggest one or two methods which I think the Government might adopt in order to achieve their object.

Firstly and foremostly, let a stricter, more rigid control of imports be adopted, so that the temptation may be put away to a man who is tempted to indulge in unessentials and luxuries. Could we not have a clearly defined list of unnecessary imports and of luxuries, and could not, when we have got this list, these particular articles be definitely prohibited?

[Col. Modera] The adoption of such a measure would, I suggest, save what is primarily important, shipping space, and it would remove temptation, and it would put or keep in the pockets of the individuals concerned funds which I suggest might be put to a better purpose. Of course, it will be contended that the repercussions would be to put certain firms who deal solely in unessentials and luxuries out of business. I venture to think that the hon. and learned Attorney General, as Director of Man Power, can tell you that there would be no difficulty whatsoever in absorbing into essential war work those people who might be displaced as a result of those firms going out of business.

If, of course, in this regard the principle underlying the increase of taxes is a desire merely to obtain more revenue, then I think that, certainly in some cases, the duties might be put up much higher.

Secondly, I suggest that Government should more rigidly control the licensing hours. That will tend to avoid or reduce the consumption of alcohol, and expenditure on such consumption. Steps have already been taken, I know, by your Government, Sir, to reduce those licensing hours, but consideration should be given as to whether they might not be reduced further, and at all events extensions confined to once a week. While I am dealing with this matter, I would like to point out that there is one matter which does undoubtedly require clarification. If I order and am served with a drink at 10.14—or as the military authorities have it, at 22.14 hours—I have according to the present regulations to consume that drink by 10.15 or 22.15 hours. It is neither good for the digestion nor formidable, and it is difficult of practical application. (MEMBERS: Question!) I suggest that that is a matter which should be remedied, and that it should be definitely laid down what is the hour at which the last drink can be served and what hour at which such drink must be consumed.

Next I would advocate for consideration the extension of working hours, and I would suggest for consideration a forty-five-hour week. When there is a call for extra work or for additional responsibility, I think that there is too great a

tendency at once to ask for increased establishment. Is it not better first of all to see whether the present personnel cannot cope with the additional work before applying for increased establishment? When one considers the number of hours that have been worked, and the conditions under which work is taking place, at home and elsewhere, I am forced to ask myself the question whether we are pulling our weight here. I am fully alive to the fact that, heads of departments and senior officers, leaders of commercial firms, and many others are working overtime, but I ask: Are they not bearing an undue share of the burden?

Lastly, will Government seriously consider—and I am very serious myself on this—the exploitation of one of the national characteristics of the British? I, and all of us here, have surreptitiously inserted a shilling into that invention of the Devil called a "fruit machine". We have perhaps also expended a similar sum in the "crane machine". We have undoubtedly hovered around the totalisator. We hold up our hands in horror at the word "casino", and, if I may say so, as a race we are humbly enough not to approve the legalization of gambling. But we do not object in any way to indulging in the three games of skill to which I have just made reference. I do suggest, with all seriousness, that these games of skill should only be allowed to continue to be indulged in upon the condition that all the profits from those machines or those establishments are devoted entirely to funds for the prosecution of the war. (Hear, hear.)

Turning to the equitable distribution of taxation, I associate myself with those speakers who advocate the taxation of non-European races in accordance with their capacity to pay, and I earnestly ask for reconsideration of the question of whether additional taxation might not be imposed on the native who, we all understand, is only too anxious to contribute further to the war effort.

I would like to add a word about the Police vote. The war has brought extended hours and increased responsibilities, and I for one do not think that the Police Force should be referred to as a social service. It is a service upon

[Col. Modera] which to a very large extent, and particularly in war-time, our security depends, and I think it is deplorable if we look at the figures for 1939 and then for 1941 the increase in that vote is merely reflected in a meagre 3 per cent.

Sir, I have endeavoured to deal with the principles enunciated in this budget upon the broadest lines. I am content to leave the details of this volume to the searching examination of the Standing Finance Committee. I sincerely trust that it may not be said that I have delivered a parsimonious homily on the evil living of the citizens of the Colony! I have endeavoured to put forward such suggestions as constructive criticism of the methods which have up to the present been associated with this Government in their genuine, but, I suggest, rather lenient, endeavour to stimulate the war effort of the peoples whom they control and whose interests they hold in trust.

MR. NICOL: Your Excellency, on Tuesday, 18th April, 1939, in concluding his speech when moving his motion on "Government policy", the noble lord the hon. Member for Rift Valley said this: "In this country we have become too well disciplined in recent years, and it is time that we kicked a little bit harder." When the budget was discussed in 1939 war had just broken out and none of us really knew what the future held in store for us. In 1940, in the budget debate, we had war on our borders. Now, due to the brilliant strategy of General Sir Alan Cunningham and the gallantry of our troops, the forces of that "Heel of Italy" have been dispersed, disbanded and defeated. Now is the time for us to see in what way we can really assist the war effort.

We have got to produce for the military and others wherever they may be, and we have got to get down to really proper production. There has been throughout the last year a growing dissatisfaction with Government. In fact, I will say there has been a considerable lack of confidence in Government, and with regard to the proposed increase in taxation the man in the street is afraid that the moneys raised will be frittered away. Nobody is going to object to in-

creased taxation, provided it is well spent and spent for the war effort, but people are not prepared for taxation for taxation's sake to get a mention on the B.B.C. or a pat on the back from the Colonial Office.

In my view taxation is necessary, our increased taxation is necessary, and the despatch of Lord Moyne lays down the reasons for the increase. While mentioning the despatch of Lord Moyne, I must say that I am somewhat surprised that this despatch was not circulated to members of this Council. (Hear, hear.) In fact, I am very surprised to learn from the noble lord that he, as a member of Your Excellency's Executive Council, did not even have a copy. Government may say that the despatch was made public by being published in the *East African Standard*. Well, Sir, it is probably true, but we do not know, when documents are published in the Press, whether they are excerpts or the full document. I do think that in the case of an important document like this, which does govern the colonial policy in war-time, we as representatives of the people should have had a copy sent to us. (Hear, hear.)

In that document there are really four main principles laid down in regard to colonial policy. The first is the curtailment of spending power; the second is the saving of shipping space; the third is the necessity for the proper development of colonies in order to assist the war effort; and the fourth is that endeavours should be made to improve the standard of living of the natives of the Colony. Of those four points, the first is achieved, the curtailment of spending power, by an increase in income tax. The saving of shipping space is achieved also by the curtailment of spending power and by the increased duties.

On this question of the saving of shipping space, there seems to be a certain amount of misunderstanding in the minds of people possibly not conversant with shipping, and in order to clear up that misunderstanding perhaps the Council would allow me to digress for a moment. People say, "Oh, but ships arriving from the east or west or England are not necessarily loaded to capacity. Therefore, if they are not loaded to capacity why cannot we put ordinary import trade

[Mr. Nicol] goods into their holds and bring them into these territories?" The point is this. These ships are carrying important war supplies and materials, and when they have got their special war cargo on board, if they are going to be held up in their loading port for another day or two days to load unnecessary cargoes of goods which we can really do without, the usefulness of that ship is to a certain extent being wasted, at the same time running the risk of damage by enemy action while in the harbour. Again, when the ship gets out to East Africa or wherever it is going, the ship's time is wasted in the discharge of unnecessary goods. Therefore, the more that we can do without the quicker will be the turn round of the ships, with the consequent saving of ship hours, and so the war effort, as far as shipping is concerned, will be considerably assisted.

Before leaving the question of shipping space and the necessity of the increased duties, quite frankly I do not think that that schedule which is attached to the Customs Bill goes far enough. I agree with the last speaker, when he said that control could be achieved by Government in other ways, but if you are going to put up duties on unnecessary articles let us have them right up, so that there is a real deterrent to people buying unnecessary goods.

The third point is development, and that is what we have got to go all out for. In fact, we have got to put our house in order and produce necessities for the prosecution of the war. In regard to native social services to be improved, everybody will agree that their standard of living should be improved, but at the same time I do not see why they should not pay for themselves. I maintain that a tax of a shilling a head would not be a burden on the native and would not justify any increase in wages. In any case, to-day there is a large evasion by the native of his taxes. In fact, in Mombasa one might say there is an Evasion Co-operative Society. If a native gets caught and gets fined for not paying his taxes, the society pay the fine for him.

There is another point: you will raise more money, in my opinion, if there is more travelling by your administrative

officers. I consider that they are tied too much to their office tables, tied there replying to a lot of curious questions, call them what you will, from the Secretariat. They must get out and hold more *barazas*, and I think if that is done it will be well worth Government's while. If we were to cut down the amount of office stuff which administrative officers have to do to-day, it would considerably assist the general effort.

Now, Sir, when the budget comes back from the Standing Finance Committee I should like to see in that Committee's report a schedule showing the revenue which it is anticipated to collect in the coming year which is in excess of that collected or anticipated should have been collected by the end of this year. On the opposite side there should be a proposed allocation of how it is suggested that Government should spend not only the balance but perhaps having to dip into our surplus balance.

In the main, this increased taxation falls on the European community and the commercial community. The Europeans have not only contributed to date towards the war effort in sums of money, they have contributed in man power, and their women power has now been registered, and is, I understand, shortly to be put into real war work. Therefore, the European community and the commercial community consider that they have a right to a greater say in the conduct of Government policy and the deliberations of Your Excellency's Executive Council.

With that in view, it is suggested that that Council should be strengthened by the addition of two more unofficials, and one of them should anyway be a representative of commerce. Our present two unofficials have a very heavy burden to bear. We all admire their public spiritedness, the good work which they have done in the past and are doing to-day. One happens to be a staff officer with a full-time military job, and although he assures me he has ample time for the consideration of Executive Council work, yet I do feel that perhaps it would be an anomaly, if one may say so, that a member of the Cabinet at home could not possibly hold the job of a serving officer. I do feel that as he cannot really be

[Mr. Nicol] described as a free man, who is one who can tell anybody to go to blazes and not mind what the result is, perhaps his public burden could be assisted by the addition of the people I have mentioned. Our other unofficial member is snowed under with a vast amount of work on boards, committees and the like, and I think he would probably welcome more assistance.

Such would, I think, materially help to restore the confidence, the lack of which I referred to earlier. But I do not think actually that we shall ever get a satisfactory solution to the problem until there is a definite constitutional alteration. This Colony, I submit, has now outgrown the Secretariat system, and my hon. friends on the other side I hope will not take it amiss when I say that probably quite a lot of the misunderstanding which is abroad in the Colony to-day is due to the fact that the hon. members opposite are servants of the public in charge of public funds, and they have got to be very, very much more cautious in the spending of those funds or entering into schemes than perhaps would be the case were an unofficial umbrella in the form of a Minister working with them, because the Minister, if he made a mess of his job, if he went on squandering money, if he lost the confidence of the people, could be chucked out.

Therefore I think the time has come when perhaps some form of ministerial appointments should be introduced. I suggest that possibly a constitution somewhat on the lines of Rhodesia might at this time be of considerable benefit to the Colony, and it would give us a chance to develop from there our constitution on a wider basis.

With regard to development, I have already said there is the fear of wasteful expenditure on social services. I contend that our surplus balances or the revenue derived from the increased taxation would be correctly spent in, for example, subsidizing farmers, both European and native—I am not stipulating any one particular sect—that when we find out what crops are wanted for the war effort by the military and others, such crops which in peace-time may be uneconomical to produce can very well be produced in

this Colony, and the farmer should be subsidized to enable him to put more acres under the plough and produce what is wanted. Then we must also spend money on storage accommodation, storage at the coast, storage so that you have on hand sufficient stocks of maize or wheat or whatever it is ready to be loaded into ships immediately they come in. If by any chance those crops deteriorate or are lost, shall we say, from factors over which we have got no control, then the money which we have advanced would be a justifiable expenditure, and would be part of our war effort, but the individual farmer would still be able to keep his head above water.

Another thing we must spend money on is our roads. At the present time the roads in the Colony are, to put it mildly, a disgrace. They are so bad that the life of mechanical transport is extremely uneconomical at the present moment. Vehicles which should be capable of 50,000-60,000 miles are, as the hon. Chief Secretary will agree with me, being written off at 23,000 miles in some departments of Government. Also, those bad roads cause a considerable amount of expenditure on tyres, spare parts and the like. I should like to support what the hon. member Mr. Pandya has said in regard to the coastal roads, and particularly the Mombasa-Tanga road. With the paucity of coastal shipping that road is the main link which Mombasa has with Tanga. If you send goods by train it takes a long time. They have got to be sent to Voi, there the wagons are taken off and hitched on to another train going to Moshi, and the same thing happens there again before they go on down to Tanga. I do contend that the Mombasa-Tanga road is a most important traffic road in the Colony.

But I should also like to know, if we spend money—and I understand money has been set aside for that road—what arrangements have this Government with the Government of Tanganyika to maintain their part of the road? In fact, the other day when I was in Tanganyika, I was discussing this question of the Tanga-Mombasa road, and the person I was talking to said, "What is the use of spending any money on the road when you people on your side let it go to

[Mr. Nicol] wrack and ruin?" Is there not some co-ordinated policy as between the two territories? Of course, this is just another example really of the absolute necessity of the union of the three territories. I am coming to that again in a minute. Anyway, before leaving the subject of roads, I should like to know whether we can, during the course of this debate, hear from the other side what Government's road policy actually is?

Another form of expenditure which would be justified from surplus balances would be in assistance of the development of local industries and of substitute industries, substitute manufactures. With the taxation that we have, the average company and individual has not at his call sufficient finance these days with which to embark on ventures which may or may not be of a temporary nature. I visualize actually that this country must in the course of its general development become to a certain extent industrialized, but to ensure in the initial stages and to assist the war and war effort I do think Government should be prepared to advance the finance to assist such industries. There is a committee, I understand—I have seen some of their notes—which is investigating the possibilities of such local industries being started, and I do hope their work is not going to just fall entirely flat and use not be made of their recommendations or the advice which they are able to tender.

Provision is made in the budget to a certain extent for reforestation. Well, that all to the good. I should like to see considerably more money set aside for that purpose. I should also like to see, and I think this is important, that a proper water survey is made as soon as possible of the Colony. The water is there somewhere in the Colony. We have to get it out, and, if we cannot get the piping to-day we have got to make it, which I have no doubt we could, and so be prepared to get on with the provision of water in the more arid places at the present time.

We have, in my opinion, to get as much land as we possibly can, native-owned and European-owned, under cultivation. We have got to learn, we have

got to know, soon, too, because the planting season is coming on, what is required, what crops shall be grown, and we have got to provide those crops. We are the nearest producing part of the world to the areas where active warfare is in progress, and obviously it is going to be very much quicker if the ships can take that produce from Mombasa rather than have to go to distant ports for it. Farms—I do not know whether there are any at all in this country—must not go back to bush as has been allowed in the territory to the south of us, where farms which in peace-time have produced good crops are actually being allowed to go back to bush. What we have to do is to produce in East Africa as a whole not only to feed ourselves but for export. If we do not get down to this properly, we shall become a burden on others, because we shall have to import from other countries, and that would be a dreadful thing.

But I think that one of the most important of worthwhile developments, one that would definitely assist the war effort, would be the immediate union of Kenya, Tanganyika and Uganda. It must come about, it is bound to come about, and I visualize that after this war East Africa will play a very great part in post-war reconstruction and rehabilitation, and I suggest that now is the time to set the East African house in order so that when peace does come we can be ready for the many difficult post-war problems which are bound to arise.

Now, Sir, these forms of development which I have just touched on will be creating more work and will give the native more money. It will increase his spending power. Lord Moyne, in his despatch, does not want the spending power of peoples other than natives increased, but in order to improve the standard of living of the native I think it can be taken as a corollary that he does approve of increasing his spending power. Well, you are increasing the native's spending power. You are also increasing his saving power, and I must say that I was very disappointed in a recent debate, when Council approved the raising of the East African war loan to two million pounds, that my hon.

[Mr. Nicol] friend the Financial Secretary has still apparently the same objection to savings certificates or a smaller denomination certificate for saving purposes. He is perfectly correct, of course, when he said that the Post Office give exactly the same return on the money as the war loan, but I suggest that you have got to introduce a particular type of propaganda for saving, you have got to take the psychological aspect into consideration.

I do suggest that the Draft Post Office savings book is not an encouragement to people possibly, shall we say, not so advanced mentally as other races, as would be a certificate suitably emblazoned which would make him feel that by the possession of that particular piece of paper he was actively and directly assisting the war effort. The average African does not understand that because money goes into the Post Office it is being lent to the Home Government. He does not understand that, but if he got a piece of paper highly decorated it would impress on him that he is performing a useful service in purchasing such certificates.

Before leaving this subject, saving does not only apply to the natives; it applies to all of us, all communities, and with this increased taxation or increased duties, and also, due to the various controls, the difficulty of obtaining goods for purchase, people will, I hope and think, find they have got more spare money which is available for lending. Lord Mottistone, in a recent speech, said that we must stint ourselves in everything except saving, and we have got to go all out for saving.

Another reason why the Post Office savings bank, particularly in Nairobi, is not especially popular is due to the lengthy time it takes before you can get served and, as the small saver is generally employed in offices, and offices work the same time as the Post Office—or rather, they work longer than the Post Office, which I believe opens at 8 and closes at 4—these people by virtue of the fact that they are employed cannot stand for an hour or more before getting attended to by the counter clerk. Another objection to the Post Office savings bank is that people who are income tax payers have

to pay income tax on the interest which their deposit earns. Savings certificates that I envisage, that are in force at home—you buy them, put them away, and they appreciate in capital value, and there is no tax deduction at the end of the maturity of those certificates. There again is an added attraction. They are an excellent form of saving and an excellent means of putting by for one's children. We shall not be able to buy toys and things like that for them, but we certainly can make provision for them in the future by purchasing savings certificates.

At the present time we are experiencing in Mombasa a considerable difficulty—I believe actually it has eased in the last two or three days, but that does not matter because the same situation will arise again in the near future—we have had considerable difficulty and delays in passing documents through the Customs. For some considerable time now we have urged that the Customs Department in the Long Room and at Kilindini should be considerably augmented in staff. These delays actually have caused congestion and, more important and worse still, delays to ships. All that has been produced in evidence before a committee whose report I understand Your Excellency has already seen. The revenue which it is anticipated will be collected by the Customs is £896,000, and the cost of that collection is estimated to be £55,000. The relation of cost to collection is approximately 6 per cent. In the case of inland revenue the cost of collection is, I think, 7½ per cent, but there collection is done through an office. The Customs have very much more to do than ordinary office work; they have got to search, have to have examiners, and I consider that it would not be an unjustifiable increase in expenditure if more speeding up could be made in the passing of documents and the clearing of cargo from the port if the cost of the collection to the Customs revenue were put even at 10 or 12½ per cent. It would not be unreasonable at all. The actual increase in the Customs vote is £2,459; £500 of that goes to passages, £700 in item 19 for increases in staff, which is very small and a totally inadequate increase, and the rest, as far as I can see, is for automatic rises.

[Mr. Nicol]

The staff of the Customs Department work very hard and very long hours, and I go so far as to say this: that I consider they are mentally and physically tired. It is no use piling more hours of work on them. I do not think they get overtime pay, but they work extremely long hours during the week, and if we tried to work them on Saturday and Sunday, well, they would just crack up, they could not stand it. We must have an increased staff down there. I do not suggest for one moment that they should speed up by means of slackening their search work. Their job is to protect and collect revenue, but they must have a staff to do it, otherwise, as I say, we shall get delays and congestion, and it does not do any of us any good at all. If there is a difficulty in getting clerks, and perhaps there is a certain amount of difficulty, I suggest that perhaps you might borrow from Tanganyika or Zanzibar, which have not got the same amount of work passing through their particular ports as is passing through Mombasa. I do not know what efforts have been made to train Arab clerks. My hon. friend the Director of Education will agree that the schools at the coast are turning out boys with quite reasonable ability and mentality, and they should be perfectly competent to be trained up in a department of Government. If you do not make provision for them beyond just chucking them out in the world, you are merely going to get a lot of half-baked agitators growing up. If they get education we have to try and employ them.

I also want to say a word regarding the Kenya Police Force. I want to see a token vote inserted in the Estimates so that the new Commissioner of Police, when he has had time to formulate his recommendations, will know that he has got specifically earmarked for his department a substantial sum of money. We do not want him to be put off and fobbed off. People argue that the Civil Service terms are the same for the Police as for other members of the Local Civil Service, but I suggest that the Police have more onerous work and more responsibility than the average office individual. I do feel that, with the Police Force understaffed as it is to-day, the dissatisfaction

there is in the Force, the disappointments they are faced with under existing conditions, we have been very fortunate that we have not had very serious trouble. I feel we are sitting on a volcano, and we have got to see that the Colony has an adequate and satisfied Police Force.

When the Information Office was started, or rather enlarged, last year, I understood that that office was to be used by Government to prepare public opinion over measures Government were considering and intended to introduce. But I do not think that that policy has been followed or, if it has been followed at all it has not been sufficiently followed. Rather has the office been used as a medium of apology for actions or omissions on the part of Government, and I will mention two only. There is what I will term the 693 scandal and also the Belcher report.

In regard to the proposal which has been tabled by Government to lend free of interest half a million pounds to the Home Government, the noble lord said yesterday that he did not think that the present time was ripe, and I entirely agree with him. I do not say, we should not lend the money, but in the light of Lord Moyne's despatch it is not right that we moment. We have got to make a complete survey after we hear what the Middle East and other places want from us, and work out how much they will cost us, and then, if we have got anything over, yes, by all means, lend it free of interest; but don't just for the sake of a gesture now turn over half a million pounds and possibly in six months' time apply for that amount of money which is wanted to get on with something worth while.

I want to hear what Government is going to do in regard to labour and native policy. There is a committee, which has been re-appointed under the hon. and learned Attorney General, and I hope that that committee will go very closely into all aspects of native labour and I hope that they will definitely come down to the coast. The thing that worries me more than anything else is the fact that the natives in the towns are becoming more insolent every day. In fact, a community of thieves and liars is grow-

[Mr. Nicol]  
ing up, and Government must do something to stop it.

Now, Sir, what is Government's policy in regard to the retirement of officials in war-time? I do hope, or would have thought that the correct thing to do if you wanted to retire officials in order not to hold up promotion, that that could be achieved and the officials could perhaps be used in some other capacity in Government service rather than perhaps going away and either leaving the country or looking around for something to do.

The question of compulsory education was touched on yesterday, and I entirely support the remarks that were made.

There is another point which many people, since I have been up here, have asked me to raise, and that is the apparent waste by the military which goes on in this town. I am referring particularly to petrol. Now, Sir, you may say, what has that got to do with me? Because, as far as the military are concerned, people in Kenya are only paying 25 per cent more than they paid in peace-time, and the taxpayers at home are paying the rest. That argument is perfectly true, but quite a lot of us are taxpayers at home, and I think it is also our duty here to protect the taxpayers at home. Parliament watches the actual interests of the taxpayers in Great Britain, and I think that where the British taxpayer is concerned, particularly the expenditure on the war, it is our duty here to see that his money is not frittered away.

Finally, I do not want in any way what I am going to say now to be taken as an obituary notice, but I should also like to pay tribute to my hon. friend the Financial Secretary and to reiterate the hope expressed by the noble lord that he will actually stay with us. As I think quite definitely that this area is becoming, as it is, a most important supply centre, we would find a very great gap if the hon. member leaves us, and I hope that we shall be able to retain him here: (Hear, hear.) The trouble is that if you express appreciation of a Government official the Colonial Office promptly think, "Ah, there must be something wrong," and take him away, and if you

run him down they say, "Here's a jolly fine fellow who knows his job; therefore he can stay", and that is what usually happens. But I do say in all sincerity that I do hope it will be possible to prevail on the Colonial Office to let us retain our present Financial Secretary. (Hear, hear.)

MRS. WATKINS: Your Excellency, in rising to speak on the budget there are one or two general remarks that I should like to make before going into the few details of the schedules that are before this Council. It is not only an extraordinary budget, but an extraordinary budget situation. We on this side of Council are quite willing to be more highly taxed, and more than willing that the other side of Council should also be more highly taxed. The main point that we on this side agree should be stressed is that the war taxation should be kept in separate coffers and not frittered away.

The few items I have to criticize in the schedules are matters that really come under the ordinary budget of the Council. There are certain facts we should face now, certain provisions we should make now, to put our own house in order under our own initiative and by our own foresight, and not wait until we are forced to do it by the Colonial advisers coming out here or until we have to make a politic surrender to internal unrest. In your Executive Council Your Excellency will, of course, have your own short-term and long-term policy for this country, the one fitting into the other, but I do maintain that there is no need to keep so secret about them, as it is, for instance, about the immediate future plans of a submarine. I thought when I was first honoured by election to this Council that I should be informed what the policy was, or that with application I might be able to perceive its trend. I have been able to do neither. I feel rather like an Italian mosquito boat in the waters of the Mediterranean surrounded by an incalculable force, trying to serve a people who do not quite understand the difficulties and am wondering more than anything what are the plans of the Government submarine, of which the hon. Chief Secretary is the inscrutable commander. It is not a very happy position.

[Mrs. Watkins]  
and I feel I am not speaking for myself alone but for the constituency, and some others on this side of Council, when I say that we would much appreciate a clear indication of what your policy is on such matters as roads, for instance, native labour, and so on.

I find it difficult or impossible to think of this country that I love and of its future without forming in my own mind the trend of a policy that we shall either achieve for ourselves or have thrust upon us in the post-war years by an awakening world. I have a vision of Kenya with industries based on agriculture scattered all over the country from the coast to the lake. These would support agriculture, for industry and agriculture are complementary to each other, both as regards the human and economic factors. I have a vision of medical services in a network of dispensaries and smaller hospitals converging on to one or two big medical centres. I have a vision of a whole community awakening towards the responsibilities towards the boys and girls growing up in this country. We seem hardly aware that we have a responsibility towards them yet. We need a general scheme, bringing in private firms and Government departments which might give preliminary training. At present the hon. Director of Education does what he can, and the rest of the community sit back and leave it to him. I have a vision of awakening municipalities and public bodies to their responsibilities, even as Nairobi Municipality is awakening now and thinking in terms of prevention as well as of cure of the evils of bad housing, slum areas and so forth. When I say "community" I mean all the races in this country whose interests are inseparable. I do not think that in these things there can be one policy for the white and one for the black. I do not see how one can go forward without the other, or how Kenya can go forward without either. In peace and in war I think one can quote Mr. Churchill, when he laid down his policy, which I hope will outlast the century: "Let us all go forward together."

There are five points I want to mention, five points of necessary reconstruction in this country.

The first and foremost of these is Administration. There must be decentralization in the immediate future unless this country is to degenerate still further into a policy that is pure procrastination. We have, for instance, four senior provincial commissioners drawing £1,500 a year and a good deal else besides. They are completely centralized to the Nairobi Secretariat. Living here in Nairobi it seems, perhaps, inevitable that all decisions should be taken here, but when living in the provinces an entirely different picture is presented to most of us. A problem that is capable of only one practical solution to men on the spot, and on which the provincial commissioner probably agrees, is shelved in Nairobi by some busy person who is too preoccupied to give it his full consideration, or who does not want to establish in one part of the country something that cannot be applicable to the whole country, and is too preoccupied to ask himself whether it is necessary that it should be so applied, and is too little conversant with the country to be able to insert appropriate amendments, or is perhaps even too lacking in judicial courage to establish a precedent. So we have the picture of our provincial commissioners coming back to their provinces and giving out the adverse decision, they who know the facts as they exist outside Nairobi, they who agree with us, but who instead of being allowed to use their years of experience, their knowledge of the country and its peoples, to make decisions that are in any way final or fundamental in the provinces they are reputed to govern, are turned into forwarding agents, engrossed in office returns and forms, by the Secretariat. I maintain that if you have had 25 years of experience in this country and are earning £1,500 a year and getting all sorts of other things, you ought to be fit to govern in your own province and, if you are not, you ought to get the sack. In the current slang of the country, I would say that the provinces are suffering from the Nairobi bottleneck, and it has the same sort of effect as a weak heart has on an otherwise hale and hearty man.

That is as far as the provincial commissioners are concerned, but I think the Chief Native Commissioner is in an even more parlous state. Twenty-five

[Mrs. Watkins]

years ago I heard John Ainsworth, that rugged administrator, say that for the welfare of the peoples of this country it was essential that there should be an executive and responsible department in charge of the native affairs of this country, directly under the Governor and with power to act. It started in his time, and he was the head of it. He was a man with no fear, with no irons in the fire in the way of promotion or anything else, and no suavity of manner, and they broke him on this issue. In his place came a man only too pleased to have his office moved next door to so important a person as the Chief Secretary and who was delighted to come under the Secretariat wing and was more than willing to abjure for his department all executive authority and responsibility whatever. I maintain that he created an impossible position. The job is now an empty shell, and a very uncomfortable shell indeed, for the hermit crab who for the time being occupies it. (Laughter.)

I maintain that it is not fair on the country, I maintain that it is not fair on the natives, and I maintain that it is not fair on the man, a very good friend of mine, who is now holding it. When I was in London I was told by a cousin of mine, connected with a big firm, that they have the counterpart of the historical whipping-boy in large firms. They have a highly paid man with a nice manner who comes forward every time a customer makes a complaint, and takes the full blame and makes an apology, and generally is the person on whom the blame falls, although he has had nothing to do with it. I maintain that the Chief Native Commissioner is filling that role in this country, and is not allowed to play any other part, and I think it is a great pity. It is not fair to the country, it is not fair on the natives, and it is not fair on my very good friend the present hon. Chief Native Commissioner. I want Government to be aware that this side of Council realizes what is happening and fixes the responsibility and the blame not on the man but the centralization which is annulling his real job. Yesterday we heard also that the Indians were suffering from Nairobi "bottleneck".

The second point can be covered by the words "medical services". We have tried to work out and have ready for this session facts and figures necessary for a complete health insurance of this country, but we have been stymied or put out of action by one thing only, that there are not enough doctors in this country, whether in Government service or in private practice, to take on the extra work involved, so we are holding that in abeyance as a long-term policy and bringing forward a short-term policy which we want, a hospital rate for the whole country. I know that owing to some technical mistake the hospital rate did not go through Nairobi Municipal Council, but I think it will go through in two or three months' time, and, in any case, I would ask whether such a rate could not be extended all over the country, either voluntary or compulsory as Your Excellency sees fit. It is really an extension of what already exists in Kitale, Eldoret, and other places, but in the constituency that I serve, the residents of Kiambu, Ngong, Ruiru, Kabete and Limuru have expressed a desire that it should also be extended to them. And I am to ask whether it can go through as quickly as possible.

There is another problem facing us, from which we are as a community averting our faces with truly Victorian hypocrisy, and that is the spread of consumption or tuberculosis among the African urban natives. We hear also that it is becoming more prevalent in the reserves, which is hardly to be wondered at, as there is no curative establishment, and they are simply sent home, and spread it. There is one doctor applying a cure, the name of which I cannot pronounce, in the infectious diseases hospital in this town, as far as his other duties permit, but even his efforts are doomed to failure in view of the general *laissez faire* that exists here to-day. I may be wrong in stating that the incidence is entirely due to the conditions under which natives have been working in townships started by the white man, but I shall not be contradicted by anyone when I say that the conditions under which the natives have to live in any of our townships have done nothing to arrest it but have done a great deal to spread it. We shall not, of

[Mrs. Watkins]

course, as individuals realize the seriousness until our own sons and daughters, working in Nairobi offices, have contracted this disease, and when we ourselves have seen a young life fading out we may realize what this Council has left undone if it neglects one of its main responsibilities, the protection of the public.

I think that consumption falls into two real categories: one belonging to the duties of the medical officer of health and affecting everybody; the second confined to the curative treatment of patients. I hear that under our ever more concentratedly centralized Government the old Central Health Board has fallen by the wayside. I think that if that could be revived or resuscitated and actually given a little executive power, and have at its head a research doctor on this question of consumption, we might be able to come to Council next year with more facts. We therefore ask for a single line vote of £2,000 so that the Director of Medical Services may be able to employ such a research doctor. I asked a well-known surgeon if it was possible to obtain such a man, and he said yes, because most research men are elderly, and that it was quite easy even in these times to get a doctor who could concentrate on the incidence of consumption, the possibility of cure, and of dealing with it in the reserves.

I may say that as a woman I am terribly disappointed to find that the maternity hospital at Pumwani has no increase this year. If ever there was an urgent need for us to give assistance towards the help of backward people it is this. If you were to ask me if it is necessary that there should be an increase, my reply is that they have had 1,000 cases in 25 plus 3 beds this last year. They have had a tremendous rush of work. It is a training centre for native midwives. If you ask, is an enlargement and an increase of its activities really essential now, I give you this answer: it is the first, the primary help that civilization should bring to women, this water safety for them and their babies, this lifting of the fear, not of a baby that can be born but of the baby that cannot be born without skilled help. And when that happens, and the

help is not available, you just have to stand by until the screaming ends in death. We women only know this terror. I have had to stand by once or twice, and I feel it very deeply, and I say to Council that we must increase that service, we must establish other centres, and the sooner we do it the better. In Shauri Moyo one centre has dealt with 69 cases this year. That is not enough; we want similar centres all over the country.

The third of my five points is our own youth in this country, and I am glad to see that Your Excellency has already recognized the need of the later education and vocational training of our own young by the appointment of a committee on this subject. I should like to support the other members who are to speak in favour of compulsory education. I know that the hon. Member for Usini Gishu is one who wants compulsory education from the age of six, and I want it from the age of seven, but that is perhaps because I am a mother and he is merely a father. (Laughter.) In any case, we do want it quite definitely. But I think that most of us parents are really more worried about the children of the age of 17 or 18 years, whom we have got to send home for their apprenticeship years when we should rather have them here. I suggest it should be possible for firms and departments of Government to enter into a general scheme to see what they can do for the young people of the country. Firms, incorporated accountants, medical and veterinary laboratories, even the finger-print department, could be asked what years of apprenticeship they could give to the boys and girls of this country who could, if necessary, be sent home for their final examinations. Let a bursary be available for the final year or half year, for the final examination at home that brings the qualification, but for the first years let each firm, each department, be asked, "What can you do in your line of business to apprentice young persons and give them a fair chance in life?"

The fourth of the fifth points that I want to make is that the establishment of subsidiary industries all over the country is essential to our economic stability as well as to our war effort. By subsidiary industries I mean those based on agriculture and the products of our soil. Agriculture can never carry the overheads of



[Mrs. Watkins]

a country like this, and when I read the thoughtful and scientific exposition of the senior soil conservation officer at Kitale, I find that he has come to the same conclusion as I have, although from the point of view of the soil itself, that the soil is overworked. Your Excellency has already an advisory committee on this, and I am glad to know that it is now reporting. You will also consider, I am sure, whether you will encourage private enterprise by giving only opportunities, or by making capital available for those industries. In referring briefly to this vast subject, I would like to call the attention of Council to the recent solution in America, or to the beginning of a new experiment which will probably be the solution. We all know that Henry Ford is twenty years ahead even of the American conception of business, but when it comes to this country I should not like to reckon how far ahead he is. We also know that he spent about forty years concentrating industry until the cars rolling off the terminals of platforms in his works became one of the sights of modern industry. But what is less well known is that he has spent fifteen years in decentralizing as much of his industry as he possibly could, and the reason is this: that he could only attain his ends through his employees, and their welfare demanded it.

We find men like Ford in America and Cadbury in England basing the whole of their production on the paramount importance of the welfare of their employees, and their profits pour in. Profits follow this great principle as dawn follows night, and these men have each in turn decided that country surroundings for their workers are without doubt the best. What Henry Ford has done can be done here, and I therefore believe that decentralized subsidiary industries scattered over the countryside will be the answer to many of our problems, though whether we can go as far as Ford has done in this decentralization I do not know. Henry Ford's office and secretaries have been good enough to forward to me the various accounts of all this. It sounds amazing and yet it is apparently true that he, in America, is reverting partially to the squatter system. He has taken such parts of a car that can be made indepen-

dently and has put his plant out in the country, where he has obtained enough land to give each of his workers a small unit of a few acres. He only employs each man for so many months a year, the rest of the time they have got to make out on their own land. The change in the outlook of the workers has been amazing. As he has arranged it, it is usually six months of the year for the first years, and a man puts into chicken runs, rabbit hutches, prize tomatoes, maize, or anything else they want to, prize pigs possibly, the money which would otherwise have gone on cigarettes or picture houses.

Ford's contention is a very important one. He says that civilization must be balanced by industries scattered around among the farms, complementary to agriculture, that the farmer must stand with one foot on the soil for his livelihood, the other in industry for the cash he needs. He will thus have a double security. Agriculture suffers from a lack of markets, industry suffers from a lack of employment for its surplus men. Bringing them together heals the ailments of both. That is Ford's conviction, and that is what he is working for. In some instances he has put his plant in a country town which is moribund. The town has immediately revived, and it has revived the whole countryside. Therefore I say, do not let us get our factories concentrated in the townships in this country but scatter them, and have our workers spread over the country, so that they can make use of their own homes and the country at the same time; and not pile natives into the scarce housing and other difficulties of municipalities like Nairobi and Mombasa. I repeat that Ford's system has really amounted to re-introducing into America the Kenya squatter system. It is an almost incredible statement, but if you read his papers you will see. I am in communication with his office, which sends me papers on the subject, and they are available to anybody in this Council, and are most interesting reading.

The fifth and final point is the native question. Again it divides itself into two: one, what the native should be doing for this country, and, two, what is our inescapable duty to do for him. The first becomes the labour problem, and the second becomes the urban native housing

[Mrs. Watkins]

problem. I will deal with the labour problem first, because it is one my constituency has urged on me.

Recently, I managed to revisit some of the reserves, most of which I have known for 25 years, and I talked with chiefs whom I have known all that time, who were young when I was young. They have known us for so long that they talk to us with great freedom. There is one statement I would like to make and I think I am justified in making it, that there is no shortage of African man power in this country for the requirements of the country at present. It is right that the military should have first pick, and then that the necessary work of the reserves should have second pick, and when all that is accounted for there is still sufficient native man power available. There are men whom I should like to see doing their bit, not very many perhaps of 30 and over still left who could be spared from the reserves, but a great many of 25 and under, and there are masses of these still in reserves. I speak of what I know. Only yesterday afternoon I was in one reserve, talking to a chief, and there were far too many natives near by hanging around and serving no useful purpose.

I should like to say that I cordially disagree with the statement of the hon. Chief Native Commissioner when he said we could not have any compulsion of labour until we had had a census of males made. I understood he said that at a meeting the other day, but perhaps I am wrong. In any case, that is the impression some of us had. I would say that most of the chiefs seemed to think that if an order went out from the Serkali that every man should go to work for nine months of the year, that order would be obeyed without question, yet they said they had given no such order because there had been no order from the Serkali. I maintain that if Government said to the native chiefs that every man, black and white, had got to work for nine months of the year at least, and put that in the form of a definite order, it would be obeyed. If that were done, the native would at the end of the year either produce his *kipandi* with the name of his employer on it to prove his work, or bring a letter from the district commissioner, or a form duly filled in

by the authorized native district council saying that he was employed on essential work in the reserve for nine months. As soon as that came into force, the shirkers could be rounded up, and any boy found without such documentary evidence would have to work twice the number of months that he had missed in employment found for him by Government, unpaid but very well fed. It might be road work or transport work or any work for the public war effort which is needed. That would be a simple way and an inexpensive way of doing it, and would entail no expensive census. As soon as the native realized that the Government was serious in its intentions, those natives hanging about in the hope of a really easy job at very high pay would become slightly less optimistic, and would find work at once.

Yet that is a very short-term policy, and in my mind I have a long-term policy; that is, at the end of this war, or whenever Your Excellency saw fit, we should have an apprenticeship system for natives, to see that every native when he gets to a certain age should go out of the reserve under a definite Government scheme for apprenticeship to a certain accredited work of benefit to him as well as to the community. It might be a brickworks or a dairy farm—the latter for the cattle tribes—anywhere Government wished to use these boys, and where they could be given a useful job of work and learning, which is most important. They could come out under the aegis of Government on definite conditions as to food and everything else. There would be no conscription about it, but compulsory work for two years. I think, without any economic drive and without any compulsion, progress can be but spasmodic. I think it would be an enormous gain to the African youth to have such an apprenticeship time. Work-shyness would leave them very largely, and they would know what was expected of them, and what they in turn could expect from their employers. A boy who has never made a concentrated effort at anything, of whatever race he may be, finds it difficult, if not impossible, in later years to work consecutively at anything.

That is what I call a long-term policy, and I do hope that Your Excellency's

[Mrs. Watkins] committee of inquiry will find that some such system of apprenticeship would answer the purpose.

Now we come to the last division of the last of the five main points, and that is native urban housing. It is a thing that is very near and dear to me; I have been working on it for some time. Let me admit at once that I was on that early municipal council which thought they were doing wonders when they built Pumwani, and that the houses were all one could expect. I see now how absurd a thing it is to have a short-term policy. There is one thing only to say for it: Pumwani is built of such rotten material that we shall not think it a waste to rebuild it and to tackle the problem afresh. After Pumwani came various other places and experiments. Shauri Moyo was one. That was built of good materials—the cement was polished, the rooms well finished, but all without a shelf, a peg, or a bench. Civilized African clerks, some with several children, are supposed to live in one such room apiece. They are loose boxes, nothing more. I think those of Shauri Moyo are really worse, for there they are monkey cages with expanded metal at the top of the partitions. I have many good friends in this country, but there is not a single one of them who could live with his family on one side of expanded metal, with our family on the other side, and keep the peace.

There has been no imagination whatever displayed in building these houses. If you say, what does imagination matter? I will tell you of something I saw again the day before yesterday. I went round Shauri Moyo and saw houses of six and eight rooms, too large for a family, and those without imagination had said they were to be lodging-houses. They are lodging-houses. We were invited in to some, and we went in, and in nine cases out of ten it was a dear fat old Swahili landlady who let the rooms, and she seemed to think they let better if there was a girl in each room. I am not in the least shocked at those conditions, for nature in the raw is never as shocking as our own hypocrisy, and it is hypocrisy when we offer to our decent, respectable and loyal Africans those conditions as the only possible family life in these townships. I happen

to be rather closely connected with Baraza, and see some of the letters, and there was a letter last week from a man living in Shauri Moyo who said that he had taken the only vacant room he could there, and brought his young wife down, and all through the night there were knocks on the door and demands for the usual services rendered in the place. That is what we are doing for the African, that is all we can offer in this town to our natives, and I contend it is not a fair proposition. I am sorry to refer to these things here, Your Excellency, but it is necessary they should be gone into, that they should be known.

There is another aspect, that of the native woman. The conditions are grossly unfair on her, too. There is absolutely no occupation of any kind provided for the married woman in these townships. There is no money in her household for any kind of employment whatever, no wool for knitting, no cotton for sewing, no shamba to dig, no furniture to keep clean, nothing to look forward to, and her children crowded into horrible surroundings with nothing to do but throw stones at other people's cats, and that is not a very good beginning for the young. The sooner we stop our hypocrisy and realize what we are doing to the town African the better. Let me say at once that I do not want to attract further natives to Nairobi Municipality, but to take steps to see that the natives employed here after their work is done have the comfort of a reasonably comfortable home to which to return. We shall, of course, never civilize the men unless we civilize the women alongside of them. Something has got to be done. This £30,000 which it has been decided to spend on Government servants' housing might be the turning point to a new era. We might be able to get on to a garden city. But do not leave it to the men all the time. Just look for yourself and see what the men have done, for we must realize that men alone can never solve the problem of people's homes. Surely there ought to be women on the committees which decide these things. We have two women architects in the country and women doctors—bring them along, and there are those women who have long experience and would like to make their contribution to the Colony in this way.

[Mrs. Watkins] Two and three-roomed houses can be built for about £60; not so well finished as the Public Works Department can do the work, but rather rougher in the finish, with more room, and gardens. Homes, in fact, for the town African. Let us establish proper homes for town Africans and have something to show to Colonial Office officials when they come out.

I have very nearly finished, Your Excellency. I have dealt with only five major points. As regards the Administration, I shall have no more to say while the budget debate lasts, but I shall seek every opportunity of representing my views wherever they may be most effective in and out of Council. I think the reorganization of this country is vital, the elimination of the bottleneck is vital in the interests of the whole country. Medical services come under a different category, although I am interested to hear that centralization has also entered there. The Central Health Board expired some years ago, but if it could be re-established the Director of Medical Services would be in a much stronger position to fight this tuberculosis campaign for instance. I would also draw the attention of Council to the fact that a single line vote for the maternity home may be necessary to enable things to be done during the coming year. So far as subsidiary interests are concerned, I very much hope that Your Excellency will not let the matter drop, that the report of your committee will be implemented and not be frustrated through lack of foresight and *laissez faire*. It is in the interests of the country that we should get on with that.

Well, those are my five points, and I have one item only left that does not come within them but is a matter of great urgency. When first I read Lord Moyne's despatch and the obligations laid on us to raise the standard of those colonial peoples living in a sub-standard way, I thought he must have heard about the Kenya Police. I later realized it was just a general despatch. I would like to support everything the hon. Member for the Rift Valley said in favour of improving the conditions of the Police, and I want to go into figures, as they may interest Council. According to the latest staff list which I have been able to obtain, there

are 22 men on £280 per annum or under, those whose service is less than four years; there are 18 inspectors on £300 and under with anything up to fifteen years; there are 25 men on £400 and under with anything up to fifteen years, in our Police Force. I need not enlarge on the evils involved. Young policemen who are heavily in debt to traders, who could make their lives unbearable to them, might find it a great temptation not to resort to breaches of the law. Then, of course, being a woman, I know many of the wives very well and hear their side of it. The hardship on the domestic side is terrible. The housing of the police is also pretty bad. Some of the houses were condemned twenty years ago, and I maintain it is not possible to rear a healthy family in houses that are alive with bugs.

There is one curious survival in this vote for the police. I see they have "followers" who appear in the estimates. Under the heading I find "1 female clerk grade I and two female clerks grade II". I must confess that I turned over hastily to the Secretariat to see if they had followers, but they do not. (Laughter.) At least, I mean, not on the estimates. It is just a curious police survival.

I do ask Your Excellency that this body of men, the police, be really properly paid, not some day but now, and I ask this too for a specific reason. It is really part of my request for vocational training for which we have been asking in this country. We have lots of young men out here, who were born here, who know this country and its peoples, and speak their languages, and who ask for nothing better than to spend their lives in its service, and they are disappointed by the narrowness of the Government policy and by the bad conditions and poor pay. I should like to see the Police Force made into a service fit for our sons and our sons-in-law, gentlemen to whom the future of this country belongs, and it is only the necessity to safeguard their interests which brings some of us farmers here day after day to this session through the busiest harvest season that I have known in twenty-five years.

The debate was adjourned.

#### ADJOURNMENT

Council adjourned till Thursday, 27th November, 1941, at 10 a.m.

**Thursday, 27th November, 1941**

Council assembled at the Memorial Hall, Nairobi, at 10 a.m. on Thursday, 27th November, 1941, His Excellency the Governor (Sir Henry Moore, K.C.M.G.) presiding.

His Excellency opened the Council with prayer.

#### MINUTES

The minutes of the meeting of 26th November, 1941, were confirmed.

#### DRAFT ESTIMATES FOR 1942 REFERENCE TO STANDING FINANCE COMMITTEE

The debate was resumed.

MR. BOUWER (Uasin Gishu): Your Excellency, it is with some trepidation and hesitation that I rise to address this Council for the first time, and I crave the indulgence of hon. members. I do not intend to take up a great deal of the time of hon. members, which I have no doubt they will be very pleased to hear.

The first matter I want to deal with is a point raised by the noble lord the hon. Member for Rift Valley, and that is the question of maize. I want to associate myself with the remarks made by the noble lord. For years the maize farmers through their representatives have endeavoured to get the industry stabilized, but in vain. Whether it was hermit crab, bottleneck, *laissez-faire*, or just plain ineptitude of Government, I don't know, and I do not think anybody else does, but the result is that nothing has been done, and the acreage of maize has gone down—I am talking about European maize—to roughly 100,000 acres. If nothing is done in the future I am positive that the only maize that will be grown as far as Europeans are concerned will be maize only sufficient for their domestic requirements.

We are told, after the conference had sat at Cairo, that maize will be required from this country in large quantities. In fact, the Minister of State in that part of the world has written a letter that anything we can grow here will be taken, and one of the first things he mentioned in his list was maize. That being so, I think hon. members of this Council, if they know anything about the subject

at all, will agree with me, that if maize is required in large quantities, native production only cannot ensure the maize in large quantities can be exported from this Colony, and I say without any hesitation whatsoever that if maize is required in large quantities as a war effort, the European maize grower will have to be brought into the picture.

But, however much he would like to supply maize below the cost of production is just an impossibility. He cannot just do it any longer. He has done it for years, and cannot carry on. Quite recently, a sale was made to the Supply Board at a figure which does not cover the cost of production, and it was made clear at that time by maize representatives that if more maize was required the price would have to be something over one which would ensure cost of production, and I think I am right in saying that Government has agreed to the principle whereby, if any product is required as a war effort or in pursuance of the war to feed this Colony or troops in the Middle East, an adequate price must be guaranteed. Here again is a case where the price should be guaranteed to maize growers, not only to ensure that cost of production is covered, but also to ensure that a grower makes a living. I am not asking for excess profits—we producers just cannot think as far as that.

I was glad to hear the hon. member Mr. Pandya agree with what was said, that the producer cannot be expected to sell his product under the cost of production. I was very glad to hear that.

The next point I want to deal with is that of compulsory education. I would support again what was said by the noble lord, and I want to go into the matter in slightly more detail.

Since 1932, when the Central Advisory Council on Education was formed, that Council has on every possible occasion brought to the notice of Government the urgency of introducing, or at any rate applying, compulsory education. That advisory body is a body appointed by Government, and presumably we can take it that it consists of members who either have some knowledge of educational problems or who are very interested in them. Consistently, for the

[Mr. Bouwer] last eight or nine years, that body—which has not consisted of the same personnel all the time—has brought to the notice of Government time and time again the urgency of this matter. I maintain that if any body such as that, over a period of such a long time, reiterates its resolutions at practically every meeting that compulsory education should be brought in, some notice should be taken of such a body. In the words of my hon. friend the Financial Secretary, I must also say that I hope that no one in this Council has the hardihood to try and refute that statement.

Since 1938 I have been a member of that body, and we have passed resolution after resolution trying to get Government to move in the matter. On the 28th April, 1939, this resolution was passed which, if you will allow me, I will read to this Council:—

"That this Council reaffirms their previous resolution in favour of compulsory education and urges Government to bring into force immediately the relevant sections of the Education Ordinance in respect of all European children between seven and sixteen. Further, since it appears to this Council that the action recommended would necessitate additional accommodation, it is urged that the necessary accommodation, particularly secondary, be provided."

That was on 28th April, 1939. On 14th October, 1939, when next a meeting of this Council was held, the following minute occurs:—

"It was the general opinion that the urgent necessity of compulsory education was not realized by Government in spite of several strong resolutions that had been sent forward by the Council in the past. The following resolution was proposed by Captain Anderson, seconded by Mr. Megson, and carried unanimously: 'That a deputation headed by the Director of Education shall interview the hon. Chief Secretary with the hon. Financial Secretary in attendance if necessary, to urge the necessity of introducing compulsory education at the earliest possible moment.'"

That interview duly took place. The deputation urged in the strongest possible terms the desirability—in indeed, the urgency—of moving in this matter of compulsory education at the earliest possible moment. The deputation did not have a great deal of success. The main opposition, I think, came from my hon. friend the Financial Secretary who stated, if I am right, that on the grounds of finance it could not be done.

MR. LOCKHART: On a point of explanation, I have no recollection of the meeting to which the hon. member refers.

MR. BOUWER: I have minutes of what occurred and am prepared to substantiate what I said. The then Chief Secretary did say to us that he would have a survey made and promised that Government would take the initiative. Well, no initiative was taken and nothing was done as far as I know.

I think I have made it abundantly clear that the Advisory Council on Education has urged upon Government on every possible occasion the desirability of bringing in compulsory education, and I believe I am right in saying that my hon. friend the Director of Education is also very keen that this should be done at the earliest possible moment. In the last week I have collected the names of 27 children between the ages of seven and thirteen, most of them over the age of seven, who are not at school.

I do believe that hon. members will agree with me that this is a situation which we cannot tolerate any longer at any cost. We cannot allow any European child in this country to grow up an illiterate, because things being what they are the probability is that such a child in course of time will become a poor white, and those poor whites will cause social, political and economic problems which no amount of hard cash will be able to alleviate or to solve. I maintain that whatever this country can afford or cannot afford, it cannot afford not to have compulsory education. I trust that before this session ends a satisfactory statement on this very important matter will be made to this Council.

There is another point that I would like to raise concerning European educa-

[Mr. Bouwer]  
tion, and that is the maintenance of school buildings. I speak for my own particular district and school, that is the Eldoret School, but I believe it applies to practically every school in the country. I am talking about Government schools. These Baker buildings were put up twelve years ago with an object. I think one of the main arguments used at the time was that environment plays a very great deal in the education of any child. I have no doubt hon. members will agree with me that, if that is so, as I think it is, if one has beautiful buildings put up at large cost and does nothing to maintain their beautiful state, one is defeating one's object. I believe the hon. Chief Secretary was at Eldoret a few months ago, and I hope he will hear me out that the school there is if not in a dilapidated condition in a very untidy state, to say the least. Little has been done to the school in the way of maintenance for twelve years. Before going any further I would say in fairness that I believe that as a result of a discussion at Executive Council some time ago a little was done: two bath-rooms were painted, and they look very nice, but it only makes the rest of the building and the inside look worse than ever.

I think the best way to deal with it would be to give the Education Department a sum of money with which to maintain this building. I am not talking about large expenditure, but small sums, and that work could be done by contract, and I hope it will be agreed to, in a more efficient way. Say, for instance, £10 or £12 is needed to be spent. Before that can be done under present circumstances the executive engineer from Kisumu, I believe I am right in saying that, has to come and inspect the proposed work, and it costs that much to get him there and back. This work ought to be done, but there is then no more money to do it with. I sincerely trust that in that case Government will be able to make a satisfactory statement.

The next matter I want to deal with is probably a somewhat more difficult one, and that is the matter of a compulsory locust insurance pool. I am certain that every member of this Council

will agree with me that a locust invasion is a national calamity and that it affects every person in the Colony, from the Governor down through the trading and commercial community to the farmer. If we know anything about the life history of locusts and have studied past invasions, we can be very certain indeed that at some time in the future another locust invasion will take place. I cannot prove that, but unfortunately neither can that statement be disproved. I sincerely hope that someone will be able to disprove it; nothing would please me more.

There are three methods to my mind of dealing with such an invasion, or rather the pest of locusts. The first is by the destruction of the locust in his breeding ground; the second is by destroying him when he has reached this Colony; the third is by creating as large a fund as possible for as many years as possible so as to be able to compensate producers when their crops are destroyed when an invasion takes place. Unfortunately, in these unhappy times of war, the first method is probably impossible and, so at least I am told, is impracticable of application, and therefore we have got to think a little bit further. The second method has already been applied in the Colony with varying degrees of success, and no doubt if an invasion takes place again it will be applied again. The only solution to the problem lies in a combination of the second and third methods, the latter of which I am now coming to. There are many persons in this Colony who believe that the second method has not a great deal of value. I myself am not of that opinion; I believe it has. I believe it has a psychological value. If an invasion takes place and nothing is done, I think the country and the people in it would be very depressed.

For the last two years the Kenya Farmers' Association through the Settlement and Production Board has endeavoured to get Government to pass legislation providing for a compulsory insurance pool, to which Government would in some degree, large or small, contribute. Negotiations have been very protracted, and unfortunately so far no result has been reached. What I want

[Mr. Bouwer]  
to say now is that something must be done quickly if anything is to be done at all. If something had been done eighteen months or two years ago, there would be a considerable amount in the pool now with which to compensate farmers should an invasion occur, but nothing was done. The Kenya Farmers' Association has on two occasions had a voluntary locust insurance pool, but they were both cases of insuring the house when it was on fire. Even so, they had a large measure of success in that both times the pool was able to pay, mainly because the destruction caused by locusts was not very large. But if the two schemes proved anything, it was that a locust insurance pool is practical.

The scheme which I have in mind, and it is supported by practically every cereal grower in the country, is first of all that at least 75 per cent of the producers would be required to agree to an insurance scheme. I have not the slightest doubt that such a majority would be obtained very easily, provided Government was prepared to agree to contribute to such a scheme, the effect of which would be to bring down the premium which, in the case of the two schemes run by the Kenya Farmers' Association, was very high. In the last scheme it was as much as 10 per cent. The question which will be asked straight away is: Why should Government have anything to do with the matter at all, why should not the farmers stand on their own legs? The answer is quite clear. Government should contribute to the scheme because a locust invasion is a national calamity which requires to be treated in a national way, and combated in a national way. In effect, Government have admitted that principle in that during the last locust invasion they destroyed locusts as hard as they could and spent a very considerable sum of money on it. Further, it is a national calamity in that it affects every person in this Colony, I have not the slightest hesitation in saying, from Government downwards. It affects the Civil Servant, it affects the trader, it affects the commercial man, most of all I admit, it affects the unfortunate producer, but incontestably it affects the gentleman who is handling the pro-

ducer's money—when he has any, which is not very often!

If all hon. members had seen and experienced what I have no doubt some members on this side of Council did see and experience, during the last serious locust invasion in 1932-1933, when thousands and thousands of acres of crops were destroyed, which meant that thousands and thousands of pounds ordinarily circulating right through the Colony were not available to circulate, I would not be standing here trying to convince Council about the matter—you would be trying to convince me.

I think it is only common sense to build up such a pool; I cannot imagine or conceive anybody who is likely to argue against that. I trust that in this case as well Government will make a categorical statement that they are going to accept the principle and agree to bring in legislation provided that 75 per cent of the producers want it. But let us know where we stand.

I am very glad to say, Sir, that for the moment in this particular debate I have nothing more to say. (Applause.)

MR. KASIM: Your Excellency, the noble lord, the hon. Member for Rift Valley, in his speech has suggested that Africans should contribute to the general war effort by an extra shilling on their hut and poll tax. Your Excellency is aware that Africans have already been heavily taxed, directly and indirectly. In spite of the war, the native does not get a high price for his produce or an increase in his wages. On the other hand, the price of clothes has increased by 100 per cent; a piece of american which used to be sold for Sh. 11 is now sold for Sh. 22; likewise the prices of all goods used by the Africans have considerably increased. Therefore I am not in favour of increasing the tax on Africans.

War bonus—in your Communication from the Chair Your Excellency explained that, since the beginning of the war, both in the matter of taxation and price control steps have been taken so as not to render it necessary to make any general increase in salaries and wages. It is, however, indisputable that the cost of living has gone up considerably, and this has been recognized.

[Mr. Kasim]

by the banks and commercial houses who have increased the salaries of their staff. The hon. Financial Secretary, in reply to my question on Tuesday, said that on information supplied to Government the rise in the cost of living in towns since August, 1939, in the case of Europeans had not exceeded 18 per cent. It is the considered opinion that the cost of living has gone up much higher than the figure quoted by the hon. member, and I should like to suggest that whether Government considers giving a war bonus or not a committee of inquiry should be appointed to go into the question and find out to what extent the cost of living has gone up and how far it has affected the lower paid Government and Railway employees.

On page 23 of the Draft Estimates, under Item 3 the entertainment allowance to the Provincial Commissioner, Coast Province, has been increased from £100 to £200. Your Excellency may not be aware of the fact that Kisumu is now an important air port of entry for Kenya and many distinguished persons pass through whom the Provincial Commissioner has to entertain on behalf of Government. It would therefore be an appropriate thing if he were granted an entertainment allowance. (Laughter, and "Hear, hear".)

Under the Agricultural vote on page 36, Item 93, I am very gratified that provision has been made in the Estimates for a senior agricultural officer for Nyanza. It is regrettable that no provision is made for more assistant agricultural officers for this province. In your Communication from the Chair Your Excellency stressed the necessity for more production to assist the war effort in the Middle East. This could be achieved only by intensive production all round, and it is only by employing more agricultural officers for Nyanza, for Nyanza Province is actually short of agricultural staff. I hope the hon. Director of Agriculture will provide the officers required, or else more motoring allowance should be provided in the Estimates to enable the agricultural officers to get around more.

Kisumu School, under the Education vote—I thank Government for providing

a portion of this school at Kisumu which to some extent will relieve the congestion at the Government Indian School. I would, however, like to stress that at the school building is still under construction, in my view it would be economical if money for the remaining sections was provided as well. If my memory serves me rightly, in 1929 money for the Kisumu Indian School was included in the Estimates, and subsequently it was used for another purpose at Eldoret. It will thus be seen that the question has remained unsolved for the last twenty-one years, and I hope that the Standing Finance Committee will favourably consider the matter now.

With regard to Item 2 on page 56, in connexion with the Kibos road, only £500 have been included in the Estimates for this road in the Kibos Indian settlement area. The facts regarding this road are known to Government, especially the fact that no money was provided for over thirty years since the farms in this area were allotted to Indians, for the construction of a road. Actually, the sum needed is only £1,000, and I hope the Standing Finance Committee will see that this is provided, for the completion of this road will further stimulate agricultural activities in this area.

With regard to other roads in my constituency, the Kijabe-Narok road, the Kisumu-Kisii road, and the Yala-Busia road are most important connecting links in the transport service of the province, and parts of them are in bad condition. I hope that this next year money will be provided for them.

Under the Medical vote, I should like to say that Government are aware that the Indian community at Kisumu has raised about £500 for providing another Indian ward at the Kisumu civil hospital. I hope the hon. Director of Medical Services will see his way to post another Indian nurse to Kisumu.

On the question of import control, I should like to associate myself with the hon. member who said he hoped that Government would keep this question before them. It is vital to the Indian community, because in this connexion Nairobi Indian Chamber of Commerce passed a resolution which I should like to read:—

[Mr. Kasim]

"In view of the fact that import licences are issued subject to pre-war imports, this Chamber is unable to understand the necessity of establishing a panel of names of importers and requests Government to continue the present procedure of issuing import licences."

I hope Government will fully consider this question of import licences which affects the basic economic and commercial life of the Colony.

MR. SHAMSUD-DEEN (Central): Your Excellency, it is a well known and well established practice that on the occasion of the budget discussion members are allowed a good deal of latitude, perhaps undue latitude, to wander over all kinds of subjects, for this is the only opportunity of ventilating various kinds of views. I expect Your Excellency is well aware that while the war is on there should be economy, and therefore I am going to restrict myself to fifteen minutes. When they expire, whether I have or have not finished does not matter. I shall simply drop down in my seat. (Laughter, and "Hear, hear".) I think this session should have ended not later than yesterday, but quite a number of us are always inclined to make this a sort of oratorical contest and so waste the time of a number of heads of departments who come here from all over the country, which means loss of valuable war work by Government officials including Your Excellency, and they are kept here listening in most cases to things repeated times out of number. Of course, there are speeches, like that delivered by the hon. Member for Kiambu yesterday, which are an exception.

Beginning with the budget, I should like first to associate myself with others and congratulate the hon. mover on the very condensed, concise and clear statement of the budget which he has given us without giving us any bewildering mass of figures which give one a headache. I wish to associate myself with all that has been said by the noble lord, the hon. Member for Rift Valley, and others, and hope we shall be able to retain the services of the hon. Financial Secretary; at any rate for the duration

of the war. I have had experience of this Council for the last twenty years, and I am not flattering him only when I say that he is one of the few, if not the cleverest, treasurers and financial secretaries we have had in this Colony.

To touch on a few points briefly.

I wish to take up the question of roads, first of all, I happen to be a member of Nairobi Municipal Council, and I think hon. members must have read in this morning's paper the views expressed by that council in connexion with the resolution we passed a few weeks ago as to the desirability of constructing the road from Mombasa to Kitale. We have had a bald statement saying that £80,000 was going to be spent on road-making next year. The only question is that this sum is infinitesimal as compared with the actual requirements of the Colony. It is also humiliating to a certain extent when we realize that a bankrupt state like Italy has succeeded in constructing tarred macadam roads in Abyssinia in the course of two or three years for thousands of miles, whereas we, having a most efficient staff on the Public Works Department, have not been able to put a very frequently used road from here to Thika in a tarred macadam condition. Everyone rails at this much maligned department, but what can the Public Works Department do? If they have no money they cannot make roads simply by making drawings on paper. Two years ago, when the then Governor Sir Robert Brooke-Popham went to Thika to open a session of the Indian Merchants Chamber there, I mentioned to him that this particular road was very frequently used and it should not be difficult to tar macadamize it. He simply laughed and thought the idea was fantastic. I have mentioned this before, that in this respect Zanzibar is far ahead of us. I have seen at least 100 miles of tar macadam roads, and in South Africa and all other countries there are decent respectable roads extending over thousands of miles.

It may be asked, what has Nairobi Municipal Council got to do with the road from Mombasa to Kitale? As one hon. member has said, Nairobi is the hub of the Colony, and unless there are roads leading to this town we shall be

[Mr. Shamsud-Deen] left isolated as a sort of island without any communications. I do not want to dwell on this point, except to say that we must not forget that although there is no actual war in this Colony the war is not yet over, and it is desirable to have our communications in such a state of preparedness that we shall be able to use them if and when necessary.

While on the question of roads and transport I only wish to mention one more point, and that is the method of taxation of motor vehicles. As in force in this Colony, it is absolutely unscientific. People who have got a derelict Ford car about eight years old in which they come from a farm to do their important business in town, have got to pay the same tax as a person who has got a brand new V 8 car, a flashy thing in which he goes about in town. The tax should be on the actual valuation of the vehicle concerned and not merely by making it irrespective of how long a car has been in use or for what purpose. If I had my way, I should like to introduce some sort of Defence Regulations by which people living in townships and using motor cars should at least pay double the amount of the tax payable by people outside.

I was rather surprised when I heard the noble lord yesterday—I hope he will correct me if I am wrong—saying that he admired the Germans for bringing up troops. I am not going to make this speech an occasion for congratulating the military and praising them, because I think everybody in this Colony is doing his duty, including the military. What has been said about General Cunningham was fully expected of him in view of his past record of service, and if he had done less we would have been disappointed, but when one hears that the Germans have got credit for bringing up troops it sounds like somebody admiring the efforts of a cat burglar climbing up the side of a house. I certainly do not associate myself with that admiration.

I see that opposition has been expressed to the loan of half a million pounds to the Imperial Government and people have talked about the need for putting our own house in order. I have been wondering what house we

have got. Our house is merely an annex to the main building known as the Empire, and if the whole house gets on fire and if the people living in the small annex hesitate in taking half a bucket of water to put the fire out on the plea that they must reserve it for their own house, that is absurd, because if the main building goes the whole building goes. That reminds me of the inquiry held at the end of the last war about Lord Hardinge, the then Viceroy having refused to send more troops to the Middle East at the request of Lord Kitchener. The argument used by Lord Hardinge was that it was no longer safe to send any more troops from India without endangering the safety of India itself, and Lord Kitchener replied "What is the good of keeping India if we lose the war here?" That is the position here. What is the good of setting our own house in order if the Empire is in danger? If the main house is safe, we will have time to put our own house in order.

I am not against any help being given to European farmers, but for the life of me I cannot understand how we can subsidize any maize grown by European producers. Unless it is argued that the maize grown by European farmers tastes any sweeter or has any more power of nutrition in it than that grown by natives, I think the proposition is illogical, uneconomical and impractical, because if you say that the maize grown by European farmers will be paid for at a different rate than is paid to natives I think the whole proposition becomes absurd. Of course, that is my feeling, but I have an open mind, and am open to be convinced by arguments to the contrary.

I should like to associate myself with what the hon. Member for Kiambu said as regards the necessity for native housing in Nairobi. Though what she said about it applied with double force to the necessity for better housing of the poorer classes of Asians, the outbreak of plague in Nairobi is not entirely unconnected with the overcrowding of the town. I think we are lucky that the outbreak is showing signs of abating now, otherwise the result might have been very disastrous to the whole community.

[Mr. Shamsud-Deen]

A good deal has been said and there has been a good deal of grouching about income tax. All I wish to say is that I have been from the very beginning opposed to the principle of income tax, but those who favour it made a bed that they thought was going to be comfortable. If they find the bed a bit too hot for them to lie in, I do not see any reason for them to grouse. After all, the occasion for the imposition of income tax is an extraordinary one and the occasion fully justifies the increase that has been suggested in this Council.

I expect and hope in this debate that there will be no sickening repetition of Europeans and non-Europeans, but I have heard something about a special tax being introduced for the non-Europeans. I firmly believe there is no room for any increased taxation for the natives. They are paying practically one-twelfth of their year's income to Government in taxation now, and I doubt very much whether Europeans or Indians would be prepared to submit to the same sort of taxation. I think it would be a mistake if there were any increase of tax on natives.

While I have a very great admiration for the help that has been given this Colony by the military people, and while I do not wish to go into the question of the waste of petrol, as far as the military authorities are concerned, for it is negligible, I do appreciate that we should have some sort of information, and I propose to put a question, as to the number of civilian men, women and children who have been run over with fatal results, especially by military lorries which go about recklessly and do not stop to look at the victims. That is one thing I should like to see stopped. As far as the waste of petrol is concerned, I do not think very much occurs. If people who have been risking their lives come here and want a good time in going about, I do not think we ought to say anything.

The hon. member Mr. Pandya yesterday referred to some atrocious practices by the revenue collector at Mombasa. I wish to say very happily that that state of affairs does not exist in Nairobi, and I should like to mention here that the

officer who collects the poll tax in this town is very well known for his tactful manner, although he is very strict, but he is humane and has never indulged in any of those practices here referred to by my hon. friend.

There was a time, of course, when I used to spend hours and hours making mental notes at night to deliver a budget speech in order to make it a historical occasion—and to make myself a second Disraeli. I have not done it this time, and I do not think I have much to add, so I will content myself with that. (Applause.)

MR. MONTGOMERY (Native Interests): Your Excellency, there is only one point which I wish to discuss to-day, the one which has been raised by other hon. members, and that is the possible war tax on natives.

Speaking generally, I am inclined to think that it would be quite a good thing, and I have been told that certain of the more rich tribes are quite willing to pay this taxation. But I think one or two points must be considered, and I hope the hon. Chief Native Commissioner will make a note of them.

The first is, that a committee has just finished its deliberations, and I do not think you, Sir, have seen the report yet. That report must be considered before any proposal to increase taxation is considered, because it does mean extra taxation if its recommendations are accepted.

Then there is the question whether such taxation, if agreed on, should be imposed by Government or be a voluntary rate imposed by local native councils themselves. I think the latter would be the better method, as the rich tribes— I really mean the whole of Nyanza and Central Provinces—would probably do this on the understanding that the money would be found for betterment purposes after the war. But, when the question is considered I should like to have information. Local Native Council estimates for 1941 show that already the natives, of their own free will, have rated themselves to the extent of £63,000 odd, and that is spent on education, medical, agriculture, veterinary services, forests, roads, and bridges, and water supplies. It is a very big sum of money,

[Mr. Montgomery]  
and if it were not for the local native councils in this Colony it is quite obvious to me that Government expenditure would have gone up considerably in order to meet those schemes which they desire and which quite possibly, in some cases should be provided by Government. When any further taxation is considered, I think reference should be made to the schedule at the end of the Local Native Council estimates.

On page 63 of the Estimates I see a note that the contribution to provident funds has gone up by some £3,000. I should like the hon. mover in his reply to tell me whether this includes payment to the African Civil Service scheme, which has been proposed by a committee but has not yet been accepted by Government. If it is to be accepted, I hope that provision will be made in the 1942 Estimates to provide the necessary amount.

MR. SHERIFF ABDULLA BIN SALIM (Arab): Your Excellency, after listening to the good speeches made on this side of Council a poor speaker like myself finds it rather difficult to stand up and speak, but, as this is the only occasion on which it is possible for me to put the grievances of those whom I represent, I feel that I should be neglecting my duty if I did not do so.

Hon. members on this side of Council have dealt very ably with the Estimates, and I do not think that there is much left to be argued, but I should like to say in the first instance that in a way I am a bit disappointed with the budget as I had anticipated that Government would at least have given some consideration to the question of granting pensions to the liwalis, chief kuthis, kuthis and mudirs who have left the service of Government. Some years back all these posts which I have mentioned were pensionable posts, but recently pensions were done away with, with the result that there is now only one post pensionable and that too is personal to the present holder. I hope Your Excellency will remember that when you were recently in Mombasa you very kindly granted me an interview on this subject, and in the course of conversation I emphasized that in view of the services rendered by Arab

officials for a very considerable period the time had come when Government should consider giving them pensions.

I will now proceed to offer a few remarks on what is called the Report of the Committee on Arab and African Terms of Service.

The committee has recommended that Arabs be allowed to serve under Asian terms of service if they could so qualify. That is all right, but it is felt by those who are already in the service that before they are allowed to serve under the Asian terms they will be asked to go back to school and endeavour to obtain the qualifications required. If that were done it would be most unfair. Such a case did not happen when the terms of service for Asians were put into force. Those clerks already in the service automatically came under the new terms: only new entrants had to qualify, and I suggest that in the case of the Arabs the same should apply.

I am sure that Your Excellency has often heard in the last few months that the Arab Clerks in the service of the Colony have tried their level best to leave that service and join the O.E.T.A. The reason, which is well known to you and to members of this Council, is because of the bad treatment meted out to them and because they are treated as inferior to Asians. Personally, I say that Government deliberately does such things in order to annoy Arabs. Why I say deliberately is because Arabs have constantly objected to such inferior treatment and Government does not seem to pay much attention to their objections. While I am on this subject I should like to say that it was manifestly unfair for heads of departments to stop some of those Arabs joining the O.E.T.A. to better their prospects when their departments cannot offer them better conditions.

I am very grateful to the hon. Member for Mombasa, who requested the hon. Commissioner of Customs to place Arab clerks in his department, but I will say this much: that I do not think Arab boys who are now coming from school life will have it in their minds at all to join Government departments, because those clerks already in the Customs Department and who have been there for

[Mr. Sheriff Abdulla bin Salim]  
many years, some as long as ten years, have had no promotion and no increments and no better treatment given them although they are qualified, and they are ready to leave, if they can get jobs somewhere else with better prospects.

Another point I should like to touch on before sitting down is the question of immigration. My community have never been subjected to such bad treatment and immigration restrictions as in the last few years at the hands of the immigration officer, and I really fail to understand this sudden change of policy in prohibiting Arab immigrants. There has never been a single case when Government has had to repatriate an Arab who became involved in political or criminal activities.

Your Excellency, I do not want to waste the time of the Council, and I should like to conclude by saying that the time has come when you should take these matters up and consider the grievances of the Arabs more sympathetically.

MR. COOKE: Your Excellency, I had some comments to make with reference to the speeches made yesterday by the hon. Member for Nairobi South and the hon. member Mr. Shamsud-Deen, but those two gentlemen, having made their points, have now absented themselves from Council. I think it is time to protest against people coming here, making their points, and then clearing off; at any rate, I think it is rather discourteous to other members of the Council. Of course, there may be many good reasons for being absent, but this happens to frequently nowadays in this Council.

I join issue entirely with what the hon. member Mr. Shamsud-Deen said or implied, that we were wasting the time of the country in discussing the budget every year at such length. He may be one of those gifted people who can express themselves concisely and shortly, like the philosopher Bacon, but not all of us have got the same gift. I personally feel that when matters of great public importance have to be discussed, this Council is the correct place where they should be discussed, even though what

we say might not have very much effect on the hon. gentlemen on the other side of Council, but, at any rate, we are ventilating any grievance that may exist.

My hon. friend the Financial Secretary has succeeded in "plucking the goose" without very much squealing so far, but I am afraid that I am not one who is going to pay him more compliments. I am not going to sing a psalm of praise because I think the hon. gentleman's budget is very unimaginative. He has done what merely stupid people like myself might have done; that is, increased the present taxes, but he has not, as far as I can see, explored any new avenues of taxation.

With regard to income tax, I think the hon. gentleman has omitted to realize the difference between conditions in this country and those at home. A man of say £400 at home is much better off than a man with £400 in this country, whereas a man with £1,200 at home is less well off than the man with the same amount in this country. The reason is this: that the necessities of life, transport, holidays, medical attendance, etc., are much cheaper in England than in this country, whereas the luxuries of life are less expensive in this country, I mean in the way of games, hunting, fishing and other things that people indulge in. Therefore the hon. member shows little imagination in following the English system, as I think he has, in basing his calculations for income tax.

If I may take two examples. Take a man with £400 a year. He is taxed to the extent of £33 under the new proposals, that is a bachelor. A man with £1,200 is taxed to the extent of about £200 roughly. £33 is very much more to the man with the limited income than £200 to the man with £1,200 a year. Take again a bachelor on £1,300 a year and again a bachelor with four children on £1,300 a year. The bachelor will expect to pay roughly—I am speaking in rough figures—about £200 under the new tax-figures. The unfortunate married man (or fortunate) pays £100. The bachelor will probably plenty of money pays only £100 more than the married man with four children. I think that is an anomaly in these proposals.

[Mr. Cooke]

With regard to the police, I happen to be one of those who have taken the matter up from the start, and I hope that Government will not permit any unavoidable delay in this very serious matter. There is no doubt that the police, especially the assistant inspectors, are very badly underpaid. If you compare them, for instance, with P.W.D. foremen or sanitary inspectors, I think it must be acknowledged that a police inspector has more responsible work to do and yet is paid less. I am not now thinking in terms of £10 a year rises for police inspectors. It should be, to begin with, at least £50 a year; and I think it is a very good insurance to invest our money in that way.

I should like to associate myself with the noble lord in what he said about the retirement and promotion of Government officials. I think it is all wrong because the war is lasting, and may last, several years, that we shall continue to be governed possibly by a lot of grey-beards. We must give an opportunity to the younger men to bring their fresh ideas, especially when ideas are changing rapidly, and imagination to bear on the future government of the country. I know it is a very difficult situation, but I do not see why some of the senior government officials should not retire and at the same time, as is done in South Africa, resume their duties under the junior man.

Regarding the entertainment allowance for the Provincial Commissioner, Coast Province, I am not opposing this, but I must say that at a time when homilies are being preached about economy, it seems to me rather strange that Government should encourage further expenditure. I know that the present Provincial Commissioner has been doing a lot of entertaining but, after all, that is the duty of administrative officers. We have all spent a lot of our own money in the past on that kind of duty. But the point is this: that so far (and I have had a good deal of experience of the coast) as he is concerned the Provincial Commissioner would be doing much better by touring the province and encouraging his people (which the present Provincial Commissioner has been doing since he

went there) than indulging in the flesh-pots of Mombasa. I was stationed at a coast town for two years and was only visited once by the Provincial Commissioner of that time, and that was, if I remember rightly, to administer a reprimand; which went like water off a duck's back, as a matter of fact!

I do not often congratulate Government, but I should like to congratulate them on the forest planting fund. This is a step in the right direction at a time when so many trees are being cut down. It is really very gratifying and encouraging that this fund has been started.

One thing I seriously want to criticize and that is the war expenditure, the vote that is a one-line vote.

We have got to pay the money, and I think we should call the tune, and we should know—the omission might have been excusable the first year of the war—how the money is spent. We see that the censorship vote has gone up by about £2,000; the Information Office vote is still very large, and the Supply Board vote is also very large. I think we ought to have full details, which are not given in the memorandum, of that particular matter.

Regarding the speech of the hon. member Mr. Pandya, I should like to support what he said about the coast roads. Many people do not realize, I think, that the roads running parallel to the sea are absolutely necessary. At the present moment especially, and indeed at all times, communication by sea is most perilous and boats are few and far between. Therefore we really do need these coast roads.

On this question I would point out that a very stupid thing happened two years ago against which I protested at the time. The then G.O.C.—I do not mean General Cunningham—held views which were not shared by others, and he was determined to plough up the coast road from Merikani to Malindi, and under his instigation that road was allowed to get into a shocking state of affairs. His argument was that it was to prevent the advance of the enemy legions! Well, if he thought that the panzer divisions, to whom the desert of Libya and the steppes of Russia had no

[Mr. Cooke] to be barred by the destruction of a few culverts, he was taking an amazing view. The only effect was that the unfortunate missionaries at Kaloleni, who are doing such useful work, could not get about the district, and the Indian and other traders who were also doing useful work suffered a great deal of damage to their cars.

I will not keep Council very long, but I should like to support what my hon. friend the Member for Mombasa said about Government. I do not think I have ever known the Government of this country so discredited—I will not say distrusted—and the reason is, of course, obvious. Where we should have firmness we have had vacillation; where we should have had prudence we have had imprudence; and where there might have been frankness there has been a great deal of evasion and part truths. I find it almost impossible to get a straight answer to any point I bring up in debate—may be it is not worth answering—or to any question which I ask. There are always some kind of half-truths or some kind of evasion, but no frankness. Indeed, some gentlemen indulge in tricky dialectics and scornful remarks when merely asked to answer a frank question. I never could understand, and have said so before, how it is that Government officials, senior Government officials, who show a very high standard in their private lives, think they can throw aside that ethical code when dealing with official matters. I do not say that all do. It is to me a most remarkable thing, the way they act as they would not act in ordinary private life.

My hon. and learned friend the Attorney General, who is the custodian of the laws of the country, seems to arrogate to himself the right to say what laws Government shall obey and what laws they shall disregard. As an example of this, he seems to have acquiesced in what I call tampering with the Belcher Report, and very recently—I hope I am not doing him an injustice—he has condemned the breach of a solemn agreement made between Your Excellency's Government and the Fly Fishers' Association of Kenya who are doing very good work. Then my

hon. friend the Chief Secretary—whom I always seem to run up against, but I do not think he really minds—was responsible about a month ago for being a co-signatory to a document, and I have it here, in defence of the Government attitude towards the Belcher Report. In it, he says the report was amended in one paragraph only, namely, in paragraph 59. My information on good authority is that that report was amended in three paragraphs, so I should like my hon. friend, if he does me the honour of replying, to give a categorical denial to my suggestion that in fact the report was amended in three paragraphs. Also, I am informed on good authority, the report criticized, and very strongly criticized, another member of the Supply Board other than Mr. Goodhind and that that criticism has been cut out. If my hon. friend can give me a categorical denial I shall be the first to withdraw what I have suggested.

To me, even more serious still was the rather sarcastic allusion to technicalities and legal quibbles. I do not know what my hon. friend regards as technicalities or legal quibbles.

MR. RENNIE: On a point of order, will the hon. member remember that that report was a joint report?

MR. COOKE: Yes. I said my hon. friend was a co-signatory, and everybody knows that Sir Charles Belcher also signed the report. I am not a lawyer, but I happen to know a certain amount of constitutional law, and it does seem to me what my hon. friend calls a legal quibble.

MR. RENNIE: On a point of order, I would again remind the hon. member that it is a joint report.

MR. COOKE: That makes it worse! My hon. friend and Sir Charles Belcher call them legal quibbles and technicalities. In my opinion, they are not technicalities but principles upon which the whole of British justice has been based, and if we disregard such things all confidence and trust in any Government reports are lost. It seems to me one might as well interfere with a judgment of the High Court as interfere with the judgment of this sworn commission of inquiry. It has had a very



[Mr. Cooke] bad effect throughout the country, and I suggest that in a young country like this that is not an example to set the younger generation of Europeans and Indians and Africans growing up in this country.

Now, Sir, I have practically finished. I only want to pay my hon. friend the Financial Secretary a compliment not often paid by me, because I have admired very much his robust realism and eloquence and repartee, which was used against myself on many occasions, and will say this: that I think on the whole I would almost prefer his disagreement to the too easy acquiescence of lesser men. Therefore I should like to join with what the noble lord and others have said, and express my great regret at his departure.

LADY SIDNEY FARRAR (Nyanza): Your Excellency, I regret that it appears to be my lot to have to bring back Council to the rather humdrum necessity, which I believe is what we are here for, of discussing the budget, but I have only two or three points which I wish to raise. I regret that the remarks I am going to make are rather destructive than constructive. The majority of the points which my constituents would wish me to speak on have already been well covered by previous speakers, particularly the questions of the police, of roads and of compulsory education.

The first point on which I should like to comment adversely is the vote, the very large vote, which still appears under Head 40, War Expenditure, Civil: the expenditure on the Information Office.

Last year, that expenditure was agreed to by this Council rather in the nature of an experiment, I understood. It was believed that the reasons put forward for the very great increase in this vote were worthy of consideration in the nature of an experiment. I submit, Your Excellency, that that experiment has not been a success, and definitely does not justify the sum of money which still appears under this head and which I see is actually increased. Possibly to the people of Nairobi the very little information which comes from the Information Office either by newspapers or

by broadcast may not be a great loss. We have heard a great deal about Nairobi being the hub of the universe and presumably people hear all about these things in the clubs and bars. This is not the case with the people up-country, in the goldfields and on the farms—in the Nyanza area at any rate. They depend on the information given them in newspapers and in broadcasts for knowing what is being done for them.

A very great deal more use could be made of both mediums than is being made at the present time. I should like to submit that unless a very great deal better use is made of the Information Office, the money spent on it is not justified. I will give a few instances. We have heard a certain amount, particularly here, about growing more wheat. We have occasionally had a talk from an agricultural officer on the broadcast which has been interesting, but not very frequent talks. I should like to ask why we have not heard in the "Grow More Campaign" of the action being taken about the difficulties as far as wheat is concerned? We have heard vaguely that there is money available in various ways, but we have not heard where we can get the mechanics, where the drivers for the harvest threshers are to be found, we have heard vaguely that some communal threshers are to be used, but they do not exist as far as I know in the Rift Valley. That is some slight idea of the questions being asked by the ordinary farmer.

I am glad to see in the Estimates that public dips are to be erected in certain places, including Songhor. That will be greatly appreciated. How often is it broadcast, the procedure for obtaining assistance in building individual dips? It has been mentioned, but what details have been given as to how we are to obtain at the present moment the necessary cement, what information is given as to Government control of the prices asked by Indian contractors for the making of these dips? I am not talking about generalizations, but what the farmer wants to know as regards obtaining the necessary money for the building of these dips further than just saying money can be made available. You must bear in mind that the

[Lady Sidney Farrar] managers responsible for building the dips are probably managing a number of farms and they certainly have not the time to make all sorts of inquiries themselves and finding out exactly how these things can be done. Generalizations, we have had in very occasional talks. Detail is extremely hard to obtain by the men who are working eighteen hours a day farming, running not only their own but other farms.

I am not going to stress the point further except to say that I think the work of the Information Office where the native broadcasts are concerned has also failed. The natives have ceased to be interested to the extent they were two years ago in these broadcasts; they cannot understand the incomprehensible Russian names with which their broadcasts are frequently flooded. They do not understand what is given them in these broadcasts which are over their heads. Nor has full use been made of the broadcast regarding soil erosion and our duty to the country and the Empire at the present moment. I do not consider full use has been made of that medium. From all that I can hear up-country, I am satisfied that the Information Office has failed in that particular duty of interesting the native through the medium of the wireless.

The next point I wish to raise is under Head 23, Mines. I see one very small increase to a claims inspector has been included in the mining vote. Sir, we want something very different. We want a great change made where the mines are concerned. It was not very long ago that a Commissioner of Mines was appointed for the improvement and development of one of our major industries, at the present time one of the most important to the war effort of this country, the production of gold. At the time the Government official was appointed he, owing to his own efforts, his own very tireless interest in the duty he had been given acquired a knowledge of mining which was eminently satisfactory to the mining community. It was not his job, it was not what he was trained for or brought into the country for: he was an administrative officer, not a mining engineer or specialist in

any way whatsoever, but he made himself into an authority on mining as known in East Africa. He took endless trouble to get to know his mining constituents, if one may call them that; he gained their confidence by his interest and his intelligent appreciation of their difficulties, and they had no complaint to make.

The complaint has arisen that just as the official appointed to that duty had really begun to know his job, he was swept away, I presume on promotion, apparently it is considered promotion, to another job in the Administration, and another man was put into the same job, a man who had no basic knowledge whatsoever of his subject. Again, presumably we have got to wait two or three years until he is able. If he is sufficiently interested to do so, which I feel sure as a sincere man he is, to understand his subject, and during those years we shall be wasting knowledge which had already been obtained by the other man.

I submit that the time has come when the mining industry should be given a specialist Commissioner of Mines who is brought out or even found in this country or South Africa if possible, who is already a specialist in mining, and who should be given a reasonably paid permanent post in Government as Commissioner of Mines. It should not be regarded as another district commissioner's job which can be changed from year to year as district commissioners come and go. It will undoubtedly mean an increase in the vote at present before this Council for that duty. You will have to pay a specialist's salary, but it is going to be well worth while, and more so in war time perhaps, by the specialist advice that that Commissioner of Mines will be able to give Government. That I very seriously ask Your Excellency to consider, the very urgent and pressing need for taking on a knowledgeable man of the mining world as a permanent Commissioner of Mines.

In connexion with this question and this particular item, I trust that the employment, the additional expense that is proposed, will make it possible for someone to find time in the Mines Department to go very closely into one

[Lady Sidney Farrar] question which has been raised by men serving in the forces at the present time, namely, the difficulty that they are experiencing in ensuring, while they are absent, that their claims are protected against being taken over owing to the dues that should be paid on them not having been paid on the right date.

The question of war loans savings schemes has already been talked of yesterday by other elected members. I would suggest that the country, particularly up-country districts, feel very strongly that Government is not showing an appreciation of the wish of the ordinary man in the street who cannot think in terms of £5 at a time to contribute to war savings either in the form of war loan or, as Government prefers it to be thought of, in the Post Office savings bank. There was a great deal of disappointment that Government could not see its way to issuing the 15/6 war savings certificates that are issued in other parts of Africa. The country, however, appreciated the arguments put forward towards making use of the Post Office savings bank in this direction. What they do not appreciate is that Government appears to be doing nothing whatever to make it easy to take up these savings.

This is a criticism which has been levelled in the past two years and one I feel strongly on and, indeed, all members of the community. It is not made easy for them to save by Government, and that is Government's duty. Various schemes are employed in other countries in Africa. One of the very best surely would be on the lines of the kodi stamp which it was found possible to introduce to assist the native in paying his Sh. 12 hut and poll tax. In South Africa, a scheme for buying war savings stamps towards war savings certificates is in existence. They are obtained at the post offices, and from voluntary helpers at all sorts of charity fêtes, in the shops, on the streets, and everywhere else. I suggest that this avenue be explored, whether the post office could at least sell shilling stamps that can be gathered together in denominations of £1 or £5 for either Post Office savings or war loans, stamps which can be bought by

an enthusiastic employer in considerable quantities so as to reach the native when he is paid. The same could be done by business houses, and by the Asiatic shopkeeper who wished to help in various ways. I would suggest that Government should not be too complacent in its attitude towards savings schemes in this country, but that an attempt should be made to assist people who can only save in small denominations, a denomination as small as one shilling.

In the present budget there are many items for leave passages for Government servants who are compulsorily sent on leave. I understand that at the present moment they may be sent to South Africa. I would suggest that in view of the interest which is perhaps becoming more obvious again now of increasing the Home Guard or K.D.F. or whatever you call it in this country for the men who are passed as being medically fit, the question should be considered whether, instead of a man being compelled to take leave in South Africa, where he hardly enjoys very much having to spend three or four months in idleness, it would not be possible for him to be permitted to take some form of military training in camps, where the men will lead some reasonable outdoor life and different occupation, and at the same time have the opportunity of feeling they were pulling their weight in additional military training which these three, six or eight months on leave would not have given.

MR. RENNIE: On a point of explanation, I am not aware that a Government servant is sent compulsorily on leave at the present time.

LADY SIDNEY FARRAR: I understood this was the policy of East Africa; it is certainly of Tanganyika.

There has been a good deal of discussion this session on the part the native is playing in this country, and I should like to take this opportunity of paying tribute to the native. Recruiting in this Colony has been so good that it had to be stopped, and a stop has been put to the number of natives being recruited this year. I think that throughout the country you will find that 80 per cent of the farmers, who are not the

[Lady Sidney Farrar] ones who write to the newspapers, are appreciative of the good behaviour of the farm labourer, particularly where the farm labourer, particularly where the women who run farms alone are concerned. They are paying surprisingly large sums into war funds, they are creating their savings in the Post Office savings bank. They can do a lot more, and I think we are entirely right to emphasize that they should do more and that it is their duty to do more to ensure that labour production is available.

But the question that is continuously asked is, to what extent is the Asiatic community of this country also playing its full part? We have heard a lot about the European and the native this session, and in this budget also we see very large sums of money being allocated to Indian education, Indian hospitals, increased increments to Asiatic employees, and the country as a whole would like to hear from Government what part the Asiatics of the Colony are playing at the present time, both in the production of man power for the military forces, for production in war savings, in contributions to every form of war loan and war gifts in proportion to the money that they have made out of the war. I think it is generally agreed that the Asiatic community of the country has never been as well off as it is at the present time, and I should like to hear what proportion they are giving in man power and money towards the war effort, and whether that proportion agrees with the proportion of money allocated in this budget to their welfare.

There is one point that is also interesting to the people of the country at the present time but which is not spoken of by Government. That is, what steps have been taken towards an East African federation of some kind or another? We see here appreciable funds voted towards the Governor's Conference—we hear little of what it does, and that money voted appears the only direct action taken towards co-operative effort and towards any form of federation whatsoever in East Africa. I use the term federation advisedly rather than unification as that appears to be the goal to aim at at the present time. I should like to hear what funds were

voted to sending delegates to the meeting held at the beginning of the year between Rhodesia and Nyasaland to discuss federation in East Africa. I should like to hear what pressure was brought on the Home Government by any single department of Government urging the importance of after-war effort that would come from the closer union of these three territories. The question has been shelved, but it is a vital question as much as before the war. In unity is strength, and at the present time I do not think we are paying enough attention to this, either from the propaganda point of view or any other point of view.

What action is being taken, not only as regards the roads in Kenya but as regards co-operative effort for the roads not only from the south but towards the north, the road that should be built through Abyssinia, the vital road that should be made as the back door to the forces in the Middle East for the transport of produce which we have been told we should grow to assist in the war effort to assist to feed the troops up north. That question appears to be left entirely out of the picture at the present time, and as a direct contribution to the war is of value, not only now but in days to come in the development of this part of the British Empire. We should like to hear whether any consideration whatever has been given to the expenditure of money either by the Home Government or from East African funds towards the building of the continuation so urgently required now of the Great North Road at the present time.

DIRECTOR OF PUBLIC WORKS (Mr. Stronach): Your Excellency, it falls to my lot to kick off from this side of Council. Not being a cricketer, I do not use the phrase "Opening the batting!" During the course of the debate, certain points affecting my department have been raised by hon. members on the other side of Council, and these call for certain comments and elucidation.

The hon. members for the Coast and Kiambu inquired what was Government's policy in respect of roads; the hon. member Mr. Shamsud-Deen also made reference to it in his speech. I was

[Mr. Stronach] interested to peruse the leading article in the *East African Standard* this morning, and I must say that I agree with most of the points put forward. In fact, I agree so much that one would suspect I had written some of the article myself. Returning to the policy with regard to roads, the policy of this Government and of this Council I may take it is set forth in the road programme report laid on the table in 1938. This report, and the estimate contained therein, has been amended recently with schemes of a modest nature to the value of £250,000. These estimates were revised in the light of changed conditions, and the amount of money required to carry out that programme amounts to £385,000. Presumably if the war had not started, at any rate part of this programme would have been put into action.

At the end of 1940 and the beginning of 1941 the military authorities had worked out a very comprehensive scheme for roads of strategic importance in the Colony. These roads rather overlapped on the road programme proposals, and as a matter of fact Government had gone so far as to agree to make a contribution to such roads as were going to be made by the military authorities that were included in the road programme report. As everybody knows, the campaign in East Africa changed, and the military did not carry on with their proposals. Consequently upon this and with the arrival of Italian prisoners in the Colony, and also in view of the considerable damage that had been done to the roads of the Colony, the question of the road programme was again reopened about the middle of this year. Arising out of that, the Central Roads and Traffic Board put forward proposals all of which Government could not accept but which has been accepted to the extent of allocating some £80,500 from the surplus balance of 1940 to make a start on the road programme.

Certain of the roads affected are of necessity in proximity to prisoners of war camps at Naivasha and Gilgil. Provision is made for bituminizing the Naivasha-Gilgil-Nakuru road, for a diversion of the Gilgil Escarpment, and for certain roads at the coast. Provision is also made for major road plant and

for a survey which includes roads that are outside the present scope of the £80,500.

Of course, this road programme must be continued. It would be ridiculous not to, because when the organization is in being and plant available for the purpose it would be pure madness not to carry on with the scheme. Consequently, the Central Roads and Traffic Board are to consider recommendations for a further part of the programme. Referring to the road programme, it was always clearly understood by me and everybody else on the Central Roads and Traffic Board that that £250,000 was only a small part of what is required; and that revised version would be required in due course. The Board at its next meeting will discuss what roads are to take priority—whether we carry on with the Nairobi-Thika road or whether to carry on with the Limuru road. Of course there are difficulties, such as staff. I have as a matter of fact been lucky enough to be able to post three permanent officials to the road staff—an executive engineer and two road foremen. I have also been able to engage a construction engineer, a road location engineer, and a road supervisor, five temporary foremen, and an Asian draftsman, two Asian surveyors and three clerks. That is sufficient to carry on the programme for the moment.

A start has definitely been made at Gilgil on the township roads by the prisoners of war and on Gilgil Escarpment by paid labour. Considerable progress has been made on the Great North Road by the agency of the prisoners of war, where we have as many as 800 working, and they have done very good work.

That finishes what I have to say as regards policy.

The hon. member Mr. Pandya complained about the coast roads, and the hon. Member for Mombasa was in agreement with him; I think the hon. Member for the Coast was also in agreement. Special mention was made of the Mombasa-Tanga road, the Mombasa-Voi road, and coast district roads. The Mombasa-Tanga road was actually included in the road programme, and was one of the roads which the Secretary of State said might be carried out as a charge to the road programme. The case

[Mr. Stronach] for this road was put to the last meeting of the Central Roads and Traffic Board, on the 18th of this month, and it is to be recommended to the Standing Finance Committee that this road should be put forward as a case for assistance from the Colonial Development Fund. The hon. Member for Mombasa can rest assured that if and when the work is put in hand on this road we will keep in very close touch with the Tanganyika Government.

As regards the Mombasa-Voi road, £2,500 has recently been provided by special warrant. This road is also included in the road programme. The sum provided, £2,500, is only a small amount, and more will be required for this road, which will be considered later.

There have been many complaints regarding the coast district roads for a considerable number of years, of closures during the rains, and not only do closures cause inconvenience to the public and traders generally but they also entail a considerable amount of work on the part of the Public Works Department, who have got to spend time in issuing permits and cancelling permits and re-issuing and all that sort of thing. Additional funds have definitely been provided for these roads, but only on a small scale and not sufficient to meet the requirements. What I aim at for these roads is that they should be improved to a standard; at any rate, that they will be useable during the fairly heavy rains and getting away from all this business of closures. At the last meeting of the Central Roads and Traffic Board the question of these coast district roads was raised by me. I informed the Board that one report of a sub-committee had been received and that we were awaiting a further report. The question of improving these roads and the possibility of getting funds will be discussed at the next meeting of the Board.

The hon. Member for Rift Valley stressed the necessity of a programme of schemes for improving the water supplies of the Colony, and referred to the need for piped supplies on tapering streams. That is a technical name for rivers in which the water gradually disappears after starting at good flow at the top. I agree, of course, that the water supplies of the Colony have got to be developed

and, in fact, they may be said to be the life blood of the Colony. The Land and Water Conservation Committee had recently before it a five-year plan of water supplies and water conservation, and this five-year plan provides for a hydrographic survey which, of course, is definitely essential before any special schemes can be put in hand. We have been lucky in that we have been able to engage an additional officer for hydrographic survey work, and that will help partly in the matter.

This five-year plan amounts in estimated value to £372,000. Piped projects are estimated at £200,000, subsidized boring £27,500, boring in native reserves £60,000, dams £50,000, investigation and works in the Uasin Gishu area £21,000, and other minor items £2,500. Of course, the difficulty is staff and materials, but the Draft Estimates before Council provide for the expenditure of certain funds on water supplies which can be carried out with the available staff. Provision is made under Public Works Extraordinary to borrow certain money from the Colonial Development Fund. Government have recently sent a dispatch to the Secretary of State in which we ask that they endeavour to engage a water engineer for work mostly in the Northern Frontier District. If that engineer is not available at home, we ask permission to engage someone from South Africa if available there.

The hon. member Mr. Pandya raised the question of Government taking over Nyalii Bridge and running it as a free service. He stated that probably the cost of the bridge was £70,000, and the information I have is that it costs £4,000 a year to maintain. Frankly, I cannot see that it would be an economical proposition to take it over. In due course Government might subsidize the company and thus reduce the fees. The fees are high at the moment: Sh. 8 for a 3-ton lorry is high. But that is a question of policy to be determined.

A question was raised by the hon. Member for Uasin Gishu with regard to the maintenance of schools, and I think he had Eldoret School in mind particularly. He stated that no maintenance funds had been expended for 12 years. I should like to categorically deny that. As far as I remember, even since the war

[Mr. Stronach] started, special maintenance funds were provided.

The hon. member Mr. Kasim mentioned certain roads that come within his area for which he hoped additional maintenance funds will be provided. I will make inquiries about these roads and hope if funds are available to do something for them.

COL. KIRKWOOD: Your Excellency, I am rising to discuss this hardy annual and, as usual, my own hardy annual has got to take precedence over everything else. That is, again I raise the point that this direct taxation is a constitutional issue. During the time of Mr. McGregor, the then Attorney General, he admitted that opinion, and his answer is on record, and his answer was that it was for the elected members to decide what they were going to do. Something will have to be done sooner or later, for this budget makes it more clear than ever that the terrific taxation put on this undeveloped crown colony should be associated more with those people who produce the revenue. I hope that before this session is over that the European elected members anyhow will decide on some action.

As regards income tax, I think everybody will agree that it has fallen principally on the shoulders of the European population of the Colony, both official and unofficial, and producers whatever they may be, and I hope the Standing Finance Committee will look into this question and many other points that I raise, because I agree with the hon. mover that in discussing this budget it is a matter of opinion. I agree that I am expressing my own opinion, and hope that I will not be too critical, but that whatever I say will be taken from that point of view. There is a difference of opinion on many points, and one is entitled to express one's opinion, whatever that opinion may be, and I am expressing my own point of view which I hope will be of assistance to Government and lead to some definite measures being taken in the budget before it is finally passed.

I also at the last session put in a question which was answered by the hon.

Chief Secretary I considered in a more evasive manner. The question was, what amount of direct and indirect taxation was paid by the European population of this Colony on the Moyne report, in view of the increased taxation that has since been imposed. There has been no answer to that, but there must be an answer. I noticed that when the Commissioner for Income Tax was in this Council he was able to estimate the amount that was collectable under the measure he was discussing, or he knows what the amount is under the different measures that have been passed, and Government should be able to answer my question, but all you will probably say is that there has been no census for years and the number of Europeans is not known. I take it that you can go back to the last census and work out the normal increase of population since, and you can get at the amount approximately, anyhow, and that is all I want.

I also want to draw attention to the fact that notwithstanding the very terrific imposition of taxes, direct and indirect, and income tax on this small community and on this small Colony, I have not yet heard any suggestion of a refund under the Income Tax Ordinance. I have noted on several occasions, both in the Press and on the wireless, that there is a refund spoken of in England, and I think that should be clarified and we should be told whether there is any intention of forming a fund eventually to refund some of the super tax to the people who supply the money for the war effort.

There are only two items that I wish to refer to in the budget. One is as regards the customs figures, £896,000, the amount estimated for 1942. I consider that the gentleman who arrived at that amount will have to think again, and I suggest that you take off £296,000 and budget for an estimate in customs of £600,000 for 1942. If you go back many years and look up Hansard, you will find that it took the elected members the best part of a fortnight at Government House to convince Government they were right then, and I am trying to do that in my speech this morning. I would point out this, that last year and this year are bumper years during the time I have been in Council, which is the last

[Col. Kirkwood] 45 years. I also point out to Your Excellency that this money has accrued from heavy taxation, and also accrued through customs through the increased population, which was only temporary. The necessity for the increased population is now past, and I cannot visualize under any circumstances in 1942 the customs estimates realizing more than £600,000; probably less. Not only are we now below normal, but in my own area we have lost approximately 60 per cent of our man power, and I presume that has been the case all over the Colony. They may not all be out of the Colony, but they are out of the districts, the large majority, and it will be some time before they return. There are no European troops here to take their place to increase the numbers.

The increased taxation is going to decrease the spending power, notwithstanding what the hon. Member for Nairobi South's assertion or his opinion that the increased expenditure up-to-date is not reflected in the spending power of the population. Of course, that is an absurd statement to make, an absurd answer to that proposition. The more you take out of the pockets of the community the less their spending power. I would even go further on that point and predict that the voluntary contributions to the many deserving war efforts going on in the Colony for some time will considerably decrease due to the taxation put on during this session. You cannot have it both ways: you cannot have spending power in the pockets of the people and have money to put into the pockets of Government.

I am sorry to see so much taken away from what is not a rich community. The agricultural community is certainly not rich. They have had a raw deal for many years. It may be that growers of pyrethrum and one or two other products have scored, but there are others who have not. I hope that point regarding customs will be debated, and I will then be in a position to see many others to make up my mind about the £500,000 loan to the Home Government which I understand is going to be moved in this Council. I might say here and now that I had drafted out something quite different, which I have deleted, because

I have been assured that the motion is going to be moved, but if the customs estimate is kept at £896,000, then £260,000 will have to come from somewhere. I do not propose to discuss the £500,000 loan free of interest to the Imperial Government at the present time; I shall leave that until the motion comes before this Council. But the point is that there is over a quarter of a million in one item alone in the budget for next year, which is going to affect the position of everybody as to what is going to be done with the money I have just mentioned.

As regards agriculture, I would point out as I have done before, that what is wanted is not a Director of Agriculture but a Minister of Agriculture. If we cannot have a Minister of Agriculture I would suggest that the Director, who is in receipt of £1,500 a year, is too valuable a member of his department to waste his time on the Coffee Board, the Pyrethrum Board and other boards and committees that could well be presided over by somebody else in his department or the Colony. I should like to see him get out among the agricultural districts more often than he does, to meet the agriculturalists, answer all the cockshys put up to him, and leave them more contented than they are to-day. He can do a lot of valuable propaganda, and would be of much more value as a head of a department if he were in touch with the people whom he is supposed to represent. It is not personal, it may not be the hon. member we have now, it may be somebody else later on, for they do change.

I noticed last year and probably the year before that we do not publish the pensions list at the back of the budget. I regret that, because there is always some very interesting information to be got from it, but I notice the estimate for next year is £254,000, or an increase of £10,400. I do remember not so many years ago when it was only £200,000, so that is an item which is going up by leaps and bounds. I do hope that the Standing Finance Committee will not sanction one new appointment in the present budget for 1942.

As to education: I am in favour of compulsory education, and when that

[Col. Kirkwood] comes up at the proper time it will have my wholehearted support. I would again point out that most of the schools, if not overcrowded at the present moment, are taxed to their limit, and money is urgently required for extensions not only to buildings but for increases in staff. In my own district I think I am right in saying that we have something like 100 children in the school, and we have to board some gut among people. That school could be extended. I am not asking for any grant or for any other school, but I would ask the Standing Finance Committee to consider that if education is to keep pace with the increase in the population throughout this Colony what money do they estimate is required and when do they propose spending it and what is their programme?

The same thing applies to hospitals. I think I am right in saying that £350,000 was voted years ago for the hospitals in Nairobi. They have gone on with part of the programme for Asians and natives, but the present European hospital is, I think, a disgrace to Kenya, nothing less. I am talking about the building. The staff, I think, is magnificent, and we have one of the finest surgeons in that hospital you could find in any part of the world. But the staff is entitled to a better setting and conditions.

On conservation, the programme visualized is really nothing. We have heard what is proposed to be done or ought to be done, but not enough has been done, and I propose they should definitely consider among other items the subsidizing of dams, subsidizing the putting down of boreholes, subsidizing the putting up of windmills for increasing the water supplies. I could give many illustrations, but I do not want to weary Council. I want to touch on the heads of the Estimates and not details this morning. We do want dams, which are a big item in conservation, and I consider that their construction should be subsidized. There is no reason why Government should not set aside a sum of money and pay 50 per cent of the construction of all dams in 1942.

I now come to a contentious subject, maize and maize export. I have had

occasion at times to ask for a subsidy and for fixation of price. In this budget I am asking for nothing from this Council. You can do what you like about it, but my position is this. After a number of years watching and studying what is done for the farmers in England, what is done for the farmers in South Africa, and what is done for them in this Colony, it is a waste of time to ask Government to subsidize anything. What I do propose is that after this Council, and after I find out what the situation is, when I return to my district I will call a public meeting and tell them whether I advise them to grow maize or to scrap it, and that is the answer you are going to get from me. You are going to be told whether we will grow it or not.

It is no use the noble lord the hon. Member for Rift Valley suggesting as he did that the price should cover the cost of production. Producers cannot live on the cost of production. The maize grower since 1930 has been selling at an average of Sh. 6 per bag, which is at a loss. That is approximately the cost of production, and nobody can produce a crop whether for the war effort or any other effort at the cost of production. They have got to live and keep their families, they have got to educate their children, pay their insurance, and a dozen other things. The cost of production pays nothing, it only keeps you bankrupt and poor. I suggest that no maize will be grown for export if I can prevent it under Sh. 9 a bag f.o.r. Time is the essence of the contract. Maize is wanted in large quantities. It is a question of seizing a particular time. It has in my own district to be in the ground by the 1st April, and there is very little time if you want me, which I am happy and willing to do, to do everything possible to get a large acreage of maize under during the coming few months. I will do it, but I will not ask the producer to do it at his expense.

The Standing Finance Committee will also require to study whether they are going to do something for the secondary interests of the Colony or not, and if so to indicate the direction and what assistance. I am not suggesting a subsidy, but I do suggest that where a secondary

[Col. Kirkwood] interest is started in a new colony or under new conditions it requires capital, and we do require to earmark money for advance and repayment over a period of years. I hope something will be done along those lines.

Then we want a considerable amount of money for post-war settlement. In Sir Edward Grigg's time we had a closer settlement scheme, and I think everybody is getting tired of closer settlement schemes since then (I could mention many and put in a great deal of time.) Everything was drafted out and information was obtainable by anybody who wished to come in under the scheme. It was decided to apply to the home authorities, the Colonial Office, again, and the result, the final result, was that they sanctioned eight settlers from England. Have you ever heard of such a fare? Why ask the Colonial Office how many settlers should come from England; even if they are subsidized by funds in England it is outside our control. What I suggest is that we should supply the money to get them here, to get them on the land, within reason, with the assurance that the new settlers will also put up sufficient money to satisfy the scheme we are going to put through. I warn you that something should be done, and it is no use waiting until after the war—the war will be over a long time before you visualize things. I have already made my prophecy and will stick to it, and will leave it at that, that with the war there will be a collapse on the western front.

I would also ask the Standing Finance Committee to consider the provision of money for an agricultural college. I do not mean a wood and iron building or a temporary building. I mean something substantial, something worthy of the Colony, and which costs money but will be well worth it. I appreciate what has been done at Njoro. It is a fine start and I hope it will be a great success, but I should like to hear from the Standing Finance Committee whether they can see their way to put aside £50,000 to subsidize a building and start an agricultural college, or even a lesser sum, provided we make our plans ahead and build year by year.

Then there is the question of cold storage. It is quite insufficient both in Nairobi and at Mombasa, and there is none on the Railway which, I think, is one of the scandals of the Colony. I am 600 miles from the coast and get my fish from Malindi, and there is not a cold storage truck on the Railway. With the pig industry developing eventually, and the meat industry, there is a big demand for cold storage in Kenya, which should be supplied by Government out of a central fund not in charge of any particular industry.

I would refer to locusts and locust invasion. My hon. friend the member for Uasin Gishu made a very fine speech this morning on behalf of the maize producers. He is a wheat producer himself and also a director of the Kenya Farmers' Association, and knows his subject, but I want to know: are you setting aside money against a locust invasion? Are you going to agree to or can we get a locust insurance scheme? If that is possible, I should say it was, money could be earmarked against eventualities, against the invasion which will come sooner or later. We have had them before, and we will have them again, and we know what happens when we do get them: we shall probably have a view like the country in the Northern Frontier. Then what happens? The native through the wrong policy of this Government was practically compelled in a sense years ago to go in for growing maize not as a food but a cash crop—had they been restricted to growing maize as a food crop it would have been a welcome policy, but we got beyond that. It is grown now as a cash crop, and the native comes into competition with the European producer. That we do not mind European producer. That we do not mind, but when the Kenya Farmers' Association tries to handle the native maize at their own expense to try and help the native, which it did, and put the price of maize up, and to get the cash the maize was exported, the trouble is that there is no co-operation, and through that lack of co-operation there will in a famine be no European maize to be got or in such small quantities that you will find thousands of your natives dying of starvation a year before

[Col. Kirkwood]

you can collect a few hundred tons off the natives. What has happened when famines occur? You applied to the Kenya Farmers' Association to get all you wanted, there was no difficulty, it was organized, but if you do not want an organized industry the sooner it goes out of existence the better.

As regards native war taxation, I agree with the suggestion of the noble lord and others that there should be a small war tax, a tribal war tax, which should be collected and spent within the tribe. It has been suggested, rightly or wrongly, that their social services must go on during the war and, if possible, must be increased. I am not making the point whether that is right or wrong, but if you want extra services during the war the natives should pay for them, and a shilling a head should go a long way collectively.

I also agree with the decentralization of the Secretariat. I think the present system is wrong. It is not a question of personalities again, it has nothing to do with it, but everything has to go through the Chief Secretary, and I would prefer to see certain departmental heads have direct access to Your Excellency and not be taken by the hand and led along by the Chief Secretary, or correspondence vetted by him. It has been referred to as the bottleneck. I prefer to say that the Secretariat is the bottle and the Chief Secretary the neck, but you get nothing out of the bottle until you knock his block off. (Laughter.)

Labour is a very difficult problem, especially when you visualize that every time I talk about labour No. 10 Downing Street will want to know what that ragamuffin—

**HIS EXCELLENCY:** If the hon. member wants to tell us something about Downing Street I will adjourn Council until to-morrow.

**COL. KIRKWOOD:** I hope to tell you a little more!

The debate was adjourned.

#### ADJOURNMENT

Council adjourned till 10 a.m. on Friday, 28th November, 1941.

#### Friday, 28th November, 1941

Council assembled at the Memorial Hall, Nairobi, at 10 a.m. on Friday, 28th November, 1941. His Excellency the Governor (Sir Henry Moore, K.C.M.G.) presiding.

His Excellency opened the Council with prayer.

#### MINUTES

The minutes of the meeting of 27th November, 1941, were confirmed.

#### PAPERS LAID

The following paper was laid on the table by Mr. Rennie:—

Land Tenure Committee Report.

#### DRAFT ESTIMATES, 1942

Reference to Standing Finance Committee.

The debate was resumed.

**COL. KIRKWOOD:** Your Excellency, at the closure yesterday I was speaking on the question of labour, and I was going on to say that there was far too much interference from Colonial Office. In the meantime the light was failing and the game stopped, and I carried my bat overnight. (Laughter.)

On the question of labour, I do not think that, on general lines, it is a question of actual shortage. It is seasonal shortage. But the great difficulty, I think, experienced throughout the Colony is the output. The natives are work-shy, as Your Excellency rightly explained, and the discipline is bad. I always treat my natives the same as I treat children. I try to be kind to them, and to advise and direct them, but when kindness has no effect you have got to do the same as they do in the public schools at home and throughout the Empire—use the cane. And it is lack of using the cane which is causing all the petty offenders to be sent to gaol and filling up the prisons with people who should not be there at all. They should be given five or ten strokes with the cane, and in a week's time you would find that a great deal of the indiscipline has disappeared. That is my opinion, and I am expressing it for what it is worth, and I hope some notice will be taken of it.

[Col. Kirkwood]

Another question of labour is deserters. Every time you sign a boy on or off you have to report it on a card, but if you have a deserter you report him on the card. That is only to take him off the working strength, not for the purpose of taking action, and it has been my experience for a considerable time that deserters who have been arrested are few in number. I have not had one boy arrested over a period of years, and yet I have reported a dozen or more. Reporting is a waste of time. If that could be remedied and a boy sent back, it would be an example to the other boys, and they would come back, and it would stop desertion to a great extent. I think.

As regards labour officers, in some areas I believe they are helpful, in others not. They interfere with matters not their concern. I do not think that on the whole they are very useful. They are the progeny of the Secretary of State, and nothing else. They are there to make themselves a damned nuisance to employers, and little use to the natives themselves. What can be done about that I do not know.

I would like to touch on native taxation, as I am of the opinion that a very large percentage of taxation and a good deal more money could be collected from the natives and justly collected from them, taxes which he is due to pay. I suggested last year, and I suggest it again as a war measure, that you introduce a compulsory system of collection by the employer by means of the kodi stamps; in the case of the employer it would not be much inconvenience and extra work for him. Employers to-day are probably overworked, but I am sure they would assist, and it would be a great help on the financial side if the taxes could be so collected, and I know of no other measure. What happens at the moment is that the tax collector comes from the district, makes up a list, and leaves it with the owner or manager or employer. Then he hopes they will collect it by the kodi stamp. But it is not done by everybody, and I should like to see it universal. I believe it is in Tanganyika, and I see no reason why it should not be done here. I have

not a strong belief in extra taxation for the natives, but I would support a small tax on the males as a war effort. But if we could collect the taxes due the revenue would be very much better than it is to-day.

I should also like to suggest that a small charge be made on every native for hospital benefits. When a native actually goes to hospital, if he paid ten cents a day it would help, and there is no reason why a native should not pay for the medical attention which he gets. At the moment, the employer pays for him. I invariably do, and it costs me a shilling a day. I do not know why I should pay it for the native; I should think he should pay for himself, and if we collected a small charge it would be a great help.

I would also suggest that every native who goes into hospital should be de-wormed before he leaves. It would put them in much better health and save a terrific loss. There are measles in the agricultural areas of this Colony due to the tapeworms being dropped on the pastures by natives. If this were stopped, thousands of pounds would be saved, which would be a saving to Government.

I would also like to ask the Standing Finance Committee to consider the engagement of a road engineer. I am not going to criticize the Public Works Department, I know they are doing very good service and their service is very good appreciated and I have no complaints. But, on the other hand, I do think a road engineer is essential, one who has been trained, and one on the younger side who has learnt all the recent methods of machinery and everything else. We had a road engineer at one time, Mr. Moore from Australia, who was most useful and most efficient, but we thought we could not afford him, and he is now in a better position in Australia than he had in this Colony.

It is a question of alignment of grade and drainage. Drainage of a road is 75 to 80 per cent of its value. We continually see roads aligned and re-aligned; if a road were properly aligned in the first place there would be no question of doing it up again and spending money that should not be spent.

[Col. Kirkwood]

Under trades licences, I think Government is most unfair to commercial people in this Colony. I consider that to charge for trading is illegal. It is not imposed at home, and I see no reason why it is imposed here, and Government have recently put on an extra to the licence paid under the old Licensing Ordinance. I think that is wrong, and I also think that at the moment there is chaos in Nairobi and elsewhere over the imposition of the duties. What has happened? The customs charges have been increased considerably on liquor. Sales are under price control but no new prices have been issued. The result is that the stocks of the wholesale people and general traders who sell wholesale are being depleted. I do not think that is fair, and I hold the opinion that when the duties are increased the prices should increase. What happens at the other end? When you decrease the duties the traders are left with stock on hand on which they have paid the extra duty, but they cannot get that extra duty back and so have to sell at a loss. It is like filling up the tank with 200 or 300 gallons of petrol and the price drops ten cents a gallon, and that much is lost. The remedy is to allow prices to go up when you put on the duty.

We should also prevent leakage. It was known in Nairobi to a number of people the week before the prices went up. Instead of having an increase on Executive Council we want a decrease by one. There is a leakage somewhere. If we could put our finger on that leakage we could get rid of one member. I cannot see any reason why there should be a leakage, seeing that it is secret and confidential when duties are put on, and it should not be known a moment before it is fixed in this Council.

As regards the budget generally, we did some years ago—I have not looked up the date but the hon. member on my right can tell me—reduce the customs estimate by £166,000, I think that was the figure. We asked for another £100,000 to be taken off but did not get it. The results proved that we were right, and there was nearly £270,000 deficit on the Estimates. That was arrived at by taking the agricultural census, which has

not been attempted to justify this budget, and it should be taken, and taken immediately, that is, an agricultural census to find out what is the value of the agricultural products going to be sold in the Colony internally which will put money into circulation and what agricultural products will be exported to put money into circulation.

I can tell you that the farmers have been very unfortunate in the Uasin Gishu and Trans Nzoia areas, but I am referring to the wheat growers more particularly, who have suffered due to excessive rains. November was the most abnormal month for twenty years. The rains have been very heavy, and only a few days ago when I came down through the Plateau the majority of the wheat was still in stocks and had been for two or three weeks, which means a considerable loss due to deterioration. That is happening throughout the wheat area. That is only one item, and it is an item we have to take into consideration when we try to estimate.

I want to refer for a moment to Government Notice No. 822, section 3 (b) which gives Your Excellency power to grant an extension of hours from 12 to 2. I do not know why that was put in and would prefer it to be taken out, and in its place that no extension be granted after 12 o'clock. I know of two cases where it was not justified at all. I am referring to Eldoret and Kitale where the amenities are not what they are in Nairobi and Mombasa. At Kitale I know a particular application in connexion with the fourth dance of the year. It was not agreed to, but when the whole of the proceeds are given at the expense of the hotel proprietor to the Kitale hospital, if any place is entitled to an extension that hotel is one. We have no cinema and no other amusements. This also applies to Eldoret, and I will refer to that in a moment. People come in to a dance from five or ten miles outside, and that would have been the fourth dance of the year. It is a different condition to other parts of the country where there is a dance every night somewhere. I also noticed that Mr. Pearson, who is worthy of every consideration, applied for an extension at Eldoret a few days ago for an affair

[Col. Kirkwood]

the proceeds of which go to war funds. I noticed in this morning's paper that it resulted in taking £60, but an extension to 2 a.m. was refused.

I am not asking for an extension, but pointing out the injustice of this regulation. If that section is to be applied, it should be applied with due consideration and not vexation. I suggest that instead of Your Excellency having to consider and refuse every application it would be much better if this were deleted. That is why I should like to refer to section 3 (2) (a), (b), because they do permit grocers' licences to sell by the bottle when the hotels are closed. What is the use of keeping hotels closed up to 12 o'clock if people can go to a grocer's shop and buy a bottle and that, everybody tells me, is what is happening. I am really trying to help. I should like to see the regulations so altered that the intention of them should be carried out, that if liquor is not to be consumed in hotels during certain hours it cannot be consumed or obtained elsewhere during those hours.

There was a mistake when Government Notice No. 822 was published. It does not allow for an extension from 10.15 to 12 o'clock at the discretion of the district commissioner to be granted to a club. That has since been rectified. I was compelled to bow to it, and wrote to the Attorney General that no doubt it would be altered and, in justice, it has been. But the anomaly still exists, that where a club can now get an extension from 10.15 to 12 o'clock free a hotel has got to pay Sh. 20 or Sh. 10—they only get one and three-quarter hours but pay for two. I also hope, while on this subject, that before these regulations are cancelled or altered and we get back to the Licensing Ordinance, there will be a further inquiry and that justice will be done and anomalies that exist between hotels and club licences remedied. I cannot see why this Colony should have such a great difference between its licensing laws and those of South Africa and elsewhere. In the south, the licensing laws run parallel for hotels and clubs. The initial licence is the same, and renewals and extensions, with a slight variation in the hours due

to certain conditions. I am talking about the Liquor Ordinance, before these regulations came in, and to which I hope we shall go back again. Under these regulations, at a place like Nanyuki if there is a dance at the Sportsman's Arms and there is an extension till 1 o'clock, at that time the hotel closes down, after which most of the guests can walk across the racecourse to the club which can keep open all night.

I would also draw the attention of hon. members to the gambling machines that are allowed in this Colony—why, I do not know. We are supposed to discourage gambling as far as possible. If you have a totalisator, Government gets a rake-off. That is gambling in a form, but a great deal depends on your ability and your own judgment to pick the right winner. There is a certain amount of judgment there. With the 6d. machines, where you pull a handle and trust to God that something will come out, it is pure and simple gambling, and most of the gambling is done by women, and I think it is a scandal. Most of their grocery money goes into those slot machines, and I think they should be prohibited. I will not recommend that Government should take a rake-off. Why should they when it is pure gambling and is doing terrific harm, and putting money into the pockets of people who are not worthy to have it. It is not a help to the Colony, but a great disadvantage, and you have only got to go to Kitale, Eldoret, or Nakuru to see the results. I compliment Nairobi Club in refusing to have one of these machines installed. That is one of the clubs run as a club and is justified as a club, and I am very proud to be a member of it.

I want to ask the Standing Finance Committee to make a note of what I am saying now. I want to refer to the Committee's report on the Draft Estimates of Revenue and Expenditure for 1938, paragraph 274, item 9, as I shall not be available as a witness at the sittings of the Committee because I want to get home, where I have a lot of work to do. But I suggest that if you want a witness you should call on the hon. Chief Secretary.

[Col. Kirkwood]

I notice that the departmental staff and other costs have increased by £90,000, and this was referred to by the hon. member. I do not know how that was made up, but it seems a terrific increase. I do not think that any new posts created or the filling of new posts can be justified under present financial conditions and the war conditions imposed on this Colony at the moment. I just mention that. I am not asking for any special favours. What was recommended in 1938 has still not been fulfilled. I only ask it to be taken into consideration alongside of what other items may still be unfulfilled in that same reference and to judge accordingly.

I apologize to Council if they think I have taken up too much of their time, but I would remind them that it is once a year which these cockshys come up. I have endeavoured to give what I consider is constructive criticism and recommendations for the consideration of the Finance Committee, and hope they will get due consideration, and that is all I ask for.

MR. WRIGHT (Aberdare): Your Excellency, unlike an earlier speaker in this debate I am not prepared to concede that one miserable hour of this Council's time is hardly sufficient for me to cope with all the points, relevant and irrelevant, I have in mind, but it is abundantly clear that a budget session cannot be got through with any degree of speed when the time limit is three hours of debate daily only. I therefore suggest that in future, so far as it can be arranged, we should meet for a longer period during the day, beginning earlier, continuing later and, if necessary, having all-night sittings. One can imagine the sparkling nature of debates after dinner! Apart from that, we would have the satisfaction of knowing that we were getting on with the job and that towards the end of the debate there is not this undue rush to speak those few words our constituents all over the country require of us.

To begin with, my hon. friend the Member for Trans Nzoia, when he resumed this morning, spoke on the subject of labour. I want to touch on it from a different angle. I want to refer

to the power of the church in respect of labour in Kenya, and I must do so with a feeling of diffidence. One is aware that the Administration on recent occasions has made real efforts to help the sisal people whose plight, owing to the labour shortage, is very great indeed, and it is also known, and I believe a can be confirmed from this side of Council, that the benevolent Christian influence exercised by one venerable gentleman in the Nyanza Province is such that the labourers who were willing to go to work on those sisal estates were very easily induced to return home! I refer to the Venerable Archdeacon Owen, who has made history in Kenya, and that, perhaps, from our point of view, of a prejudicial order, has adversely affected the representatives of his own race in Kenya. I am not challenging his Christian spirit, but just the wisdom which he applies to the natives over whom he holds such great sway, and I trust that the Labour Committee will consult him freely and frankly and get at the bottom of the matter.

From my constituency I have a letter the original of which has been directed to the Chief Secretary. I do not want to belabour the point except to read the resolution which refers to a petition believed to have been presented by an Italian Mission addressed to Government. The resolution reads as follows:—

"In view of the labour difficulties in the district caused by these Italians stopping the free flow of labour to and from the reserves, as was their pre-war custom; their general unfriendly attitude towards the settlers in the district; and their political activities which have not been conducive to making the natives under their control good citizens of the Colony, this meeting strongly urges Government to refuse this petition if and when presented, and it trusts that in view of the satisfactory manner in which the work is now being carried out by the Irish priesthood no Italian priests will again be allowed in this district."

I shall be glad to get an endorsement of that resolution because, having a little knowledge of the subversive influence

[Mr. Wright]

exercised by the Italian priests in that area. I personally cordially endorse the action taken by the coffee growers of the area by the Mount Kenya Farmers' Association in forwarding the resolution. It would seem, indeed, that in our Colony the various forms of faith are held to be greater than the form itself and that all practising aspects of Christianity are very much the same; that whatever the religious denomination, whatever the dogma preached, the first essential to the promulgation of Christian tenets in Kenya appears to be a generous grant of at least 500 acres of land. That has been my experience of missions in Kenya, and one begins to doubt their bona fides when that is stressed and is so obvious.

The next matter upon which I want to touch lightly is that of roads. The hon. member Mr. Shamsud-Deen illustrated his speech by describing Nairobi as the hub of Kenya. To continue with his apt simile, the roads running from Nairobi—the radial roads throughout the Colony (not so many)—are in effect the spokes of the wheel of progress, yet when one learns that a sum of money is allotted to making a new alignment for a really good road from Naivasha to Nakuru leaving a section from the hub disregarded, one can only feel that this is a patchwork job and that a wheel without reinforcement from the hub must be a rickety affair in the end. Similarly, the main strategic road, the one to the perimeter of the Northern Frontier District, is of importance in the wheel of progress, and unless something is done to that very soon one can imagine what a makeshift, ramshackle wheel Kenya is allowing along the way of progress. It would seem that Government's policy generally in respect of roads is largely a patchwork, makeshift affair, displaying not only a lamentable lack of imagination but a remarkable lack of courage.

I want to ask: what of the district council roads? I do not want to say much, because I happen to know that the hon. Commissioner of Lands and Settlement is very sympathetic, and is aware of the full facts affecting the Aberdare District Council which has a

bigger road area and mileage than any district council, and whose vote works out at £15-17-6 a mile against an average of nearly £21-5-0 a mile for other districts which do not necessarily bear the same amount of traffic. With these words I trust that the Standing Finance Committee, if they cannot do it now in this budget, if they cannot make due allowance now, will make a note for sympathetic and special consideration of the basic grant for the Aberdare District Council when supplementary votes will, as they inevitably must be, called for at an early date.

The next point is in respect of water conservation. I am glad that in the Estimates provision is made for an additional hydrographic surveyor. In many parts of the country an appalling waste of water obtains. Not the least illustration of such waste is that prevailing on the Uaso Nyiro River where, by the ruling of the Central Water Board, a flow of 42½ cusecs of water must pass down to provide one-half cusec to keep the game and the nomads alive below Archer's Post. (AN HON. MEMBER: What about North Kenya? North Kenya calls for special consideration and is fully entitled to it. The hon. member who interrupted is always ready and willing to challenge me on the division of water as between white settlement areas, native areas and game reserves. I will not take up the challenge here but would meet him at any time—but not in the Press. (Laughter.)

MR. COOKE: On a point of information, the hon. member . . .

HIS EXCELLENCY: I do not think the hon. member is in order.

MR. COOKE: The hon. gentleman . . .

HIS EXCELLENCY: Order, order!

MR. WRIGHT: To continue, Sir. On the same subject of water I would call Government's attention to the need for some exploration in respect of the possibility of finding artesian wells from underground supplies. I say it advisedly, because there is a qualified geologist in the Public Works Department who has made a particular study of the water question and was employed by that department for that purpose, who told me



[Mr. Wright] and others that the formation around Mount Kenya is such that he had good reason to believe that at no very great underground depth—to venture a guess, 1,500 feet—there was some reasonable possibility of finding good artesian supplies. I ask Government to consider what the discovery of such water would mean, not only locally but everywhere, including game reserves and the places where the nomads roam with their camels and their stock. I hope that even at this late hour the Standing Finance Committee may feel disposed to allocate a token sum whereby, before the excellent drilling plant we have in this country from the Union of South Africa leaves us, some exploration under the guidance of their skilled engineers may be conducted in the areas deemed most hopeful. It is very important for the future of Kenya.

Passing to the Police Force, since the new Commissioner of Police has hardly had time to become acquainted with the problems affecting the welfare of the Force, I associate myself with others in the hope that Government will meet the new Commissioner generously and take such steps as will ensure that the Police Force of Kenya becomes a proud force: proud of their standing in this country which, heaven knows, they have not been for a long time, and free from the worry and want and lack of suitable housing that has assailed them for a number of years. I should also like to make a plea that better transport facilities be afforded. I know of one case where a young assistant inspector whose police car was removed had a motor cycle substituted; that was subsequently removed, and until very recently he shared a bicycle with a corporal and two askaris, and he has a very wide area to administer.

There is one matter in which, if it does seem personal in its significance, I ask your forgiveness, more so, because it is rather similar to others, as affecting the petrol restriction issue. Here I apologize to the hon. Chief Secretary, because he has had the correspondence in the particular case I would cite. In short, it concerns the general manager of a company of which I am a director

(I must associate myself with it at once) called the Kenya Advertising Corporation who, as contractor to the Postmaster-General, sought in the ordinary conduct of his business to get the necessary petrol permits to enable him to travel around the country to fill up the blank pages of a telephone directory for which he was contractor with the usual advertisements. I happen to know a certain part of the case because, in my part of the country, it was arranged for him to meet business people, when I got a wire to say that the trip was cancelled as the petrol permits had been refused. I will not emphasize the nature of the correspondence that ensued, except to say that the hon. Chief Secretary has the reply from Major Leonard, the managing director of the concern, with which I entirely agree, and that the whole case is a clear instance of the non-co-operation by the head of a Government department with his contractor.

In contradistinction to this disability one might remark on the facility with which a distinguished personage, a political detainee, can get petrol supplies for matters of pleasant travel to inspect game and other things. I do not blame that gentleman getting such permits or such facilities because, as a political detainee in Kenya, it may be there are good political reasons of an international order—he is no friend of mine or most of us—whereby such a person should be more than ordinarily well looked after. But the comment is abroad that for play purposes petrol is available but that for strictly urgent matters of business and the conduct of farms the issue of petrol permits becomes increasingly sticky. I should like to have Government take a note of these disabilities affecting business people, and notably farmers in far-flung farms, and make as generous an allowance as and when they can.

Having referred critically to the hon. Postmaster-General—I am sorry the hon. member is not in his seat today—in respect of the same department there arises the matter of telephones, where the same contrast is made that I have just referred to. The same distinguished personage acquired a house

[Mr. Wright] which had previously for some months been used as a school. While used as a school, applications were made, as was natural, for the installation of a telephone . . .

HIS EXCELLENCY: I do not wish to interrupt the hon. member, but his statement is incorrect—the gentleman did not acquire the house.

MR. WRIGHT: I accept that, Sir, and apologize if I have incorrectly stated the facts.

I now pass on to the extraordinary vote for the Veterinary Department, and I am glad in that regard to see in the Estimates an amount voted for what is called a "measles unit". I hope the Standing Finance Committee will correct that to three measles units for that, I understand, is the happy result of a delegation to yourself, Sir, from the Stock Owners' Association, when it was stated that Government had made provision to cover the cost of three units to operate in settled areas and that the Director of Veterinary Services was endeavouring to recruit the necessary staff. "It was also decided that there should be a general campaign to improve sanitation in the native reserves and the Director of Medical Services proposes to put this work under the supervision of a senior medical officer of health, specially seconded for the purpose." I would thank Government for its recognition of those needs.

There are one or two other points. I hope that a very strong attempt will be made to secure the release from the army of Dr. Van Someren so that immunization against measles can be carried out by the Veterinary Research Laboratory at Kabete. I would remark that no provision is made for this measles research unit and the probability is that the military authorities will not release Dr. Van Someren, but a good many of us interested in the stock industry set a far greater store by the benefits likely to accrue to this research work than to the travelling measles units.

My hon. friend the Director of Veterinary Services will not, I hope, take it amiss if I call attention to a decision, I imagine of his department,

in respect of what is called the Kirimur holding area. This is a block of land held under a temporary occupation licence in North Laikipia where Samburu and Dorobo cattle are held awaiting dispatch. It has been argued that this stock is really the property of Government, and do not come into the category under which I describe them, as Samburu and Dorobo cattle, but I need not tell the hon. Director of Veterinary Services that a very grave risk of the spread of bovine pleuro-pneumonia exists in the settled areas by the use of land, held for white settlement, by cattle such as these. If it is argued that these cattle have in the past grazed in these areas that excuse is a very feeble one, because it only portrays the weakness of the Administration in allowing the Samburu, that marauding tribe, into white settled areas, into an area earmarked for white settlement, and still farther south into an area to which I hope they will never hold a title.

That brings me to the need for making remarks on the interim report of what was called the Overstocking Committee. In a notice to the stock owners the following was written: "Overstocking in native reserves: In last year's report it was stated that the Executive Committee noted with regret the 'masterly manner in which Government continues to evade taking any steps towards the solution of a problem which must gravely affect the future of Kenya'. The interim report issued recently by the Overstocking Committee gives no cause to modify this view." Lest there should be any misunderstanding about that paragraph I have read, I would say at once that as chairman of the Stock Owners' Association I wrote it. (Laughter.) After having said so quite frankly, let me also say that the executive-committee endorsed every word I wrote.

This interim report is to me a high offence. The Overstocking Committee had wide terms of reference outlined here, and their original job was to deal with native pastoral reserves. It seemed wrong to a lot of us that reconditioning should take place under the Agricultural Department in the Kamba Reserve before destocking measures were applied, and to that end also in the

[Mr. Wright] Masai Reserve, this committee were given such terms of recommendation. But what do we find? The interim report reduces the live stock count in no native reserve whatever but expressly—and I suggest provocatively—singles out Lerogi Plateau as the place where the recommendations should first apply. There are lots of points of objection in that, the first being the practical one that before he retired from the Administration that diligent provincial commissioner, Mr. Hugh Welby, had already taken steps to reduce the stock population in what is called Lerogi Plateau, and he did it very successfully. So successfully indeed that, speaking from recollection and subject to correction, there was approximately one head of stock per 35 acres of grazing which, plus game, is just about the right proportion in that area—plus game being the chief determining factor.

But the chief point of objection is that this Plateau, far from being a native reserve, is, under that peculiar chapter of the Carter Land Commission Report, held by the Samburu tribe on lease "for such time as may be necessary", and I do again solemnly suggest that that time has passed; and I say again here and now that it cannot be shown that tenure by the Samburu of that 1,080,000 acres of land pledged to white settlement in 1910 by the Masai treaty extending from the Kittermaster to the Coryndon Line, has any justification for the continuation of that lease by the Samburu tribe.

On a less contentious point (having long exceeded my time) I hope that money by Government to foster the settlement scheme in Kenya will not necessarily be withheld during war time. There are cases requiring provision for the settlement of soldiers who for one reason or another have got to come back to this country, and it would be regrettable if there was no token vote laid down whereby they could get the facilities that the scheme envisages.

I shall have to cut out my other notes because, having started with good intentions and failed lamentably, I have spoken for half an hour. But, in concluding, I would say of Government

policy generally, it would seem to me to be simply this: "How much money can we extract directly or indirectly from the pockets of the people of Kenya, and how little in terms of essential services can we give them back in return?"

The debate was adjourned.

### EAST AFRICAN CAMPAIGN FALL OF GONDAR

**HIS EXCELLENCY:** Before Council adjourns for the usual morning interval, I have to announce that I have received the following message from the Information Office:

"General Nasi surrendered unconditionally at Gondar yesterday evening. The bulk of the attacking troops were East Africans."

(Applause.)

I feel sure that hon. members would like a suitable message of congratulation to be conveyed by the Clerk of Council on behalf of members to the General Officer Commanding and the general in command. (Hear, hear.)

Council then adjourned for the usual interval.

### DRAFT ESTIMATES, 1942 REFERENCE TO STANDING FINANCE COMMITTEE

Council reassembled.

The debate was resumed.

**COL. GROGAN (Ukamba):** Your Excellency, my usual custom on these occasions is to take the advice of my hon. friend on my left once removed and acquire a little additional momentum by repairing to one of those establishments not very far away provided for that purpose. Unfortunately, owing to the intervention of parties unknown I am denied that opportunity on this occasion. I had in mind to bring a bottle of brandy and port here by purchasing it at an Indian shop and consuming it here, which I think is a public place, but I was afraid that it would provoke so much enthusiasm and interest on the other side that it might have upset the normal decorum of this Council. (Laughter.)

[Col. Grogan]

There is one little matter which, if you will allow me to depart from my usual procedure, I should like to read on which I propose to join issue with my hon. friend the Financial Secretary. If he is correctly reported in the *East African Standard*, which is very unlikely (laughter), he did in effect say, or is alleged to have said: "Any firm in Kenya to-day which proposes to provide an improved service to a somewhat larger number of customers for an increase in expenditure as compared with a year ago of 5 per cent would, I suggest, be regarded as an economically managed business and one in which the managing director and the board might reasonably expect to receive a vote of congratulation from the shareholders".

I want to lay special emphasis . . .

**MR. LOCKHART:** On a point of explanation, that is substantially correctly reported.

**COL. GROGAN:** That, I submit, is a characteristic get-away of the hon. gentleman in question. I was astounded at the time to hear applause from this side of Council, because it is what one would have expected from the association of Ali Baba, but I was not astounded to hear indications of applause from other parts of Council. It occurred to me, therefore, that the hon. gentleman in question had missed his vocation: he should have been chief advertising gentleman in a bucket shop, because if you really study the budget and the hon. gentleman's explanation of it from the point of view of the shareholders, it is a statement which might well have received thunderous applause from a meeting of the staff, but surely not as he inferred from a meeting of shareholders. If you study it from the shareholders' point of view, what was the statement of accounts which he rendered?

He told us first of all that the salary bill was £1,115,000, which he calculated at 57 per cent of the total. He pointed out that the recurrent departmental expenditure, which to a very large extent includes movements of staff, represented another 20 per cent or £598,000; pensions and gratuities to the same order

of gentry, were £254,000 or approximately 8 per cent; and the public debt charge which, after all, was largely incurred in adding to their amenities, amounts to £298,644 or another 10 per cent. If you add 57, 20, 8, and 10 together the total is 95 per cent, and that leaves a margin of 5 per cent to cover all other expenditure. The hon. member also omitted to mention that this company over which he presides has got a subsidiary in the form of the Kenya and Uganda Railways which has an opportunity of pilfering the pockets of the community of anything he and his company choose to leave behind. (Laughter.) So that I submit that his statement of accounts if presented to the shareholders would probably have produced a rejoinder from those outraged parties in the shape of a very active operation of a Bren gun. There is not the slightest doubt in the world that any English court of law would hold that it was justifiable homicide. Perhaps I may give the following analogy of an inquiry in one of the courts of Cork where a gentleman with an abnormally thin skull—I will not make the analogy too close—it was proved in evidence came into a faction fight, got the ordinary stroke on the head customary on those occasions, and died—the gentleman charged with homicide was acquitted and the court held that it was a clear case of suicide.

My objection to the budget, the usual one, is that it is as usual a slavish imitation of English procedure and also because of the Calvinistic touch—the suggestion that everybody should be as miserable as they could be made to be because their affairs had been interrupted by an Austrian painter. I can never quite accept that. The proper thing to do is to do everything humanly possible to destroy this cursed painter and at the same time as far as we can without interrupting that procedure pursue the even tenour of our way. I submit that there is no analogy whatsoever between the conditions of this country and conditions in England. In the United Kingdom the budget shows a vast deficit, which means to say that all sorts of monetary precautions if not taken must inevitably lead to a measure of inflation which may border on the dangerous.

[Col. Grogan]

Take the landed industry there; it is protected and subsidized in every possible way to enable them to carry on. Similarly, the secondary essential industries are secured not only unlimited markets but also unlimited finance. If you compare that with conditions in Kenya, you find here that the budget has got a large surplus, not a suggestion of a deficit; you find the landed industry debt-logged, and a large proportion of it has been denied access to its normal markets.

So far as secondary essential industries are concerned, for years they were obstructed and prohibited from development. All will remember how a former Secretary of State now immured in the mausoleum of spent dignitaries under a new label, Lord Swinton, actually stated that if he had only known a twine factory was being started at Tanga he would never have allowed it to start. Every possible attempt was made to stop the initiation of secondary industries in this country. That is notorious to everybody, and only in the last three or four years has there been a reluctant revision of that policy. What has secondary industry had in this country by way of encouragement? A dose of pamphlets of which hon. members were not even provided with a copy, and its potential funds are now taken away by this budget. I submit that there is no possible analogy between the two countries and no justification for a slavish imitation of English procedure.

I submit that there is no case for any increase in direct taxation. We were told long ago here in this Council by hon. members on the other side that direct taxation had reached its limit, and still we get another dose. It is only a short time since the main theme of this Council was the plight of our agrarian industry, its debt-logged state, and how nothing in proportion to its needs had been done by Government to relieve its burdens, nothing comparable to what had been done in every other country. Now we are told that our main function in the war is increased production, and we are now doped with pamphlets, very valuable ones, prepared with great care, suggesting that secondary industries

might be and should be introduced into this country.

If that is so, what possible case is there for sterilizing the marginal moneys we may have which might be devoted, and much more properly devoted, to the reduction of indebtedness and to the furtherance of those various industries. I said sterilize these marginal moneys—what in fact we are going to do is to fossilize them, because everybody knows that the result of war with its *vax* expenditure and the inflationary measures needed in war time will find the power of money steadily diminished. By the time we have hoarded those vast amounts of credit inscribed in booms in London, their value will be materially reduced.

Latterly we have been subjected to one of those documents that emanate from England from time to time, called the Moyne dispatch. So far, no member of this Council, unless perchance he is a member of Executive Council, has been privileged to see this document. Various attempts were made to get an authoritative copy of it, but so far unsuccessfully. I submit, Sir, that documents of that kind, and all documents that affect the main policy of this country and the conduct of this war, ought as an act of common courtesy, to be distributed among the elected members. At one time there was a slight improvement in this form of procedure. I can only imagine that Your Excellency and Your Excellency's advisers have come to the conclusion that you have so completely won the war for bureaucracy that the ordinary little courtesies which became normal some time ago are no longer worth while.

This Moyne dispatch, a Bowdlerized version of which was given the Press, coupled with other various pronouncements from home, suggest to us quite clearly that there is in preparation a scheme which can only be compared with what is now in dictator parlance called the "new order". Apparently the old doctrine of trusteeship or whatever the description was has passed away and the new expression has taken its place. That is all arranged at home without any reference to the people mainly concerned, to wit, ourselves. I suggest that,

[Col. Grogan]

in view of these various pronouncements, if instead of the word Hitler you read Moyne and instead of Goebbels you read Hailey, and instead of Occupied France you read Kenya, and instead of settlers read Jews, and instead of Quisling read Sir Henry Moore, there might be a difference in method but I see mighty little difference in principle. (Laughter.) I suggest too without equivocation that in war time, when the bulk of our people are fighting, is no time surreptitiously to introduce these highly questionable matters.

We can sympathize with the timidities, hesitations, and evasions of all issues, the inevitable psychological reactions of the cloistered life of humanoid silver fish who live on and in a world of files; but we do feel that the reverberations of war have been thundering along the borders of this Colony and we were entitled to hope that some echoes might have reached the dim recesses which still house the Civil Service Administration. We were entitled to hope that there would have been a change in procedure, and that not only the great personal opportunity but the great national occasion which the war brought about might have led to some bold action. In particular, let us turn to the question of motor roads.

There was a period when the South African army was here fully equipped with men and machinery and very little to do, when attempts were made to get Government to co-operate financially in the reconstruction on a permanent basis of a very large proportion of the main road system of the country. As a result of timid hesitation, evasions, "where is the money?", and all the ordinary stuff which goes with those occasions, that great opportunity slipped away. The same thing applied in the matter of production. Anybody with half an imagination might have realized that the ultimate great clash of the war was bound to take place where all the great clashes of war have taken place in past history when the main peoples of the world were engaged, namely, in the Dardanelles and Caucasus. Anybody should have inferred that from a study of the history of the past; and anybody,

conversant with that part of the world, knows that it is a portion of the world peculiarly incapable of producing the essentials of warfare and actual living needs, especially great quantities of meat. A very little imagination was needed to have realized that this country would inevitably become a centre of production and source of supply and of vital importance for those great forces marshalled in that area.

What, in fact, was done? People were told to plant this and that, but nobody ever told them what finance was available, whether they would get a price for their produce, and so on and so forth. I submit that a very great occasion slipped away. There is a quotation which I have tried to remember of the old bard of Avon, which says: "There is a tide in the affairs of men which, taken at the flood, leads on to fortune but neglected, all the tenour of their lives is bound in shallows and in misery."

I beg you, Sir, for the sake of the Empire, before it is too late, do summon up a little bit of courage, show a little bit of interest, some slight suggestion of the Nelson touch, take advantage of the moneys available to-day and lead this country into playing the best part it can play in the war.

DR. WILSON: Your Excellency, I believe the hon. member Mr. Shamsud-Deen set a very good example yesterday, and I will try to follow it and keep as near as I can to the wartime ration of fifteen minutes.

In the first place, I will begin as usual by bringing forward as did the hon. Member for Trans Nzoia one or two of my hardy annuals which always try to blossom at this time of the year and which always get nipped in the bud.

The fist is to express regret that in the Estimates there is no mention of any contribution by the Kenya and Uganda Railways and Harbours to the general revenue of the country. The railway is greatly indebted to Kenya Government, and Government makes no attempt to exact payment of those debts.

The second point is that there is nothing in this budget to indicate the relation between taxation and expenditure by the Central Government and

[Dr. Wilson]

taxation and expenditure by local native councils. Previously, when I have raised this point, or at least on one occasion when I raised it I was told by the hon. Financial Secretary, with that charm of manner for which he apparently is famous that I should not fuss about such an academic question, or words to that effect. This year I am more hopeful, because reference was made to the subject in Your Excellency's statement from the Chair.

My third point was raised by my colleague, the hon. member Mr. Montgomery. I cannot find in these Estimates any provision for pensions or provident fund for the African servants of Government. The increased vote to which he referred on page 63, according to the note of explanation, is due to normal increments. This has been an annual disappointment to me for six consecutive years, and I must say that it is an extra disappointment to me this year because the committee to which my colleague referred reported on the 21st April this year, and made a recommendation that a provident fund should be established. I want to know what Government did about that, and is that recommendation going the same way as many another recommendation of many another committee?

My fourth point is that in these Estimates there is nothing to indicate any difference or change in the collection of hut and poll tax, and nothing to suggest any alleviation of the tax on widows. But again this year I am more hopeful.

Having made these preliminary remarks, which I suppose will be forgotten, I want to get on to the subject of direct native taxation. Before I get on to that, I will take one minute of my ration time to thank the hon. Member for Kiambu for the outspoken comments she had to make on the deplorable conditions of life and death of some of our natives, and particularly regarding African housing in Nairobi. The irony of the situation, as far as I understand it, is that Nairobi Municipality was ready to get on with the work years ago and the work was delayed and prevented by those very people who are now

urging us to maintain or improve the standard of living of our natives. I am open to correction if I am wrong. I thought it a pity that the hon. member directed her criticism rather at the attempts made to provide housing of some sort than at the failure to provide housing at all for so many thousands of our natives in Nairobi, but she dealt with the matter in her own way very thoroughly, and I do not think she would expect me as a mere man and so perhaps rather a fool in this matter, to rush in where she as a very militant angel has not feared to tread.

It was in another connexion that she referred to the difference in outlook from the point of view of a mother and the point of view of a father. Well, Sir, I can only say with regard to the question of native housing in Nairobi that it is, like maternity, a matter of fact and not like paternity a matter of opinion. (Laughter.)

To get on to direct native taxation. Government is to be congratulated on having decided not to increase direct native taxation. I would have said it more positively a short time ago, but I am rather shaken by the suggestion that there is still lurking somewhere in the background an intention to increase in some sort of way this direct taxation. It is quite to be expected that the demand would be made. A great many, a large number, of Africans are getting more money because of wartime conditions, and it is quite natural that hon. members on this Council and others outside should say that on that account they should pay a higher rate of taxation. I want to put the case as I see it against increased taxation in reply to any suggestion made in this Council to increase it, and as a precautionary measure against any pressure put on at a later date or quite soon be brought to bear on Government.

To meet in advance any charge that may be made against me that I have lost sight of the war, and that my arguments are out of place in this present emergency, I want to give this explanation. I agree wholeheartedly with those who say that our principal object now is to win the war and anything else is secondary, although one must remember

[Dr. Wilson]

that even a secondary object may be important. I agree that our one object is to win the war, but I do not agree that we will help to win the war by levying an extra tax on natives. The amount of money that could be collected is negligible as a financial contribution, and the imposition of the tax in itself might be a direct hindrance to our war effort. As for the need to bring home to our native population the gravity of the war and the imperative need for everyone to go all out to help to win it, I agree with that, but I do not agree that the best way to do it is to add another shilling on the poll tax.

The first objection to a demand for an immediate increase in the tax is that it is only a minority of natives who are better off as a result of war conditions, and with the present unsatisfactory system of a flat rate tax, it is impossible to fit taxation to individual cases. If only a minority are better off it is obviously unfair to tax the majority; it is a form of collective punishment which is, generally, objectionable. As a matter of fact, the great majority of our natives are worse off than before the war. The cost of living has gone up. I would remind hon. members that our natives have always been hard hit by customs duties, and are more particularly hard hit by the recent wartime increases in those duties. Those duties are levied not on luxuries but on necessities such as blankets and clothing. On more than one occasion in this Council I have given figures as a result of a calculation of what natives are paying in indirect taxation in the form of customs duties on such things as blankets and American. I have not worked out what they might be under the new scheme of customs duties, but if any hon. members choose to make calculations on the basis of the figures which appeared in the original Moyne report they will be surprised at the total amount of money which is collected from natives on this account.

While the cost of living has gone up, wages have not gone up, and if the extra tax is now imposed I do not think there is any doubt that there will be a rise in the general rate of wages, and I do not suppose that is what advocates of

the extra tax consider desirable. That is the first objection: that this increased taxation will fall unfairly.

But there is much more in it than that. It is now generally recognized in Kenya that the financial stability and prosperity of Kenya must be based fundamentally on the economic standard and value of the Africans. There is a superstructure of European and Asian society, but the foundation on which the country will stand will be the African community. If that is admitted to be true, our principal economic object should be to raise the financial standard of the African. And you will not do that by overtaxing him. The hon. Member for Ukamba has stated once again the case against heavy taxation in Kenya. His argument has always been that in a young and primitive country as much money as possible should be left in the hands of those developing the country's resources. The free flow of money, as unrestricted as possible by taxation, is just as important or more important for the social development of a primitive people as it is for the physical development of a primitive country.

We are introducing our native to a state of society which, for better or for worse, is all tied up with money, and the standard of living in that state to which we or Providence, have been pleased to call them depends on the amount of money they have to spend. In other words, to raise the standard of living or the economic conditions of the Africans, we have got to leave him as much money as possible, and the more you take from him in taxes the less he has to spend. Already he is taxed heavily in proportion to his wealth. I am not saying that could have been avoided in the early days when those primitive people had to be provided by Government with social services of which they themselves had no notion, and which could only be provided and paid for by taking from them a very large proportion of their cash. But times change and have changed. I do not know whether we should call the state of affairs now developing the new order instead of trusteeship but they certainly have changed, and natives are using money for other things than paying taxes, and the individual and family incomes

[Dr. Wilson] are utilized for other purposes. We are educating them in that idea, and I suggest that that process must be encouraged and not hindered even by emergency requirements such as the war. When the African family is earning and spending the amount proper to a decent standard of living, then it may be time, it may be possible, to review the scale of taxation, but not before.

I have so far assumed that the object of taxing Africans would be to raise revenue. There is another idea at the back of the proposal of this increased taxation. There always has been, and it has not been kept in the background by any means but brought forward quite frankly. The idea is that taxing the African will compel him to work for wages for at least sufficient time to collect enough shillings to pay the tax, and if at any time the number of shillings required is not compelling him to work a sufficient number of months of the year, tax him some more. All I say about that is, that if that is our brightest thought towards making the African a more useful and valuable member of society, there is not much hope for us or the Africans of Kenya. The will to work, of which we have heard, among the Africans will come with the realization of how much better life can be with the benefits money can bring, following on the experience that you can get more money by doing more and better work.

If I may digress even more than I have from the budget, I believe this. The lesson of work will be learned more quickly and generally as more of our Africans are engaged in industrial occupations, and when there is a possibility of work other than agricultural labour; because I think the difference in the standard of living possible for the more highly paid artisan or workman and the standard of living possible for the miserably paid farm labourer is bound to teach the lesson, if only slowly, that better work means better pay and better living conditions.

I am sorry that I cannot find in these Estimates any peg on which to hang my appeal for the encouragement of secondary industries in this country, which has been mentioned again and

again, particularly by the hon. Member for Mombasa, and just now by the hon. Member for Ukamba. The only reference in the budget which I can find is my old friend the Standing Board of Economic Development, on page 42, Head 24, Item 33, where the sum of £50 has been entered. Last year that item was cut out and afterwards put back because Government did not want to admit that this board had been liquidated. I am afraid that in spite of the re-appearance of this item, the board is really dead, and I doubt if there is any use in trying to resuscitate the corpse, because if the arbiters of our destiny such as the hon. Financial Secretary are not yet convinced of the prime importance of secondary industries in Kenya then they will not believe even if one rise from the dead, as was said on another occasion!

I know there are great difficulties in the way of establishing new industries in Kenya at the present time, but difficulties are there to be overcome, and that is why I hope the master minds of Government might be brought to bear on the subject and the business not left entirely to the private initiative and enterprise of the common people. I hope that if there are any prospects or reasonable prospects of success Government will assist them over the difficult critical early stages. In case anybody suggests that I, representing native interests, have spoken out of my turn in asking for Government help for private industries, I have in mind the coming problem of the landless African and the time when the land is no longer able to support the native population. What I have said is entirely and directly in the interests of the natives.

In conclusion, I repeat that I have not forgotten the war, and neither have our Africans. Their response to every appeal for military service has been splendid, as Your Excellency emphasized, and everybody knows, and they will continue to respond to every further call that may be made. But I believe that, to make a further levy now on the quite inadequate cash resources of our native population would be economically and politically and even from the point of view of winning the war, a mistake.

[Dr. Wilson]

My time is up. I do not intend to discuss any details of the budget: I shall have the opportunity of doing that in Standing Finance Committee.

**DIRECTOR OF MEDICAL SERVICES (Dr. Paterson)** Your Excellency, during the last two years, and especially during the first eighteen months of those two years, the chief business of my department was to put every officer and every African that could be spared at the disposal of the military authorities, to look after the African troops and the service battalions which were being recruited in such numbers or to organize emergency hospitals, and take our part in A.R.P. work. That left very little staff to look after either the native reserves or the towns. Since the war has moved on in a certain fashion out of this territory, there is now more time to look after the health of the people, which is a matter which must go on, war or no war.

The trend of the debate so far has been to indicate that that is also the opinion of all elected members, I think, without exception, and certain important matters have been mentioned during the debate.

The noble lord, the hon. Member for Rift Valley, raised two very important matters: the freeing of Africans from worms and the incidence of tuberculosis. The hon. Member for Kiambu—and I would here like to associate myself entirely with what the hon. member, Dr. Wilson said regarding the hon. member's remarks, for to me they were extremely welcome—also raised the question of tuberculosis and she mentioned two remedies. Then throughout the debate the general question of the fitness of the African has constantly arisen.

The two particular matters which were raised, namely, worms and tuberculosis, are associated very closely indeed in both cases with the standard of living, and more particularly with two factors in that standard, namely, good food and good housing.

How much tuberculosis there may be in Kenya it is difficult to say. That it is there, however, there is no doubt. In the opinion of most of my medical officers

it is increasing, at least in certain areas. Whether it is increasing or not I cannot say, but having regard to certain housing conditions which prevail only too generally in Nairobi and in Mombasa I should be extraordinarily surprised indeed if it were not increasing. Certainly the predisposing causes are there. It is the case that during recent years, we have found that we can do a good deal for certain Africans suffering from tuberculosis if they come early enough to hospital. That means extra accommodation, quite a lot of extra accommodation, if all are to be treated. But we ought to take some of them, and particularly those cases which can be cured who are frequently young men, and active young men, who have had a good deal of time and care spent on their education either in school or in industry, and whatever we do we ought to have more means of segregating some of the very infectious cases where, if they cannot be cured, they can be taught how to be less dangerous when they go back into the reserves.

Therefore I am entirely at one with the noble lord and the hon. Member for Kiambu that something ought to be done about this matter, and I have had it in mind. Just before the war broke out I got all the papers from Tanganyika where during the past ten years the sum of £15,000 from the Colonial Development Fund was spent on tuberculosis research. I have got copies of the proposals which they prepared for carrying out certain schemes which will involve some £40,000 in capital expenditure and about £7,000 in recurrent expenditure, and these schemes I will bring to the attention of this Government as soon as I possibly can. But I would like to say that, unless we can improve housing conditions very greatly indeed in the towns and on the farms and in the reserves, we shall not deal adequately with the problem of tuberculosis, nor until those people who come out into industry can afford to feed themselves very much better than they can do at present and until, I think, we have so arranged matters that in many native reserves—a far more balanced diet can be obtained from a better balanced agriculture.

[Dr. Paterson].

I would like also to join with what the hon. Member for Kiambu said in commending the forward outlook which is now being taken, particularly by the Municipality of Nairobi, in regard not only to this question of housing but regarding many social conditions in Nairobi.

There is, however, one disease which was not mentioned, although hinted at by the hon. member, to which I think we have got to pay immediate attention. I refer to venereal disease. It arises partly in connexion with certain deplorable social conditions which prevail and partly in connexion with the war. In Nairobi, housing conditions are such that very few Africans can have their wives with them and so live a family life. With the exception of the Railway area, where housing conditions are very much better and, I believe, wages are very much better, the proportion of female dependants is very low. That, of course, leads to prostitution, and the answer to it is the establishment of correct social conditions. However, we happen also to be at war. After the war of 1914-18 there was throughout Europe and even in the neutral countries a great epidemic of venereal disease. A great deal is being done to prevent that occurring again after the present war, and a great deal is being done by the military authorities here to reduce the incidence of venereal disease among the troops and consequently to prevent an epidemic following the war. But they cannot do everything and we, I think, have to do more. I am certainly frightened regarding what may happen when large numbers of African troops begin to return from Abyssinia. I consequently here wish to say that I have that matter in my mind, and shall put proposals to Government in order to deal with it.

With regard to worms, I think the noble lord knows that Government has made arrangements to enable me to detail a senior officer to concentrate on this work, and to co-operate with the Director of Veterinary Services, with municipal councils, and employees of labour, but again housing and feeding play a considerable part.

Those, I think, were the chief matters which were raised, and I will now deal with one or two details.

The hon. Member for Kiambu regretted that nothing had been inserted in the Estimates regarding the extension of the African maternity centre at Pumwani. There are several reasons why nothing has been put in the Estimates regarding that. The first is that Government has not yet been asked for any money. What actually happened was that the committee of that institution, finding it overcrowded, made application to the Municipality for assistance, and the Municipality was willing to grant £1,000 from the Native Trust Fund. That, however, they could not do without Your Excellency's permission, and the proposal came to my department for comment. It was, in fact, a proposal to increase the number of beds in the institution without making provision for extra staff or other facilities, and I could not possibly recommend it. I then indicated to the committee what I thought ought to be done, and emphasized the point that one of the most important functions of this institution was the training of midwives for service throughout the rest of the country. I am glad to say I believe that the committee has accepted my suggestions, and is going into the question of plans and costs, and will want £6,000 to £7,000. I have told them that I will certainly do my best to support their new scheme. As to where the money was coming from was not exactly my business, but it might be from the Colonial Development Fund, because it is for the training of African midwives.

On this matter I would just like to mention what is actually being done more or less in Nairobi area at the present time. I am not quite sure that I agree with what the hon. Member for Kiambu said, that we want an unlimited number of maternity centres or an unlimited number of beds. I do not know that she asked for an unlimited number, but there are certain figures that might be of interest to this Council. The Kiambu Native Reserve has a population of 140,000. The local native council put up a maternity ward some years ago, and last year, for which I have figures

[Dr. Paterson].

over 600 maternity cases were admitted. If the birth rate for Kiambu is 40 per 1,000, there would be about 5,600 births during the year, but I do not suppose it is more than about say 25 per 1,000, so that the total births for the year would be about 3,500. In addition, some 400 women from the Kiambu district were delivered at the C.S.M. hospital at Kikuyu or at the Pumwani centre. Therefore it would seem that in that area about one woman in five is being delivered under excellent hospital conditions. I do not suppose that such a large percentage of mothers are delivered in hospital anywhere in England or Scotland, nor do I think that it is desirable in these countries.

As a mere father and not a mother, I shall probably find myself in opposition, certainly to the males in this Council, when I say that the proper place for a woman to be delivered is in her own home and not a hospital at all. The only justification, apart from the question of training of midwives, for an increasing number of maternity beds is when the houses are so deplorable that they are not fit places to have babies in, or to bring them up, to let them die, so that we come back to houses again. Actually, the number of native women delivered in hospital last year in this country under very good conditions, was about 6,000, and I do not think that can be bettered anywhere in the Colonial Empire. But what we want is more trained midwives all over the country.

The only other matter raised, I think, by the hon. Member for Kiambu was the re-establishment of the Central Board of Health. I would say that I have had that in mind for some months past, because we have now got to the period when we can pay more attention to public health matters once again in this Colony.

The hon. member Mr. Kasim raised the question of an Indian nurse for Kisumu, and that may possibly arise in the Standing Finance Committee.

The hon. Member for Trans Nzoia referred to the European Hospital buildings at Nairobi as a disgrace to the Colony. I cannot possibly agree with the

hon. member that the buildings are a disgrace to the Colony. I should like to see better ones, but they are not quite as bad as all that. I leave it at that, and thank him for the excellent tribute he paid my staff.

He raised also the question of asking the Africans to pay for hospital attention and at dispensaries. That question has been raised time and again. It has been referred to the provincial commissioners, and so far has always been turned down. My personal view regarding the matter is that as so many of these people, and very particularly Africans in towns, cannot afford really to feed themselves as well as they ought to feed, I do not feel that when they are ill it is the correct time to reduce the spending power on food.

He also suggested that it should be an order that every African who comes to a native hospital should be de-wormed. Well, what should be done to a patient when he comes into hospital is, I think, for the doctor to decide, but as most people get better more quickly if relieved of worms and that is generally known among my medical officers, I do not think I should be far wrong in saying that as a routine practically every native who comes into hospital is de-wormed if he is well enough to stand the medicine.

That is really all there is to say. The improved health of the Africans will depend really in the long run on raising their standard of living. That, of course, means better farming, and I have heard in this Council much about the question of greater production in native reserves as well as elsewhere accompanied, I am glad to say, by the prevention of soil erosion, so that the last state is not worse than the first. I have heard also requests for water supplies and roads and secondary industries. So that certainly from the public health point of view—how these things are to be done is not my business—it seems that all hon. members on the other side of Council are supporting the promotion of public health as strongly as they possibly can.

MR. ISHER DASS: Your Excellency, before the hon. Director of Medical Services rose to speak I was also on my feet but I could not catch Your Excellency's eye, otherwise the hon. Director

[Mr. Isher Dass] would in his reply have been able to answer a very important point which I intend to make. It will, I hope, at the proper time be competent for someone else to give me an assurance which will allay anxiety in the minds of people in Nairobi, particularly of the Indian community.

I shall not follow in the footsteps of my hon. friends Mr. Shamsud-Deen and Dr. Wilson and limit my time of speaking. In their cases that may have been due to old age, but I am young enough to stand more than fifteen minutes.

I entirely agree with many of the remarks of the hon. member Mr. Shamsud-Deen, with the exception of the one wherein he suggested that the licences of motor cars should be based on their value and not on the type. If that were done, there should be heavier taxation on second-hand motor cars than on new and expensive cars.

I would rather like to deal with some of the unfortunate controversial points raised by some of the European unofficial members, and I will touch on the other important points in connexion with the budget later, so that unless I deal with those controversial subjects first there will in conclusion I hope be no bad taste left!

I could not understand the hon. Member for Trans Nzoia when I heard his speech yesterday, in which he suggested the appalling condition under which wheat and maize growers were working at the moment. He also suggested, and other members joined in the issue that there should be a guaranteed price for the maize growers. He further suggested that they had very large sums to pay for insurance, education, and so on. If all he said was correct, how could he reconcile the statement he made that these settlers and farmers have paid out to the extent of nearly half a million pounds in income tax. If they are so poor, they could hardly be able to contribute half a million pounds towards excess profits tax and other taxes, so that those two statements seem to me to be rather contradictory.

The hon. Member for Mombasa suggested in his very eloquent speech three

points, with which I will deal one by one. The first point was that he suggested, humorously, that the Executive Council should be strengthened. I could not follow whether he wanted to strengthen that Council physically or numerically. If numerically, then unfortunately he seemed to have lost sight of the fact that a few years ago the Executive Council actually consisted of twelve members. The European unofficial elected members then suggested a reduction of numbers as they thought it was too big. Now, when it is reduced to only nine, it is suggested that it should be strengthened by the addition of two more members, one representing commerce. I would not be so ungenerous as to suggest that the hon. member is making room for himself, because everybody considers him a most efficient representative of the commerce of the country, but certainly a few years before the question of reduction was considered it seems that probably the idea in the mind of the hon. member was that if the Executive Council was increased by two more members Your Excellency would have a full team with which to play football or hockey against any other team in the country!

The second point, and one of importance, which the hon. member raised was the question of constitutional changes. I do not take the time of Council to raise such points, but when this is raised I think it my duty to express the views of the Indian community on the subject. He went a little further, and proposed a ministerial system on the lines of Rhodesia should be introduced into Kenya. Again, we have been reading in the local paper, the *East African Standard*, which is supposed to be the mouth-piece of the unofficial European community in Kenya, that there is a lack of leadership among the European community, and also not very long ago the hon. Member for Kiambu moved a motion asking that certain powers in connexion with the election of delegates to the Coffee Conference should be taken away from the members and given to you, Sir, as Governor in Council. How does the suggestion in the motion reconcile with the suggestion of constitutional changes in government by the unofficial European members of

[Mr. Isher Dass] this Council or in this country? Here is the suggestion of one member, who had the unanimous support in her motion that certain people were not fit to make by-laws in an ordinary conference, and the suggestion of another hon. member that the destinies of the country should be placed in their hands. The two statements are amazing, and I do not propose to go further than to suggest that this humorous suggestion on the part of the hon. Member for Mombasa is not a very serious one, and I will not therefore take up the time of Council in dealing any further with it.

The last point he suggested was that the natives at the coast were becoming a community of thieves and liars, and he asked what Government was going to do about it. I do not think for a moment that the heads of Government departments are going to leave, their jobs and take up missionary work to reform those natives. I think the hon. member quickly forgets that unfortunately in every society there is a certain percentage of bad people, but certainly the majority of no community consists of criminals, liars or thieves, which are but a small minority in every community. If we get to the root of the matter, that is due to the fact that there is some defect in the social system under which society is living at the moment and, in the case of the natives, the responsibility lies with three people: One, the Secretary of State; two, more on the unofficial European community in Kenya; and third, with the employers.

When I say the Secretary of State for the Colonies, I would say that it has recently been stated in the House of Commons on behalf of the Colonial Office that the Imperial Government is considering the steps to be taken to send trades unionists to these colonies and dependencies to organize labour in proper trades unions. The very steps that the Colonial Office suggests are immediately opposed by the unofficial European community in Kenya, who say "No". For instance, when this Government proposes to introduce the Trades Disputes Ordinance or Workmen's Compensation Act or some other act in the interests of the Africans them-

selves, it is immediately opposed in the Press and outside on the platform by the unofficial European community. Therefore the blame of not reforming those people does not depend on the Secretary of State for the Colonies as much as it depends on the people of Kenya themselves.

When I said employers and the unofficial European community, I meant that you would always find that contented labour is an asset to any industry and to the country. If on the facts disclosed by the hon. Member for Kiambu and other speakers the housing conditions are so bad, in fact, that the standard of living is so very poor, and there is no increase in wages—the sum of Sh. 10 is given for an eight-hour day on a farm—how can you expect people to come out and work gladly for you. If you wish to make your labour work gladly and give satisfaction, it is up to employers to raise the standard of living and provide better housing accommodation, and above all, better treatment and better human understanding, and not go away with the idea that some sort of compulsory labour is the only solution to meet such issues.

The hon. Member for Kiambu also raised the question of a shortage of labour, and the noble lord, the hon. Member for Rift Valley, thought there was a serious shortage of labour throughout the country. Unfortunately, the hon. Member for Kiambu suggested that whether European, Indian or native there was a necessity for everyone whether white or black that they must work for nine months a year. It is a matter of strange coincidence that the hon. Member for Kiambu should suggest a period of nine and not eleven months for everyone to work. In so suggesting, she lost sight of the fact that you could not make a man work nine or eleven months of the year unless you had legal sanction behind you, and the moment you introduced legal sanction the moment it becomes compulsory labour or an indentured system. She should know that the indentured system of labour was long ago abolished in the Empire, and in the interests of the natives compulsory labour for nine, ten, or eleven months without legal sanction

[Mr. Isher Dass] is not allowed, and under no circumstances would any intelligent person or members of the House of Commons or the Secretary of State—and for that reason your own Government, Sir—would suggest legal sanction to make everybody work nine months a year.

If the hon. member had confined her remarks to the need for improving the social condition of these people and bringing about the true realization of the fact that a man when he works has health and is provided with the comforts he deserves, then she would have found that the question of the shortage of labour would have been automatically solved. Not until such time as measures are made in the right direction for improving social conditions with no suggestion of conscription will the situation be met.

There is one point the hon. Member for Rift Valley has suggested, the question of increased taxation of a shilling per head from Africans. The hon. Member Representing Native Interests, Dr. Wilson, has in a very forcible speech refuted that idea and stated that Africans are already heavily taxed, and are still more heavily taxed as consumers owing to the increase in the customs duties recently agreed to.

The noble lord also referred to the question of the half a million loan that is to be given to the Imperial Government for the prosecution of the war, and suggested that this money should be kept in Kenya to put our house in order. The hon. member Mr. Shamsud-Deen refuted that suggestion, and gave very sound arguments. I will go a little further and say that when the noble lord suggested that half a million should be kept in Kenya he meant that it should be given in subsidies to the maize growers or wheat growers or to the pig industry or some other industry. In connexion with this matter I ask sincerely how far these monopolies and subsidies have benefited our country? and if instead of paying all sorts of subsidies and giving monopolies to the unofficial farming community in Kenya it would not be better in the end to introduce the dote system, so that no one shall work and shall remain on their farms and be

paid £50 or £60 a month to live comfortably since they have left their homes 3,000 miles away.

But you could not make a suggestion under any circumstances to the Secretary of State for the Colonies for the retention of this money, for the reason that you, Sir, have in consultation with heads of departments definitely informed people that this supertax, the increase in income tax, and in customs revenue are being collected for one definite object, the prosecution of the war. I therefore say that it will be absolute dishonesty on the part of any government if having collected on some pretext half a million they give it out in subsidies or monopolies to people who are never able to do any good to the country. My suggestion is that if these farmers cannot get on then that they please get out, and leave the job to someone else.

Humorously, the noble lord suggested that a sum of nearly half a million was not a very big one to be given the Imperial Government for the prosecution of the war, forgetting that in this critical moment every penny counts and no sacrifice is too small, much less half a million pounds. I will go further and say that the sufferings under which the people at home are going compared with the comforts and luxuries the people of Kenya are enjoying are such that instead of giving this as a loan I would suggest in all sincerity that the money be given as a free gift. That is my honest suggestion. I hope this suggestion will have a bearing and will meet with general approval on second thoughts from this side of Council, and that in the near future some member will move that instead of giving this half a million as a loan to the Imperial Government it shall be given as a free gift.

The hon. Member for Nyanza—it is a pity that she did not go to the north to Keran and Amba-Atagi to see for herself what the Imperial forces and the Indian forces were doing. Unfortunately, she went to the south, where she has learnt the inhuman treatment accorded by the Union of South Africa to my beloved countrymen in that part of the world, so that when she comes back here she raises that issue. Heaven only

[Mr. Isher Dass] help her if she attempts to do that in this country again. She asks the question, what the Indian community in this country has done so far as man power is concerned, so far as contributions towards charities are concerned, so far as contributions to savings banks are concerned.

I will take the opportunity to inform the hon. member who, unfortunately, has thought fit to go away, in connexion with the first man power, that you, sir, in your Address from the Chair, gave the figure of 1,800 Asians working for the military. This number only represents those in uniform. Added to that are 1,100 more civilian employees with the military. It was humanly impossible for the military authorities to spend money in Nairobi to maintain these people in quarters, and provide accommodation and food without adding to their other difficulties. All are serving for the duration of the war and cannot leave their jobs without the consent of the Director of Man Power, the hon. Attorney General. I must also add that every morning before I come to this Council I have to attend at my office for further recruitment to meet the requirements of the military departments from all sources. Recruitment is still going on, and up to the end of the year it will not be less than 3,500 in the way demands are made on the man power of the Indians.

As to the second question, it is not for me to possess the details of contributions towards charities or any funds in connexion with the war, but I think the hon. Financial Secretary or Government is in a better position to know all that I can say safely, and without the slightest hesitation and without fear of contradiction, that they have done according to their might and they intend to do it not as any obligation or for any reward or for any other consideration but as a matter of duty as citizens of Kenya.

One more point which I suggest. Many people seem to forget that with the exception of those who were in this country before the war began and who retired on pensions and have taken up jobs again, leaving aside those few

people, the other members of the unofficial European communities, it has been suggested to me by Europeans themselves that the war has come as a blessing in disguise for them. I should like to know the number of colonels and majors seen walking the streets of Nairobi who were mere clerks in commercial firms getting £200 or £300 who are now getting £800 or £900, on top of their family allowances and so on, as well as the security for them in the event of death. Compare the lot of those people with the 3,500 Asians who have no promotion to commissions or family allowances at all, and when they are demobilized there will probably be nothing for them. The unofficial Europeans in Nairobi who have fortunately obtained commissions will suffer from the superiority complex, because when the war is over and they are demobilized they will walk in the streets and call themselves captains, majors, and so on. The streets will be full of these officers and not a single private will be left in town. It is no use living in glass houses and throwing stones at others. All I can say is that if you are lucky enough to have a commission, and as lucky as the hon. Member for Nyanza to be a major also, the least expected is that she should have sacrificed her pay and Legislative Council allowances and made a free service as a patriotic person, but nothing seems to have moved her in this direction. Make it a voluntary and free service, and then come and ask us what the Indian community have done, and if we have not done equally well I shall lower my head in shame. But during such time as they are drawing fat salaries and allowances for nothing it is stupid to throw stones at us.

The hon. Member for Nairobi South suggested very rightly that there should be a control of drink in Kenya. I sincerely believe that the increase of customs duties on liquors and wines and the increased excise duties will not really help to stop people drinking. The only remedy, it seems to me, is that there should be a very strict control about drinking hours. Human nature as it is, the more you make a thing dearer the more people take a fancy to it, but if you wish to control drinking in Nairobi



[Mr. Isher Dass]

at an altitude of 6,000 feet you will not solve it by increased customs duties but will have to adopt a more strict measure of control. While bars are open until two o'clock in the morning and open in the afternoons and evenings the whole position will remain as it is.

There is one more suggestion which the hon. Member for Nairobi South made, and I entirely agree with him. The gambling instinct in the human being will always remain, whatever you do. In fact, life itself is a gamble, but there are some directions in which these instincts should be controlled, and controlled rightly. There are some people who are intelligent enough to be able to make use of this weakness of human nature, and the introduction of these fruit machines in Kenya has become such a nuisance that the sooner we have a tax on them the better it will be. It is very difficult, in fact impractical, to control these machines. When they are supplied, the terms are that 40 per cent goes to the owner of the machines and 60 per cent to the owner of the premises. Therefore, when the two do not actually trust each other the best system is to have a flat rate of £20 per annum for every fruit machine placed in a club, hotel, restaurant or in a public place. Council would be surprised to know that there are more than 150 machines in Kenya to-day. Therefore Government will be able to raise a good sum of money, or the people will remove the machines and keep them in their houses.

I agree with the hon. Member for Nairobi South that sweepstakes are becoming too common. There are two things about it—the percentage expenditure and the percentage of the funds given to certain causes. The percentage expenditure in every case without exception is of such a high percentage that it means much more than is actually spent, and therefore it would not be unwise on the part of Government if some system is introduced by which all these sweepstakes and lotteries should pay at least 10 per cent of the total amount collected towards the cost of the war.

So much for what has been said about controversial things, and I will now touch on a few points in connexion with the budget.

To deal with the expenditure side, I wish provision could be made to relieve some of the hardships experienced by the very low paid Asian and European staff of the civil administration, those drawing less than £600. The position is that these people are getting low wages and have large families to maintain, and I can prove to anyone's satisfaction that the cost of living has increased by 30 per cent, and if there is no suggestion that Government is not prepared to accept these figures I am sorry. I am saying that the cost of existence has gone up also by 20 per cent, much less the cost of living. When it comes to the question of the cost of living it does not only include food supplies: it includes clothes for children, medicines for children, and necessities of life, and if you were in possession of the facts as I am you would see that these Europeans and Indians paid less than £600 are badly hit. There is no question about it that they deserve immediate consideration. In this connexion you would find on inquiry that commercial firms and banks have increased the salaries of their staffs. In fact, I take the opportunity of paying tribute to Mr. Justice Bartley, Chairman of the Wages Board, for the minimum and maximum wages fixed under the Defence Regulations of the 23rd of November, 1940, when the cost of living for Asian artisans was taken into consideration when their wages were fixed. That section of the community is thus relieved of any hardship likely to be experienced by the increased cost of living.

So far as people in receipt of wages of more than £600 are concerned, they are not so much affected as the poorer sections, because they can control their luxuries and live comfortably, but the others have very hard lives. I sincerely believe Government should do something to remove their hardships. I am willing to prove to the satisfaction of Government my figures.

The hon. Member for Rift Valley suggested that the compulsory education system should be introduced into Kenya, and reference to it was made by my colleague Mr. Pandya, and I associate myself with such statement, as it is an absolute necessity and overdue.

Referring to education, I can only suggest that since the Indian school at

[Mr. Isher Dass]

Kisumu is being constructed, funds might be made available out of loan funds to complete it, instead of leaving it half way; surely we could find some more money from some other sources. It will be a very good school, and will relieve the anxiety of many people whose children have to suffer at the moment for want of accommodation in the schools at Kisumu.

Now I come to the Medical Department, and in my opening remarks I said it was unfortunate that I could not be seen by you, Sir, when I rose to speak, for there are one or two important matters I wished to bring to the notice of the hon. Director of Medical Services.

The first thing is the condition of the infectious diseases hospital at Nairobi, and also at Mombasa. The conditions in the hospital are simply deplorable and disgraceful. There is lack of accommodation, lack of facilities. No doubt we have a wonderful staff, but what can they do when there is no accommodation for patients, for the nurses, or for anybody else? Some action must be taken to remedy the situation, and the sooner the better. Again, the group hospital scheme is not yet completed, and will not be until such time as the war is over. I suggest that some improvement should be made in the furniture, linen, etc., at the Indian ward attached to the native hospital. The furniture and linen in that ward were at one time probably of good quality, but to-day they are in a hopeless condition, and at least when a person goes into hospital he does expect environment to cheer him up a little, even if he has to get later on! (Laughter.)

The debate was adjourned.

Council adjourned at 1.10 p.m.

Council resumed at 2.30 p.m.

The debate was resumed.

MR. ISHER DASS (continuing): Your Excellency, I was referring to the matter of the infectious diseases hospital, and before I finish with this item I would suggest that the hon. Director of Medical Services should see that in that hospital patients suffering from tuberculosis and venereal diseases are not placed in the one room, because if a person is suffering from one disease it may be contagious

to another patient. Therefore more care should be taken that such cases should be separated from each other.

The last item in connexion with the Medical Department is the matter of Indian nurses for the hospital. At the group hospital there will be facilities for training Indian nurses, but until such time it is essential that those nurses should be available at the K.A.R. hospital, Nairobi, and at Mombasa, and I would suggest that the hon. Director of Medical Services should at least try to get from India as early as possible Indian nurses to relieve the serious hardship. The position in the ladies' ward at Nairobi is not so bad, as there are three available, two for the day and one for the night duties, but in the men's ward there is serious trouble. The native boys have got the idea in their minds that unless they are addressed as "doctors" they will not give even a glass of water to a patient, and they are not competent to look after the various necessities.

The next matter is the police. Twelve months ago I referred to the discontent and dissatisfaction prevailing at that time among European and Indian subordinates. Twelve months have passed. A few days ago an article appeared in *The East African Standard* suggesting that efforts should be made to use public funds to improve the conditions of the subordinate police officers. I did not agree with that suggestion, but I certainly believe that if nothing was done during the past twelve months something should be done now. In view of the fact that we have a new Commissioner of Police posted to Kenya I would suggest that if he puts any schemes before Government that Government favourably considers those schemes and try to improve the conditions of these unfortunate people.

Under the head Central Revenue, I will not say more than what my colleague, the hon. member Mr. Panyda, has disclosed. The facts are disclosed by a very responsible member of this Council, and I have no reason to say anything more, but I presume they are facts because they are supported by documents. If conditions are such and the allegations are of a serious nature, I would suggest that a commission of inquiry be appointed to go into the

[Mr. Isher Dass]

matter. If Government unfortunately does not see fit to appoint such a commission, the action which would relieve and bring about a more satisfactory condition at Mombasa would be the transfer of this official to some other place. Happily, at Nairobi we have no such trouble and, as already stated by my colleague the hon. member Mr. Shamsud-Deen, cordial relations exist between the authorities and the public.

On the subject of price control much has been heard every day, in the Press and in this Council. I have nothing against the present Price Controller, but only one thing of principle. I sincerely believe that no one unofficial European should be placed at the head of a department, no matter what department, because if a Government official is appointed as the head he can have the advice of the unofficial European or Indian community, and is answerable to you, Sir, and this Council. I am not making any suggestion that is likely to be misconstrued that because the present Price Controller happens to be an unofficial European there are all sorts of things against him, but I do hope that in future Government will change their policy and at no time ever appoint an unofficial European as the head of a Government department.

Another important matter is in connexion with the direct native representation on this Legislative Council. Year after year I have suggested that the Africans of this country could find a suitable personality and that direct representation should be given them. It has been brought to my knowledge that in the month of September, 1941, there was a baraza at Nyeri under the chairmanship of the Provincial Commissioner, Central Province, where the representatives of the local native councils assembled and discussed this subject. Probably they had in view certain names of individuals whom they thought fit to be given the chance of representing African interests on this Council. I am also informed that the Provincial Commissioner did not give an opportunity for the names to be discussed, because that was not fair, but that on the principle he promised those present that he would convey their

opinion to Government for sympathetic consideration.

I sincerely believe the time has come when we should in all sincerity grant direct representation to the Africans. We may not be able to find many, but we are sure to find a couple of Africans in this country. If it is to be argued that the difficulty is to appoint one to represent natives, this argument in 1942 is not a very sound argument, as the representatives of Nairobi are equally representative of other parts of Kenya, not Nairobi alone, and if an African were appointed he would be in a position whereby he would be able to go about the country and associate himself with other tribes and get into their confidence and represent the views of Africans themselves. Therefore, if the Provincial Commissioner promised to convey this to Your Excellency for favourable consideration, I think at as early a date as possible Government should find it possible to appoint an African on this Council.

In connexion with the Information Office, it appears that everything seems to be going wrong there. Wherever you go, you hear complaints about the Information Office. I believe the terms of reference of this office were that it should act as ears and eyes to Government and that that object has not been fulfilled. If we are to be told by this office about the rationing and other things in Europe and other parts of the world, the department has not fulfilled its object. The Information Office in England can do that, and very efficiently. We can switch on the wireless and hear all sorts of news from the B.B.C. What is actually required here is, as I suggested, one term of reference that Government should be informed of the requirements of the people of Kenya, what the people of Kenya would like to be told. That is the information which should be given by this Information Office, which should not act as a transmission office for foreign news. That can be done by others.

The last thing I have is to ask a question in connexion with the Veterinary Department. I think we sent an unofficial delegation from Kenya in regard to the supply of bacon to the Jews in Palestine or Egypt. We never heard afterwards what actually happened, whether the

[Mr. Isher Dass]

delegation had succeeded in their mission or not. Some information about it would be very useful to members of this Council and the public.

In conclusion, I sincerely and solemnly suggest that we ought to try to pull together and spare no efforts to win this war, because when the future generation asks us, "Daddy, what did you do in the great war?" it will be up to us to keep our heads erect and not lowered in shame. Therefore no task is too great, no sacrifice too small, and I suggest that every effort in every direction should be made with one object only in view—to win the war.

Having said all this, I support the motion before Council.

**DIRECTOR OF EDUCATION (Mr. Lacey):** Your Excellency, of the educational issues raised during this debate the one to which the most frequent reference has been made and which has my support, is that of compulsory education. As I am chairman of the Advisory Councils on Education, which unanimously recommended to Your Excellency that it should be introduced, it is quite unnecessary for me to say that I am in entire sympathy with those speakers, and I know that this matter is receiving the close attention of Your Excellency's Government. There can be no educational argument against it, and I sincerely trust that if there are other difficulties such as finance to be overcome, they will be overcome in the immediate future.

My records corroborate the statement made by the hon. Member for Uasin Gishu to the effect that a deputation was received by the Colonial Secretary and Financial Secretary in November, 1938, but it is not quite correct for him to say either that the Financial Secretary was sympathetic or that no action was taken. I have a record of the meeting. The Financial Secretary was very sympathetic, but what happened was that the Acting Director of Education was asked to make the closest inquiries into the statistical situation as to the number of children of school age in Kenya. Shortly after I arrived, that information was available, and it was discovered that there were probably 200 less places in schools

than children of school age. I therefore advised Government that it was highly desirable that accommodation should be erected before this question was taken up again. In the last two years accommodation for at least 75 boys of the secondary standard and for 100 children in primary schools has been erected, and work is going on as fast as the Director of Public Works can manage.

The hon. member mentioned that he had obtained a list of some 27 names of children who were not at school. They are boys of his community all over the Highlands. Personally, I estimate that there are probably 50 European children not being educated. When the additional accommodation at Nakuru, which has been sanctioned and which I hope will be complete by April or May, is ready, it should be possible to accommodate all the European children not at present in school.

Turning to the compulsory education of Indian boys, a rather amazing fact is that if the approximate estimate of the Asian population of 45,000 is correct, more than 22 per cent is in schools. Therefore, although Asians have large families, there can be very few boys between 6 and 15 not already in schools.

The hon. Member for Kiambu raised some interesting points. She first stressed the necessity of the community realizing its responsibility to the youth of the country. Again it is hardly necessary for me to say that I endorse wholeheartedly that opinion, and welcome the newly-formed parents association in Nairobi. I hope such associations will spread to other parts.

She raised the question of vocational training immediately after the war of young men who had joined up immediately they had left school. A committee appointed to go into the question has been inquiring what facilities are available. These are probably more extensive than the public are aware, but they need to be extended, and I can assure the hon. member that it is a matter I shall keep in view. She gave me a bit of a shock when she suggested that all African boys leaving school should have some form of apprenticeship, but she afterwards told me that she did not intend to suggest that it was possible that all

[Mr. Lacey]

African boys should be apprenticed. What she wanted to stress was that there should be the closest co-operation not only between Government and the missions but commercial firms to make certain that educated Africans were given an opportunity to get vocational training.

The hon. members Mr. Kasim and Mr. Isher Dass urged that there should be additional funds provided to complete the building at Kisumu. I am authorized to state that this matter will be raised before the Standing Finance Committee when they are considering the Draft Estimates.

The hon. Arab Elected Member referred to the fact that certain members of the Arab community who had got into the Civil Service had not been permitted to join up the O.E.T.A. He is probably referring to the members of the staff of the Arab secondary school. I am well aware that it would have been possible for them in the O.E.T.A. to get higher salaries than they are getting in the Education Department but, as I pointed out to the teachers concerned, there is a difficulty in finding qualified Arab teachers and that if they had been permitted to join it would be quite impossible for me to continue the school. There are not a few of my European teachers who would be only too glad to get into the Army, where they would get higher salaries, but teaching is a work of national importance, and I consider the interests of the individual have to be subordinated in these matters.

I was glad to hear the hon. Member for Trans Nzoia so keen on agricultural education as to suggest we should spend £50,000 on a university or college for agriculture. I think the hon. Director of Agriculture would agree with me, however, that it is rather premature. I must admit that I find it difficult to reconcile this suggestion with the one he made, that there had been no additions to the educational staff. An empty building without a staff is, of course, useless.

Leaving education, I would now turn to the Information Office. I cannot leave unchallenged the remarks of the hon. Member for Nyanza. Although it is nearly two years since the executive

responsibility I had in the Information Office passed from me, I am still chairman of the Advisory Committee, which has meetings (sometimes spasmodically, sometimes regularly) so that I am aware of the Information Office work. To be information-minded is not one of the Englishman's characteristics, and members are aware of the difficulties experienced at home; I do believe the Information Office is doing an astonishingly good job of work. It is very easy for anyone to criticize the sort of broadcasts which have been and are being given to African audiences. You can say, "What is the good of mentioning Smolensk?"; or that this is just a waste of time and money. Among certain classes of Africans there has been a decreased interest in the vernacular broadcasts, but there is a very important nucleus among the educated and semi-educated Africans who listen in very regularly, and there are well educated Swahili at the coast and up-country Africans who not only listen in to the vernacular broadcasts but read *The East African Standard* and *Baraza*, and any wide difference between the news given in the papers and the news given in the vernacular broadcasts would, of course, be viewed with great suspicion.

But during the last three months we have paid careful attention to the nature of the broadcasts. As a result of various journeys by Mr. Davies to the reserves he has been able to do a bit of "snooping" to find out what is wrong. In this respect, I would say as chairman of the committee that I extend a warm welcome to the hon. member to attend any of the committee meetings or visit the Information Office to find out exactly what is going on in African propaganda and to see the manuscripts of the broadcasts which go out.

I was rather surprised to hear the hon. member Mr. Isher Dass kick against the Information Office, because if there is one thing which has been a fully proved success it is the work that Mr. Vasey has done in the Asian section. It is apparent not only from letters which have appeared in the Press; and a large number of Asians have told me personally how much they appreciate the service of news and views which he has provided for them.

COMMISSIONER OF LANDS AND SETTLEMENT (Mr Mortimer): Your Excellency, there are only about three matters that have been raised in the course of the debate to which I wish to refer.

The hon. Member for Aberdare raised the question of the basic road grant to the Aberdare District Council. Since that Council was formed in 1939, members of the Council have never ceased to protest against the paucity as they regarded it of the basic road grant given them. That basic road grant was calculated on what was regarded at the time as a fair basis. It is not easy now to discover the facts, as the Secretariat fire destroyed most of the records, but I gave an undertaking to the Council that I would investigate their protests. I have now completed that investigation and, in agreement with the Director of Public Works, I propose to submit certain proposals to the Central Roads and Traffic Board at a very early date. If the Central Roads and Traffic Board make recommendations to the Standing Finance Committee which are accepted, it may be possible to include such provision as they recommend in the 1942 budget, or in some supplementary estimate.

The hon. Member for Aberdare also asked that provision be made in the 1942 Estimates for a token vote of £5,000 to provide for the carrying out of the provisions of the Settlement Committee report, which have been accepted by this Government, at an earlier date than the end of the war. It is possible that there may be applications coming forward which would justify the provision of Government funds to carry out the scheme. That is a debateable point, but I will certainly bring the subject before the Standing Finance Committee during its consideration of the Estimates and leave it to that committee to decide whether provision should or should not be made.

Several references have been made to native welfare. The subject of native housing in municipalities comes particularly within my province, and I should like to confirm the statement of the hon. Director of Medical Services that the Nairobi Municipal Council is taking a

very close and active interest in this subject at the present time and is very energetically pursuing its native housing policy. It is a welcome sign of the times that in the unofficial community of Nairobi there is a very active and increasing interest in this extremely important subject, and one has every confidence that within a comparatively short time rapid strides will be made in facing and overcoming the problems that are at present a grave menace to the well being of this town and Colony.

MR. DAUBNEY (Director of Veterinary Services): Your Excellency, there are two or three small points to which I might reply.

The hon. Member for Aberdare has referred to the extraordinary expenditure vote of £3,276 for a measles unit. Actually, that is a mistake, that has arisen in my office, I am afraid, and the provision is for three units which we undertook to try and put on the road. We are at present attempting to engage staff for those units in the Union of South Africa.

My hon. friend the Director of Medical Services has dealt with his second point regarding measles. With regard to the third, that he did not see any provision for the research which we promised we would undertake, I can only say that, as Your Excellency agreed at the meeting in question, strong representations were subsequently made to the military authorities to obtain the release of an officer specially for this pathological research. Unfortunately, his release was refused.

The same member remarked that he was disappointed to see that in the interim report of the Overstocking Committee it was only in the case of Lerogi that we had been able to make any recommendations as to the limitations of numbers of stock allowed to graze, and he pointed out that Lerogi was not a native reserve. It was precisely because it was not a native reserve that we were able to impose these grazing regulations. We felt there was all the more need that grazing control should be exercised there because the land was not native property absolutely, and we did not wish to see it damaged by overgrazing if at any time in the future it might be handed back for disposal otherwise.

[Mr. Daubney]

The last point made by the hon. member related to the leasing of a portion of what is known as the T.O.L. area in Laikipia, the part known as Kirimun, to the Meat Control as a holding ground for Samburu stock which were in process of being moved to Isiolo after being inoculated and quarantined. These are stock purchased in the Samburu Reserve by the Meat Control. I would explain in this connexion that the demands for live slaughter cattle created by the presence of large military forces and the increased civilian population—and, more recently, by the large numbers of prisoners of war—in this country, have necessitated the purchase by the Supply Board Meat Control on a scale far in excess of anything that happened in the course of private trade before the war. They have also necessitated extensive movements of cattle, and movements have had to be undertaken in conditions that would not be tolerated in peace-time; perhaps, conditions created by shortage of staff. Under these conditions it has at times been necessary to balance the urgency of our needs against the local risks of spreading contagious or specific diseases. And I have judged it necessary to move Samburu stock to Isiolo and thence to Nanyuki and possibly Nairobi under conditions one would not have encountered in peace-time. Those movements have taken place without any direct veterinary control of the quarantining and inoculating of the purchased stock within the Samburu Reserve, and we have had to rely on the goodwill of an overworked member of the Supply Board Meat Control, who, naturally, has not been able to be on the spot the whole time, since he has had to leave the area where the cattle were quarantined to purchase elsewhere. In those circumstances, during the last few days an outbreak of contagious bovine pleuro-pneumonia has been detected in a European owned area on the T.O.L. area adjacent to this Kirimun holding. The origin of the outbreak is not yet known, but I regret that such an outbreak should have occurred, since it is the first in a settled area over a period of six years. I have a research officer in the neighbourhood, the position in the whole area is being investigated, and I have no doubt that we shall succeed in suppressing the outbreak.

At the same time, Government has informed the military authorities that unless we can obtain the release of certain members of the staff who are needed for the control of these stock movements from the more remote areas, there will be possibly a shortage of meat, since we shall have to close down certain areas to buying.

The last point is one made by the hon. member Mr. Isher Dass, who reminded me that I was connected with the first attempt to sell bacon and pig products in the Near East, and who wondered what had happened to the project. What happened was that for more than a year the whole of our increased supply of bacon and pig meat generally was taken by the Army in this country, and it is only recently that we have had to look for overseas markets again. Difficulties have arisen in connexion with the sale of bacon to the Near East, but I can assure the hon. member that they are not in any way connected with the fact that a large part of the population may be Jews or Mohammedans. Those facts were not overlooked. The difficulties are in connexion with processing and transport to that area. Perhaps the hon. Member for Nairobi North, who has interested himself in the matter of developing our dairy trade with the Near East, will give any further details required.

#### DIRECTOR OF AGRICULTURE

(Mr. Blunt): Your Excellency, there are a few agricultural matters which have arisen during the course of the debate of the last three days on which I should like to offer some brief remarks.

First of all, in connexion with production to meet requirements which I think all realize are increasing to the north of us for our produce. I have not yet seen the full report of the delegation that recently discussed these matters at Cairo, but I have already gleaned there is going to be more and more need for greater effort in this country to produce all that we can for the Army and civilian supplies.

The first crop particularly mentioned by three or four members on the other side is maize. The hon. Member for Trans Nzoia suggested that, unless something were done to improve the price of maize, production would be reduced to the point of disappearance of maize as an export

(Mr. Blunt) In normal times I should be inclined to welcome that position, but times are not normal, and there is no doubt that we have to continue to produce as large a surplus of maize as we reasonably can. If that is the position, I entirely agree with him that it is unreasonable to ask the farmer to produce that maize either at under the cost of production or even at the bare cost of production. The labourer is worthy of his hire, and the farmer must expect, if he is going to grow a crop, a fair price. I feel sure that no one, and least of all myself, would suggest it is reasonable for any crop of this kind to be produced at what is going to be a loss to the farmer.

When, however, we come to consider what is the cost of production and what figure would represent a reasonable return, I am afraid I should find it very difficult to agree with the hon. member's suggestion that Sh. 9 a bag should be the minimum price payable.

Turning next to wheat, hon. members will be aware that we have had this year to import a certain quantity of wheat to provide for our local requirements. It has been pointed out by the hon. Member for Trans Nzoia that weather conditions, particularly on the Plateau, have during the last month been most unfavourable to the wheat crop, and my information is to the effect that we may expect a reduction in the total yield of the crop by some figure like 50,000 bags below previous estimates. I am afraid that this is likely to result in the same thing happening during the course of the coming year, and that we shall probably have again to import a quantity of wheat. I trust it will only be a small one. But it is up to us, I feel, to ensure that that shall not happen a third time, and that the crop we shall plant in 1942 shall provide an adequate supply for local purposes and a surplus for export in 1943, if that is humanly possible.

I would like to sound a note of warning on this question of production. That is that we should not be led away to the position where we try to produce crops on land which is not entirely suitable for them, because we think those crops are wanted. I think it must be admitted that if labour and man power and effort are

employed in trying to grow crops on land unsuited to them, and the result is decreased yields, we may say that labour, man power and effort have been wasted, whereas there is ample opportunity on good land to endeavour to increase our yield per acre and thus achieve the same result with much less waste.

The next matter to which I should like to refer was that raised by the noble lord the hon. Member for Rift Valley, on the subject of agricultural machinery. He suggested that the system which we have endeavoured to put into practice this year or some similar system for providing machinery required for the use of farmers, should be extended. I should like, if I may, to say something about what we have done this year in that matter.

It was early on agreed that we should endeavour to take over any agricultural machinery, particularly for wheat, which was not then in use, put it into repair, and hire it out to people who had not got machinery who were producing wheat. This has been done, but there have been considerable difficulties in doing it. In the first place, we have found that a good deal of the machinery we were able to take over was hardly worth spending money on, and when it was put in repair it was not very effective. We took a census in each area of the machinery available and what was wanted, but when later we came to acquire the machinery we found that some of it was not there, and we also found that demands had increased and for that reason we have had to purchase a certain amount of additional new machinery for those people who had none.

It is an unfortunate trait of human nature that if you are loaned expensive machinery and you are not responsible for the repairs to it, you do not take so much care of it as if it were your own. That has already been proved in the case of some machines we have hired out. We have had cases where the big end has mysteriously gone through the crankcase, which, I suggest, was only due to lack of oil; I suggest, we have had main castings of machines broken mysteriously, and nobody can explain why. If we are going to run a scheme of that kind, unless it is subsidized in some way from central funds, provision has to be made to cover those

[Mr. Blunt]

major damages which unfortunately occur, and for that reason we have had to fix the price of hire of those machines at a fairly high rate. It is true that we have promised to give back to those farmers who hire, any balance of profit that may be made, but I am doubtful if there will be much profit.

The net result of this appears to me to be that, if this plan were to be continued for three years, and if any particular farmer were for three years to hire machinery from us, he would at the end of the three years have paid the full cost of the machine and would not own it. I suggest that that is not a reasonable economic proposition for any farmer to undertake. There is, as far as the wheat machinery is concerned, a fixed price for wheat to which the farmer can look forward with confidence. Provision is made whereby advances can be given by the Land Bank for the purchase of machinery. It will pay farmers much better to buy their machinery for themselves, and I should be sorry if this scheme had to be increased and enlarged in future years; for I feel the farmer would be much better off if he takes advantage of buying his own machinery.

The hon. Member for Uasin Gishu referred to the question of locust insurance. I am not going to speak on that question; I have no doubt the hon. Financial Secretary will mention it. But I would like to say a word about locusts. Some months ago it was broadcast to us from home and was published in the local Press that a locust outbreak had started in Eritrea, and that there was a chance of it spreading. Later, we had information to the effect that it was spreading and was out of control. That led one to suppose that the position next year might involve us in an outbreak of the desert locust such as we had in 1927 and 1928. Recent advices from the Sudan, however, indicate that they have carried out some extremely successful work there, and it seems, so far as we can assess the position, that we are unlikely to get an invasion next year or, if we should have any locusts, it is likely to be on a very small scale. I do not, however, attempt to suggest that, due to this satisfactory position, there is no reason for carrying on with the locust insurance

policy. I agree with the hon. member that the time to insure is before the house catches fire.

The hon. Member for Mombasa referred to the question of storage in connexion with cereals. In the case of what I may call specialist cereal storage, there are several points that should be considered before one can embark on the erection of expensive plant. If you are going to store cereals for any length of time the plant has to be such that you can treat and examine the cereals from time to time to see that they do not become infested with insects. That involves a fairly expensive plant which, in turn, unless it is subsidized from some other source, involves a comparatively high charge per bag of cereals placed in that storage.

It seems to me there are three reasons why such storage is desirable. The first is to facilitate shipment. But I would remind hon. members that we have in the past without such storage contrived to ship upwards of a million bags of maize in the course of a season and other commodities in addition. Times are certainly abnormal now, and we are faced with much greater difficulties if we try to ship that amount at present without storage, but it is still possible to ship large quantities of grain. We have done it when shipping conditions are difficult and are doing it at the moment.

The second advantage in the provision of such storage appears to me that one would remove in the case of wheat the crop from the farms at an earlier stage than it can now be removed, thereby avoiding a certain amount of loss from weevil damage which takes place on the farm, and also that earlier payment might be made for the wheat, which would enable a farmer more easily to finance his next crop. Here it seems to me to be a question of economics: Would the cost of storage per bag of wheat be equivalent or less or more than the average loss on a bag of wheat as stored at present? I am very doubtful myself whether the cost of storage would in fact be less than the loss which at present takes place.

The third point in favour of such storage is the increased possibility that it provides of carrying over any surplus from

[Mr. Blunt]

to make good a possible deficit one year. That position is hardly likely to arise during the course of the war, for I feel certain that if we have any surpluses we shall get rid of them during the year in which they arise, and shall not in any case attempt to keep them over to meet any subsequent deficit.

I have very grave doubts whether, under existing conditions, and to achieve these three things, it would be an economic proposition to erect any large-scale grain storage.

The hon. Member for Mombasa referred also to farms going back to hush. I think he had in mind mainly certain areas of Tanganyika, but he suggested that the same thing might be happening here. So far as I know, it has not happened to any extent, but I would not like to go so far as he does in saying it should not happen. Under existing conditions of difficulties of labour and man power, I feel sure it is much better if a farm which is only just barely carrying on, barely paying its way, and precariously producing crops, should go back to hush for the time being. It will thereby cease to deteriorate, and may improve and be capable of better production in the future. We should concentrate, I think, on the better land where we can get real good results.

The hon. Member for Trans Nzoia complained that I did not spend enough time visiting farmers, and with that complaint I wholeheartedly agree! Nothing would give me greater pleasure than were I able to spend much more time in getting into touch with individual farmers and their problems and difficulties, but as things are at present, with the shortage of staff which exists in Nairobi and the number of committees and boards on which I am bound to sit, I find the greatest difficulty in getting away. He suggested that somebody in my office might do some of this work—

COL. KIRKWOOD: On a point of explanation, what I suggested was that the hon. Director on his high scale of salary of £1,500, should not spend his time on boards or committees. He has a full-time job in the Agricultural Department. Some time might be spent in study-

ing agricultural problems for the farmers in the districts.

MR. BLUNT: I appreciate the hon. member's point and entirely agree, but unfortunately the position is that in certain cases my membership of these boards is personal. That applies in the case of the board which I have recently had to take over, namely, the Coffee Board.

The hon. Member for the Western Area again raised the question of additional agricultural staff for the Nyanza Province. I think he raised it last year, and I am not sure, also the year before. The position is not that there is lack of provision for such staff but that such staff is not to be had. If I could find people with the necessary qualifications I could at this moment take them into employment.

Finally, the noble lord the hon. Member for Rift Valley referred to what I think he suggested was a somewhat meagre provision for soil conservation work during the coming year. Well, under normal conditions I would be disposed to regard it as a meagre provision. In fact, I have, as you are aware, Sir, put forward a ten-year plan dealing with soil conservation measures necessary in the country, involving an expenditure during those ten years of some £700,000, but I am afraid that the position in regard to the coming year is exactly the same as in the case of agricultural officers. Provision has been made for six soil conservation officers, for an inspector, and for an Asian surveyor. If during the year I can fill the posts under existing circumstances I shall be fully satisfied, but I feel sure that if I can get satisfactory personnel I can then come back to the Standing Finance Committee during the course of the year for further funds, and I trust that I shall receive a favourable hearing if I do so.

MR. HOSKING: Your Excellency, I had anticipated that this debate, so far as it affects the native problem, would have been concerned more with the labour shortage, which has been the topic of conversations; articles and meetings in this Colony recently. But it has, in fact, tended rather to centre around the question of native war taxation. I take it that hon. members are satisfied with the steps Government has taken to deal with the

[Mr. Hosking] labour situation by Your Excellency's promise to reconstitute the committee which is to consider the labour problem, and the energetic action taken by administrative officers in the field to deal with the emergency and help employers to find the labour which they needed.

I regret the attack the hon. Member for Aberdare thought fit to make on Archdeacon Owen. That venerable and energetic gentleman needs no championship by me; he prefers to fight his own battles. But he is a member of this committee, and he will have every opportunity of pointing out what abuses have arisen by the present methods and advising us how they may be avoided by better methods. Speaking on behalf of the Administration, we would far prefer that he will take his grievances, real or imagined, to the guardians of native interests in the provinces rather than to another provincial "guardian".

Turning to the question of native war taxation, which was first raised by the noble lord the hon. Member for Rift Valley, his speech was moderate in tone and most constructive, and I think led the Council to follow an admirable example. He suggested that a war tax should be levied on natives, and a fund formed for improving housing and medical requirements, and that the balance might be invested in the war loan. The hon. Member for Nairobi South supported him, but stipulated that they should be taxed in accordance with capacity to pay. The hon. member Mr. Montgomery stated that the natives were obviously willing to pay more, but recommended that we should await the report of the committee that has just concluded its deliberations, known as the Inter-relations Committee, before we came to a decision—wise advice which, I hope, will be followed. The hon. member for Trans Nzoia also supported the noble lord.

On the other side, the hon. member Mr. Pandya pointed out that in his opinion natives were already overtaxed. The hon. member Mr. Kasim supported the argument, and pointed out that the price of certain essential commodities had already been doubled. The hon. members Mr. Shamsud-Deen and Mr. Isher Dass both supported this contention. The hon.

member Dr. Wilson, too, was against increasing direct taxation, pointing out that the minority only had benefited by larger earnings from the war.

Those responsible for the natives, and responsible natives themselves, are most anxious to see that the native should play his part in the war effort. The provincial commissioners, after considering this question most carefully, held that indirect taxation of natives was preferable to an increase of direct taxation. The natives have, as is admitted on all sides, answered every call made upon them for the war effort. They have sold their stock and sold their produce at prices unattractive to themselves, though they may have been fair prices. They have willingly parted with their goods in the war effort. They have been hard hit by an increase in duties, and I doubt whether their capacity to pay can stand much further direct taxation.

Take the ordinary farm labourer earning Sh. 10 a month, and not all earn that magnificent sum. They get free food; generally, I am afraid, it is only posho; and an old-established farmer in this country told me that his labour cost about Sh. 14 a month. On the ticket system a native can only earn his Sh. 10 nine or possibly ten times a year by the utmost diligence. Call it Sh. 100, which with food for the year is possibly Sh. 124. Add the benefit of free medical attention, add his housing (I hardly like to add, his share in a grass hut) to his emoluments, and with the greatest difficulty I get them up to Sh. 150 a year. A superior type of native in heavier work, in the mines, on sisal estates, railway contracts and the like, earns Sh. 12 and Sh. 14 a month, or possibly more, and he has a higher scale of rations, and his total emoluments may reach Sh. 200 a year. Take it that a native is being taxed on Sh. 200 a year. Then turn to the schedule of income tax. A non-native on £200 pays £3; a native on Sh. 200 pays Sh. 12. He pays as well his local native council cess. In the case of a non-native, as his family increases his tax decreases; a native's tax tends to increase. An extra wife means a double tax, an extra dependant often means an extra tax. We reduce the tax in the case of dependants for Europeans; we increase it for the natives.

[Mr. Hosking]

The hon. member Mr. Montgomery referred to the committee which has just reported on the relations between Government and local native council finance. Speaking for myself—I cannot speak for the committee, whose report has not yet been considered by Your Excellency—I am most anxious to get away from this plural tax, this tax on womenfolk, but, if we do, it is inevitable that the personal tax will be increased, and from this income of Sh. 200 a native may well be paying not Sh. 12 but Sh. 14. By the time he has paid his cess he may be paying Sh. 16 or Sh. 17, and I consider that the limit of taxation for a native on that earning capacity has been reached. It would react too on the excise and customs. It has been pointed out how much a native consumes in the way of tea, sugar, imported goods, tobacco and the like, and his spending capacity is already very greatly reduced. I willingly admit that more money circulated last year in the native reserves than ever before or is ever likely for many years to come to circulate again.

Turning to individual speeches, the noble lord the hon. Member for Rift Valley paid tribute to the natives serving in the military, and it is perfectly true that the response of the natives to the military call has only been limited by the extent of that call. We could raise thousands and thousands more natives, were they wanted, to serve with the armies.

The hon. member suggested they would get better wages in civil employment if they did better work. A racehorse will not win a race on grass alone, and you must adjust the fuel to the energy which you wish to produce, even for mechanical transport. He pointed out that we should ensure reasonably good conditions but no increase of wages. All of us in the Administration are far more anxious to-day to see an improvement in the conditions rather than, in present circumstances, an increase in the actual wages. You will get better results from healthier labour, and do not need the same amount of labour if labour can be better fed, better housed, and better treated.

The hon. Member for Mombasa was anxious that the Administrative officers

should do more travelling. I am entirely on his side in this matter. We, too, like to get out of office work into the open air and establish more contact with our parishioners generally.

In his reference to savings certificates I had already supported him in saying that I thought they would have an appeal to a certain type of literate native but, after going more carefully into this question, I have some doubt as to whether many will respond to that call. The certificate must be easily redeemable at present-day value if it is to be used to any great extent by natives. Natives on their present standard of living must save, not for the sake of saving, even for the war effort, quite so much as he must save for wise spending. The old objection to money as opposed to goats was that the former bore no increase; savings certificates bear increase, and, looking forward to a far distant future, bride price might eventually be paid in savings certificates instead of goats.

I come to the hon. Member for Kiambu. I would like to say that I have never known her on a better wicket, and it is a privilege to listen to the hon. member when she gives this Council the point of view of a woman. But she embarrassed me, and possibly confused me, calling me a hermit crab and a whipping boy. I am not quite sure in which capacity she gave me a shell! The holder of my post has had many names thrown at him. Sir Alan Pim referred to him as the "fifth wheel of the coach" and as a "trace horse". Lord Hailey called him "*Vox bombinans in vacuo*", which I should like to translate as "the voice crying in the wilderness"—but that was said of and by a saint! I am, however, really the barrister for the field administration, and Your Excellency's adviser on native affairs, in view of my own experience and of my contact with provincial commissioners and administrative officers in the field; I am the People's Tribune, but not the executive head of native administration; I have executive powers as president of the Native-Lands Trust Board.

The hon. Member for Kiambu dealt largely with natives in townships, and I want to give her my most cordial support. Natives in townships are an unavoidable but regrettable necessity. We

(Mr. Hosking) should aim at getting a permanent population, permanent and competent, and to achieve that means not housing but homes. I will do all I can to further her scheme.

Her scheme for allying taxation to the number of months' work does not appeal to me. Taxation should be based, as an hon. member said, on the capacity to pay. I would also point out that to collect taxes from so many thousands of individuals in the last three months of the year is an uneconomic proposition, and impossible, but doubtless she will put her suggestions to the committee which is dealing with these labour problems.

I was interested in her scheme for apprenticeship, but obviously she was unable to complete the details of her plan in her speech that morning. I trust she will give me further details so that I can go into it more carefully.

I thing that we in the "gully", knowing the hon. member's vigorous style of battling, expected a good many chances, but her drives were strong and clean. I think, however, that she credited the provincial commissioners with more pay than does the Accountant General.

The hon. Member for Nyanza once more paid a tribute to the natives working on farms, and I must again express my genuine thanks to her, for she refuted entirely and rebutted those wild letters you see in the press by self-confessed bullies and nigger-naggers. I trust again that provincial commissioners will see that her expression of appreciation is transmitted to the areas from which the labour comes.

The hon. member Mr. Montgomery also raised the question whether, if additional contributions to build up a fund were required from the natives, it should be by Government tax or by a voluntary rate. I would point out that it has been the policy recently to liquidate the large balances local native councils have accumulated and put them into bricks and mortar. Whether we are going to build up a fund for betterment to be used after the war is a matter that requires very careful consideration.

The hon. Member for Trans Nzoia stated that it was the Kenya Farmers'

Association who were our resort in times of famine and trouble. But I would point out that the last acute shortage in the Central Province was met entirely from maize grown in North Kavirondo.

He stated that there was no actual shortage of labour, and I am very glad he said so. He wished to treat his labour as children and to cane them when they are naughty. I do not think he is quite consistent in making children pay for their own medical attention nor, on behalf of Government, can I accept the suggestion that we should resort to flogging for labour troubles.

He referred to present-day evasions in tax collection. If we get away from the hut tax, woman tax, or whatever you call it, to a personal tax, as I hope we shall, I think evasions will no longer be possible. This applies not only to Trans Nzoia but to Mombasa as well, because if a person is responsible for his own tax we can call on him to produce his receipt, and he cannot avoid paying the tax by saying that his receipt is with his wife at home in the hut on which the tax is now paid.

The hon. Member for Aberdare was provocative. He wanted to fight certain Water Board battles over again. I am prepared to fight on any occasion on behalf of the common law right of a tribesman to the use of water as it flows between the banks of the Uaso Nyiro, until such time as adequate alternative supplies are actually made available. I am the last person who would wish to see 42 cusecs run to waste to provide people with what may be only half a cusec, but I will not agree to the cutting off of essential water from the tribes whose very livelihood depends upon it.

The hon. member Mr. Isher Dass covered the same ground already traversed. He advocated a better understanding on farms and improved conditions, and of course I entirely agree with him. He raised the vexed question of native representation on Legislative Council. I would say that the question of how the voice of the African may be best heard has been the concern of Government for a very considerable time. It has been discussed by provincial commissioners with Your Excellency; it is still under discussion at the present time.

(Mr. Hosking)

Finally, I should like to state what pleasure it gives me to see year after year how it is evident in this Council that a more kindly and more sympathetic feeling towards the Africans in this country is growing throughout this Colony.

MR. HARRAGIN: Your Excellency, unlike the other speakers we have heard, I have no intention of giving to Council a guarantee as to exactly how long I shall talk and then waste several minutes in saying why it is necessary to double that time. I look on this debate as the most important in the year, and most useful, because it is the one occasion unofficial members have of removing all possible misunderstandings and airing their grievances. I personally consider that it would be entirely wrong if members on this side of Council, on the small pretext of wanting to save the time, failed to give suitable replies to questions and queries from the other side.

The first point I would like to make, and I am glad to say it is the only general point that I intend to touch on, is that after listening to this debate I hear from speaker after speaker suggestions as to how this can be done and that can be done, and how this can be improved and how this can be increased. I look over to my hon. friend Mr. Montgomery, knowing perfectly well that in the end he or I or both of us will be in the unfortunate position, even if you are able to overcome the qualms of the hon. Financial Secretary, and obtain the necessary money, of telling you, "Well, you may have the money but we cannot find the men." I say as I have said before in this Council, that Kenya is doing all it can—and I am referring to the European man power—at the present time, unless we get further releases from the Army or men from elsewhere, to keep what we have going. Day after day, my hon. friend and myself are inundated with applications for some men here and there, and the answer is, as so often happens in this Council, in the negative because we have not got them.

In the course of this debate there have been two personal attacks made upon gentlemen who do not happen to have the honour of serving in this Council. I fully realize that these attacks may have

to be made on behalf of constituents whom hon. members represent, and I know perfectly well—and I am referring of course to the hon. member Mr. Pandya, who was speaking to his brief in the same way that I shall be speaking to mine—that neither he nor I have any personal knowledge of the matters in question. He has put his case as he has heard it, and it will be my duty and pleasure to put the matter as I have heard it and as I believe it to be.

The first attack was most interesting to me, living as I do almost entirely among the consuming population of this country, to hear the attack made upon the Price Controller. It is not the first time I have heard such an attack made outside this Council, but it has always been from the opposite point of view. Invariably, I have been told by consumers, "What is the Price Controller doing? These merchants are robbing us in every possible way." And it was interesting and refreshing to hear the other side of the case when I heard an hon. gentleman accuse the Price Controller of being more autocratic if not unfair. With my experience of the world my only answer to that is that when you have both sides complaining you can rest assured that the man is doing his job. (Laughter.)

The next attack, and in this attack we have more detail upon which to act, was made upon the tax collector in Mombasa. There were a number of counts in the indictment, and I need not take each again one by one. I have only actually been able to investigate personally two cases that were cited, but I have certain particulars with regard to the third case which I will be able to give to Council.

The first attack was a general one, and it accused the officer in question of being arbitrary, unsympathetic, overbearing, tactless, and in order to buck that up we then listened to various charges which were laid against him to support that statement. The first on my list is that he has refused to co-opt an Indian advisory committee in Mombasa in order to tell him whom he may or may not tax or whom he may charge in each case. All I can say is this: that if he is to hand over his duties to a committee he can give up his job. And I will say this further: that

[Mr. Harragin] to hand over his task to those who will decide for themselves what they will be taxed will be to make a farce of taxation.

MR. PANDYA: On a point of explanation, I never even mentioned the words advisory committee.

MR. HARRAGIN: It is strange how it came on my list! It was certainly in the petition which my hon. friend was sponsoring and which was forwarded by the Indian Association at Mombasa. I am glad to hear that the hon. member agrees with me that he will not press the claims of such a committee in this Council, and I therefore drop that point.

MR. PANDYA: I never mentioned it, and never said anything about it.

MR. HARRAGIN: The next point raised by the hon. member was that for some reason the Indians at Mombasa differed, or a certain number of them, entirely from Indians in other parts of the country. Well, when he has managed to satisfy Council and you, Sir, that they are an entirely different class of people at Mombasa to others that come under the same heading in other parts of the country, presumably it will be necessary to add a fourth schedule to the taxation ordinance and put them possibly on a level with natives. At the moment they are honoured by being ranged among their companions and are counted as Indians, and if it is fact that they are poor Indians, as undoubtedly there must be some, I trust they will be able to prove their poverty in the usual way and in the way it is laid down they should raise it.

The next allegation was that the collector in question made threats of expulsion to Indians when they came into this country, unless they paid a certain tax. I, of course, inquired into that, and find that in a sense it is true. But when you look at it in its correct perspective it is true and correct that the collector should have made the statement he did in effect make to those immigrants coming into Kenya. The facts are that having come in, having deposited or had deposited for them the £10 at the Customs Department, they then proceeded to go to the tax collector and say, "Of course, I am a poor man and cannot pay a cent," whereupon he said, "Then you had better get out of

the country with your £10 deposit." And I suggest that that is the right and proper attitude to take up. When people, whether Indians, Europeans, or any other race come in it is on the distinct understanding that they are not going to be a burden on the community, that they are not coming here to fatten on those who can make a living, and for that reason the collector quite rightly told them that if in fact they had no money and could not make a living to take their £10 deposit and go back from whence they came.

The next grievance was that in certain cases the collector had attempted to tax students. On the face of it, that would seem a very drastic thing to do, but you must inquire who these people are that called themselves students. A student apparently is anyone in Mombasa between the ages of 18 and 60, who happens to be taking lessons once, twice or three times a week, possibly after hours in the evening. He immediately walks in to the collector and says he is a student, and expects because he is trying to learn shorthand, typing or whatever it is to have his tax taken off. I can assure the hon. member that in no single case has a full-time student who is not in possession of means of his own, been made to pay the tax under this Ordinance. That is my information.

But, of course, there are some students who are in possession of considerable wealth—I will give you an example that has come to my notice recently. A student came in to the collector and said he was learning whatever it was at some college, and of course he had no money whatsoever. By chance the collector went along to the office of the Lands Department nearby, and was shortly given the information that that gentleman was joint owner of four large properties in the vicinity of Mombasa and worth considerably more money than the collector.

The next grievance was that a penalty was imposed on those who left Kenya, let us say, in January and returned in April; they failed to pay their tax before they left in January, which the law says they must do and, having returned in April, seek to escape the penalty which the law lays down shall be paid by the taxpayer. That may or may not be a wise

[Mr. Harragin] provision in law, but the hon. member helped us to pass that law and raised no comment on it at the time.

MR. PANDYA: On a point of explanation, I was not in the Council when that law was passed.

MR. HARRAGIN: I presume the hon. member was ably represented, probably by learned counsel, in his absence, who was all the more able to put this point before Council.

MR. PANDYA: I was represented by Dr. Sheth, who is here and has not made a speech. (Laughter.)

MR. HARRAGIN: May I congratulate Dr. Sheth? (Laughter.) The point is that the collector is being blamed for carrying out the law which this Council imposed on the inhabitants of this country. It goes further. The law gives the collector authority, and in fact expects him to do so, to ask and demand of those whom he believes to be evading the tax their last tax receipt. I am told, and I hope the hon. member will correct me if I am wrong, but I understood from him that the collector not only demanded the last tax receipt, which would be for 1940, but also demanded the tax receipts for the last five or six years. All I can say that if this is the case, the collector is not within the law. He is entitled to ask for one receipt, the last receipt, and the last receipt only. But, for the information of Council, I will tell you that I saw the collector in person yesterday, and he says that in no single case has he ever asked for more than the last tax receipt: the only time that he has ever asked for those receipts was when a particular defaulter was brought into court, and it was under cross-examination that he took the opportunity to ask him whether he had paid for the previous years, which may be accounted as asking for an additional four or five tax receipts.

The point was made that the collector under section 7 of the Ordinance did not send demand notices as is envisaged. The collector informs me that in every single case where he has the permanent address of any taxpayer, in order to save himself trouble (and it is only reasonable to believe this would be true) his clerk no

doubt on his behalf sent the formal demand notice, which is in printed form, and signed it as a matter of form. He says that in at least 60 per cent of these cases the demand notice was returned "Address unknown", but for the sake of the other 40 per cent he continues the practice. In considering this question it must be realized that the burden of proof of such a thing as poverty must be on the person pleading poverty, because you are able to dress yourself in rags and walk in for the occasion before the tax collector and say "Look at my clothes, you must permit me to be exempted from tax, or to pay the smallest amount possible". That certainly is not sufficient proof, and in this Personal Tax Ordinance provision is made for the collector to inquire as to the property held by the man overseas—in this case it would be India. It is right and proper that the tax collector should cross-examine him as to his property elsewhere.

The hon. member suggested that the mere fact that he owns property elsewhere means nothing, it may be a small hut, a joint hut. But I suggest to you, sir, that any man who comes before the tax collector and asks for a remission of the tax and states among other things that he has an abode in India so that when he goes on leave from time to time he may be able to live in comfort in India during his leave, can hardly expect to be listened to seriously when he wishes to evade any taxation in this country. The short fact remains that when you are to judge what an officer is doing or has not been doing, you can only look at the provisions of the law which provides for appeals from that officer, and I am given to understand that there has not been a single appeal, a successful appeal, in Mombasa within the last year against the particular assessment of the officer in question.

I now come to the particular case raised by the hon. member. He was good enough after his speech the day before yesterday to hand me the affidavit from which he was reading, and I have endeavoured during the short time at my disposal to find out exactly with which portions I could agree. The first point I make with regard to the affidavit—and you must remember we are now inquiring



[Mr. Harragin] into the hardships imposed by the collector at Mombasa—is that this particular man is down as a taxpayer in Nairobi, and that the tax collector in Mombasa was merely acting on behalf of the tax collector in Nairobi and he himself had no personal knowledge of it whatsoever.

An instruction came down to issue this particular Asian who, I may tell you, is a well known defaulter who has had to be sued on several occasions before, with a summons, and he duly issued the summons which was for Sh. 30 plus Sh. 6 costs. In due course the summons was served, and nothing was done about it. The man appeared on the 12th September and he states quite truthfully in his affidavit that the case was adjourned to the 19th. The reason why is because, when he came before the magistrate he said, "I have paid the amount and have receipts". He was asked "Where are they?" and replied "At home", and the case was adjourned to the next week for him to produce them. So that the first bit, of bullying on the part of the collector, goes by the board.

Then let us see what happens the next week, on the 19th. On the 18th it is true that this man did come before the collector and then proceeded to produce what he called the receipt for the money. But unfortunately, possibly from illiteracy, he produced the receipt for 1937 which not unnaturally the collector did not accept. He then said, "Oh, well, this must be the wrong receipt, the others are at home". His case was on the next day, and the collector suggested to him that he should go home and get someone to see which was the correct receipt and appear before the magistrate to show it to the magistrate. On the next day he did not appear, and the matter was taken entirely out of the hands of the collector because the magistrate immediately issued a warrant for his arrest, charging another Sh. 4 for the warrant, thereby making the amount up to Sh. 40.

There was then a mistake made admittedly by the court clerk, not the collector, in that the figure 4 was mistaken for 7 and the warrant issued for Sh. 70 instead of Sh. 40; not that it made any difference whatever in this case. The man was duly arrested some time later. When arrested,

he was incarcerated for three hours, when his friends paid up the Sh. 70. On the following morning he came along to the collector and Sh. 70 was brought along by the police. Immediately on looking at it, the collector realized that the wrong sum had been put down, and handed the man back Sh. 30. He said, "Take this Sh. 40 and appear before the magistrate in due course". That may be incorrect. He handed it back to the police and told them to produce it when the man's case came on. When it came on, he produced the necessary receipts and was handed back Sh. 30 by the magistrate, Sh. 10 having been deducted as the costs by the magistrate, because he said the man had brought the trouble on his own head; he had caused the court, police and everybody else an enormous amount of trouble and would have to pay the costs, because it was his own fault for not producing the correct receipts in the first instance. So much for that case against the unfortunate collector.

Before the hon. member raised these points I had been asked by Government to go into the other matters brought against this collector on the same score in Mombasa on a petition that was sent to His Excellency. The first case was the case of a gentleman called Sakkar Khan, who was arrested. He had paid his tax, and the warrant had in fact been issued at the instance of the collector for a gentleman by the name of Sakkar Khan. Unfortunately, the police or the process server served the summons on the wrong man, again no fault of the collector. This gentleman, on receipt of the summons, instead of warning the magistrate or the collector, promptly tore up the summons and said he had nothing to do with it, and did not appear. A warrant was issued, as is always the case when people fail to appear, and unfortunately he was incarcerated for a few hours, after which he produced receipts and was allowed to go after paying the costs. But it was entirely due to his own stupidity, as he had obviously been served wrongly as proved by the receipts in his possession. By producing his receipts he would not have wasted everyone's time. So much for that case against the collector.

The last case I investigated was one in which a man who had not paid taxes for

[Mr. Harragin] ten years was summoned. Before the summons was actually issued this gentleman got wind of the fact that the authorities had at last run him to earth, so he dashed into the office and paid his tax for the last year, so that not unnaturally he would be able to appear in court after the summons had been served on him after he had the receipt and say, "Look at this grave injustice? I have been summoned for whatever it was and here is the receipt for what I have paid". It was only on investigation that it was discovered that he had only made payment after the application had been made to the court for a summons to issue on behalf of the collector.

So much for the three cases made out against this collector. That is the evidence. I personally know little about this collector, except that he is my petrol rationing officer in Mombasa, and I have no hesitation in saying that from my experience of him he is most able and most efficient, and he has assisted on more occasions than one in discovering frauds in connexion with the issue of petrol for transport work and in unearthing an extraordinary state of affairs regarding lorries in that township. I can assure you that as a result of his efforts on my behalf more than one licence has in due course been refused, and I have no doubt he is no more popular for his efforts on my behalf, for which I thank him. It would be just as reasonable to attempt to pass a vote of censure on the Commissioner of Prisons when a case is laid on behalf of the inmates of the prison without giving the unfortunate Commissioner the opportunity of making any defence.

To pass from that rather unpleasant subject, we come to something more pleasant.

The hon. Member for Nairobi South complains that he is forced to finish his drink between 10.14 and 10.15 when he is dining or having a celebration at any licensed house. Well, I regret to say that that was done deliberately. There is no mistake about it. It was the intention in Executive Council that all drinking in the ordinary way should cease at 10.15, and such subterfuges as certain people adopt—far be it from me to suggest that the hon. member does it—as ordering a

bottle at 10.14 and happily sitting until whatever hour it may be that he finishes it was done away with at one fell swoop. I should be the last to recommend to Your Excellency that there should be any alteration in that particular section of the regulations which the police are probably anxious to keep, because it does give them a definite hold on the licensee. Willing as the licensee may be to prevent drinking, he can never tell whether people have ordered and paid for it before 10.15 or afterwards, and therefore it was the intention of Government that at 10.15 all drinking on licensed premises will stop.

The hon. Member for Mombasa is, I think, under a slight misunderstanding, at least I hope he is, regarding the duties of the Labour Committee, of which I have the honour to be chairman, and which starts its deliberations next week. It may be necessary for us to travel over the country, but although I have not yet seen the exact terms of reference I have a good idea of what they are going to be, and I personally do not think it will be necessary for us to travel in order to make up our minds—and it has got to be done quickly—it is no good the committee wandering about the country and reporting this time next year. I take it that a decision is wanted, and as quickly as possible, as to whether it is necessary at this present juncture to introduce compulsion for labour. We have already at hand a large amount of information which we have gleaned from various officers who travel over the country, which has been sent in by provincial commissioners, and I personally hope we will be able to finish our deliberations and come to some conclusion without having to waste time, pleasant though it may be, travelling all over the country. I therefore at the moment am in the unfortunate position of having, I think, to refuse my hon. friend's offer of hospitality at Mombasa!

The hon. Member for the Coast indulged in his usual picturesque and misleading overstatements and exaggerations. He started off by telling us, or words to that effect, that Government was discredited all over the country. Well, I have been in this Council for some time and have heard that statement so often that I am able to give

[Mr. Harragin]

it all the credit it deserves. I hope that no hon. members on this side of Council suffered from any loss of sleep last night on account of it.

He then proceeded to make a personal attack upon me, in my official capacity of course. I hope he will correct me if I am wrong, but he alleged that I decided which laws Government should obey and which laws they should not obey. (Mr. Cooke: Disregard.) Of course, in a sense that is true, Sir. It is my duty to advise Your Excellency as to which laws apply to Government and which laws do not, and if that is supposed to be dictating as to which laws this Government should obey and which it should not, then I plead guilty to the indictment. But I would merely say this. I do not lay down the law. I merely give an opinion and, fortunately for the hon. member, if he ever disagrees with that opinion — which I understand he generally does—there is provided a court of appeal in which he can test it, and I have yet to hear that he has made any step in this direction except in this Council.

The hon. member—again I hope he will correct me if I am wrong—as an instance of the laws which I have advised Your Excellency you need not obey, has referred to the agreement with the Fly Fishers Association. It is perfectly true that I have advised you that Government is not bound by that agreement. I did so with great regret, but I am bound, as the hon. member is, by the laws of this land, and the Water Ordinance in one section says that such agreements shall be null and void. I am therefore in the unfortunate position of having to tell Your Excellency that in fact and in law that agreement is null and void.

MR. COOKE: On a point of explanation, the hon. member must be fully aware that the legal advisers to the Association did not accept his rendering of the law in that respect, and I think he should have made that clear. That is what I object to, the evasions.

MR. HARRAGIN: I can only repeat what I have already told the hon. member, that if the Association disagree the court of appeal is always ready and willing to hear breaches of contract

between Government and anybody else, and I shall be pleased to be there to defend my opinion. The mere fact that some lawyer who happens to advise the Fly Fishers Association disagrees with me in no way shows that I am evasive.

MR. COOKE: On a point of explanation. In this way my hon. friend is evasive. He must have known years ago what the position was with regard to the Association and he gave no indication of that until this particular application by the Electric Light Co. came along.

MR. HARRAGIN: I had not the slightest idea until this moment that any lawyer or barrister has disagreed with what is such an obvious proposition of law. However, it is possible such a man does exist and, as I have said, I shall be pleased to meet him in the proper place.

The hon. member referred to evasive replies. I take it he is not referring to me when making this criticism. The only reply I remember giving the hon. member in this Council during the last session was a reply which was in the negative. I suggest there is nothing evasive about that.

The hon. Member for Kiambu, to whom I am grateful personally not only for her excellent speech, but for having coined two phrases which I can add to my vocabulary—bottleneck and hermit crab in an empty shell. In the course of her speech, I presume calling for a reply from this side of Council, I am the only person in a position to reply, she made reference to the fact that certain excellent houses that have been built at Pumwani or Shauri Moya with six rooms in them and that unfortunately each room is occupied by a lady. It seemed to me a little hard to blame the hon. Commissioner of Lands and Settlement for this unfortunate state of affairs, and I would only say that if he had managed to exclude these women he would have solved a problem which has been worrying mankind since the inception of man.

The hon. Member for Trans Nzoia referred to the Government Notice No. 822 dealing with the extension of licensing hours. I should like to correct him on one small point, there was no amendment to these regulations but

[Mr. Harragin]

there was a notice published later whereby Your Excellency delegated your powers to grant these extensions to district commissioners I think it was. That is merely a small point, but I mention it as I thought the hon. member actually thought there was an amendment to the regulations.

COL. KIRKWOOD: On a point of explanation. I quoted No. 895 and rectified it and said I considered it an omission in Notice No. 822, because No. 822 did not allow discretion to district commissioners to grant extensions to a club. That was rectified in a further notice.

MR. HARRAGIN: No. 895 does what is done on innumerable occasions, as the hon. member is well aware, in giving power to the Governor to delegate his powers under any particular section to any particular person, and the notice to which the hon. member referred is a notice delegating power, I think to district commissioners in this particular case.

The hon. member asks why this particular section was put in. Well, the reason is obvious. For want of a better name I will call it a "funk hole". Where the regulations lay down a very definite statement of law, namely that no licensed premises shall be opened after 12 o'clock unless with the permission of the district commissioner, power is then taken to permit in exceptional circumstances the Governor to extend it to whatever time he thinks fit, and you will find in all regulations or rules that I always endeavour to put that in to deal with exceptional cases. I will plead guilty to not having noticed in Regulation 3(a) that it only refers to licensed premises other than a club, otherwise a club would have been included, but we managed to overcome that by delegating His Excellency's powers.

With regard to the fact that a club does not pay for an extension of licence, the hon. member is perfectly correct. A club does not, and the reason for that was that these regulations are linked up with the Liquor Ordinance, and in that ordinance no provision is made for an extension to a club because, as the hon.

member pointed out, there are no restriction of hours in a club under the ordinance. For that reason there is no fee charged a club when they get an extension from the Governor or the district commissioner as the case may be.

The hon. member also raised a point which has been exercising the minds of Government particularly with regard to Mombasa. That is, whereas licensed houses are closed for certain hours, we have permitted grocers and wine merchants to sell during whatever the permitted hours are under the Liquor Ordinance. It is a question of convenience, and although there is logic I feel in what the hon. member said, nevertheless there is another side to the picture. That is, are you going to prevent the ordinary housewife from doing her shopping in ordinary hours? That is what it comes to: and I include the man who has to do his shopping himself.

It would be possible and it would be quite conceivable that you should confine the grocers' licences in this way, but when you think that a grocer's licence, besides permitting the sale of spirituous liquor, also permits the sale of a thousand other things, it is extremely difficult to enforce. People will be slipping in and out, and a grocer is bound to let people in and out, and the hon. member will appreciate the fact, as I shrewdly suspect he does, that if a person wanted a bottle of whisky it would be slipped into the bottom of a basket, and it would be quite impossible for the authorities to detect it. But there is a great deal to be said for his suggestion, and I have every reason to believe that in the near future Government will try the experiment in Mombasa.

The hon. Member for Aberdare touched on the only point in which I personally am particularly responsible. He referred to the fact that the managing director of an advertising company who wished to draw up some sort of advertising campaign for the Postmaster General was denied the petrol to take him up-country. I suppose hon. members realize the system under which petrol permits are granted. They are granted, where the necessity is proved first, by the petrol officer, and if you are not

[Mr. Harragin] satisfied with the ration you get you are then permitted to go to a further appeal to committees in different parts of the country. Speaking generally, I think they are the provincial commissioners; in Mombasa it is the district commissioner—that area is without a committee, I am not sure; in Nairobi it is the district commissioner, with three or four gentlemen as an advisory committee to help him.

The facts are that this gentleman wished to travel, I think as far as Kisumu, in an expensive car using a lot of petrol in order to fill up this telephone book advertising columns. If you look at that book and its advertisement columns, you will find, judging by last year's, that the majority of advertisements come from Mombasa or Nairobi, neither of which it was necessary to visit, and I think you will agree with me that in time of war it is quite unnecessary, where the post does equally as well to get in touch with people, to travel a thousand miles for the sake of getting a few advertisements for the sake of the Postmaster General.

I notice that the hon. member thought the Postmaster General was in some way responsible, but I can assure him that he was not, for the non-issue of the permits. The responsibility in the first place must be taken by the petrol rationing officer, and then presumably the appeal committee to which this gentleman would go.

MR. RENNIE: Your Excellency, I associate myself with the remarks made by the hon. and learned Attorney General in respect of the useful purpose which is served by these budget debates, especially when the debate brings forward as many constructive suggestions as we have had in this particular debate. At the same time, since the question of the duration of speeches has been raised I might, as a matter of interest to Council, mention that in one colony in which I was, the question of the cost of printing in Hansard each word uttered in Council was investigated. It was ascertained, if I remember correctly, that each word uttered cost a halfpenny. I have not the figures which would indicate what each word uttered in this Council costs, but it might be

a matter for investigation as perhaps supporting to some extent the hon. member—Mr. Shamsud-Deen.

There are one or two points of general interest to which I would first refer.

Several hon. members have referred to the necessity for an improvement in the terms of service of the European police officers, especially the junior ranks of those officers, the assistant inspectors in particular. This is a matter to which Government has been giving a great deal of attention during the past year. Hon. members will recollect that the subject of the Police Department was brought up in this Council last year, and I stated then that I should be only too pleased to receive any representations from any members of the Force who were in any way discontented, either as regards promotion or as regards terms of service. As a result, I had an interview with one young police officer, who raised several points, but he himself admitted that the substance of his complaints boiled down to the fact that the cost of living had increased considerably since the outbreak of war. It was not possible to take very much action in that respect. He did, however, raise one or two questions which caused us to look into the terms of service further, and as a result certain suggestions were put before the Standing Finance Committee in June this year for the improvement of the terms of service of the junior European officers. These suggestions, however, when they came to be worked out did not afford as much improvement as we expected they would. Since then, further schemes have been under consideration, and the latest proposal has recently been examined by the Civil Service Board and will be submitted to the Standing Finance Committee next week.

From my own study of these proposals I think that the members of the Standing Finance Committee will be satisfied that the improvement is a very material one, which should enable the Police Force to attract, as certain hon. members have suggested that it should, the best type of young man in this country who can look forward to having a well paid career in the Police Force.

[Mr. Rennie]

In this connexion it might be advisable for me to say a few words to provide the background against which this question of police salaries has to be considered. Several hon. members in this Council have a much more intimate knowledge of the subject than I have and will no doubt correct me if I make any mistake. I do not propose to go further back than 1926, in which year a constable, as he was then called—afterwards he was an assistant inspector second grade—drew the salary, or was placed on the salary scale, of £246 with increments of £18 per annum to a maximum of £300 on pensionable terms. In the '30's began the examination by several committees of terms of service in connexion with the inauguration of the proposed European Local Civil Service, as it was then called. After the Merrick Committee had suggested a non-pensionable scale of £245 by £15 to £350 for assistant inspectors, second grade, a non-pensionable scale of £240 by £20 to a maximum of £360 for these officers was eventually incorporated in the European Local Civil Service proposals.

I may add that when the motion for the inauguration of that Service was adopted in this Council, as some hon. members will remember, one point referred to by more than one member was that the new Local Civil Service would provide a reasonably well-paid career to the young European men of this country. Those hon. members who recollect the vast amount of care and thought that was given to the settlement of the various salaries in the European Local Civil Service will realize that it is no easy matter to settle new terms of service for a particular type or class of officer in one department without having very close regard to the salaries of officers of a similar kind in other departments. As recently as 1938 and 1939 a committee again went into the terms of service of the European Local Civil Service, and although that committee made a number of proposals to remove certain anomalies and to improve certain salaries, it made no suggestion in respect of police officers.

I would ask hon. members to bear these facts in mind when they are considering the question of police salaries. No one has a greater appreciation than I have of the work and responsibilities of the Police Force. During the past two years I have come into very close contact indeed with the police, and I realize only too well what their work involves, but one must remember that I or any other member of Council could go through the Estimates, through the staff list, and pick out not one but many cases of officers who could very reasonably have better terms of service. The attitude of Government during the war has been that, normally speaking, terms of service should not be improved unless the need is very urgent. I think hon. members are satisfied that the need in the case of the Police Department is urgent, and I think they have indicated sufficiently in the course of the debate that the Standing Finance Committee will give very sympathetic consideration to these proposals next week.

As regards the housing of the Police Force, which has been mentioned by several hon. members, I would merely say that so far as married officers are concerned they are given their share of Government houses—I am speaking of Nairobi in particular—just as officers in other Government departments are. If those houses do not come up to the standard that some hon. members might expect, that, I regret to say, applies to a great many houses in this Colony. When the Standing Finance Committee was considering a few of the more urgent cases a short time ago, it thought it should look at the picture on a wider scale and see what housing proposals were really before Government, and it got from the Director of Public Works a figure that approached £150,000; and that, I think, was on the pre-war costs of building. That figure would probably be nearer £200,000 to-day.

As regards single men in Nairobi, I have visited their quarters more than once, and if any hon. member is referring to the particular building which they occupy in saying that better housing conditions are necessary, I entirely agree with that hon. member. All I can say is that when the matter came to the notice of Government

[Mr. Rennie]

recently, both the hon. Financial Secretary and myself went into the question carefully, and we decided that no rent should be paid for that particular building other than the charge for the actual out of pocket expenses of Government in providing water and electric light.

I do not think I need say more on the subject, except to repeat what has already been said, that Government has been given very careful consideration, and sympathetic consideration, to this subject during the past year, and it is to be hoped that when the Draft Estimates come back from the Standing Finance Committee there will be definite proposals before this Council for improvement in the condition of these officers.

Referring to one or two points which the noble lord, the hon. Member for Rift Valley, referred to, my hon. friend the Director of Public Works has dealt with such matters as roads and water supplies. He has made it clear that so far as water supplies are concerned, that question has been engaging the attention of Government very considerably in recent months. Hon. members no doubt are aware from a study of the Estimates that next year something like £10,000 is included for water supplies to be provided out of Colonial Development Fund money. It was unfortunate that, owing to war conditions, work on the various schemes which were being carried out from the Colonial Development Fund had to be stopped, but some of that money is being spent now, and it is to be hoped that next year something like £10,000 will be spent.

In addition to that, my hon. friend mentioned the Land and Water Conservation Committee. It may interest hon. members to know that at a meeting some two months ago, which lasted twelve hours, that committee gave very careful consideration to these questions of water supplies and had before it the outline of a scheme covering, as the hon. Director of Public Works stated, some £370,000. He has made it clear that the first step is a survey, and provision has been made for a surveyor in next year's Estimates.

As regards roads, hon. members have asked what the road programme is. That was a question considered by the Central Roads and Traffic Board the other day, and I think even my hon. friend Dr. Wilson is satisfied that that particular board is reasonably active these days. As regards the programme, the first part of the programme is the £80,500 scheme for the reconstruction of the Nakuru-Naivasha Road, and the Central Roads and Traffic Board considered the other day what the next step should be, whether it should be the linking up as the hon. Member for Aberdare suggested this morning, of Nakuru with Nairobi, or whether it should be the Nairobi-Thika Road which, in some ways, has the stronger claim on account of the very heavy volume of traffic over that road. A sub-committee of the board is going into one aspect of the Nairobi-Nakuru Road at the present time. The board is having another meeting next month, and has asked me as its chairman to put before the Standing Finance Committee next week its recommendation that, as soon as the circumstances of the Colony permit—and we hope that that will be in March or April next when we shall see how the revenue is coming in—a further sum of money should be provided for the next part of the road programme.

The hon. Director of Public Works made it clear to me (I do not know if he did to Council) that he will be able to spend more money next year than is provided in the Draft Estimates and, so far as the Central Roads and Traffic Board is concerned, it earnestly hopes that the revenue position next year will enable money to be provided for the second part of the road programme.

The noble lord referred, as several other members did, to the question of compulsory education. I think my hon. friend the Director of Education has made the position clear there. The question has already received very careful consideration by Your Excellency in Council. It was hoped that certain statistics as regards the number of children who are not attending school at the present time would be forthcoming before the end of this month, and the question will be considered in

[Mr. Rennie]

the light of such information as is now available at the next meeting of Executive Council.

The hon. Member for Mombasa raised the question of the Information Office. That has to some extent been covered by the hon. Director of Education, but he did not deal with one point which the hon. member raised, the question of advance propaganda. Advance propaganda is much more easily spoken about than carried out in reality, but I am glad to say that we are gradually becoming more inclined to think of advance propaganda. I am speaking now of the Secretariat, the "bottleneck". Very naturally, hon. members will agree that when one has been working on some particular subject which has required a considerable amount of investigation and perhaps legislation in the form of Defence Regulations, in the end, one's natural tendency is to get that particular thing out as soon as it is ready and get on with something else. We are gradually learning. I am pleased to say (and hon. members may have noticed it recently) that it is a good thing to carry out advance propaganda under the guidance of the hon. Director of Education and the Information Officer, who meet me once a week to discuss matters of importance to the general public, we are able to think a little more of advance propaganda and "put it across" to the best of our ability.

The hon. Arab elected member referred to a number of points concerning his community. I do not propose to refer to them in detail, since he is aware that they have already formed the subject of correspondence with Government, and a reply to his most recent letter on the subject is being drafted at the present time. But I would merely repeat what he has been told in a recent letter that, in Government's view, the Arab community in Kenya has received very sympathetic and considerate treatment at the hands of Government and, so far as Government is aware, has no real cause for discontent.

Turning to my hon. friend the Member for the Coast, he raised an interesting point about the joint statement issued by the chairman of the Coffee Control

Commission and myself regarding the amendment made in the commission's report. Curiously enough, that particular point he raised was discussed by me with the chairman of the commission when we were going over the draft statement. The hon. member asked whether, in fact, the report had not been amended in three paragraphs and not in one only. The one respect in which the report was amended as mentioned in the statement is in paragraph 59, but minor consequential amendments were certainly made in two other paragraphs, but since they referred to the same respect as that covered by paragraph 59 Sir Charles Belcher and myself came to the conclusion that it was unnecessary to make a rather lengthy statement any longer. Since that particular paragraph—it may appease the hon. member if I tell him this—was actually drafted by Sir Charles Belcher and agreed to by me after discussion of this particular point, I, hope I have allayed any suspicions that the hon. member may have in regard to it.

As regards the second point, I am not quite sure if I understood him correctly, but I took him to mean that some other member of the Coffee Control Board had been criticized in the report and that that criticism had been deleted. (Mr. Cooke: Yes.) In that particular case I am pleased to inform him, since his allegation is in effect an accusation against Sir Charles Belcher as well as myself, that he is completely and entirely incorrect.

Turning to a matter which the hon. and learned Attorney General has already dealt with, the hon. member's reference to evasion and one or two other things of that type, I must confess that on this occasion I thought the hon. member treated Government with extraordinary kindness. Either his spearhead must be becoming blunted because of too much use, or perhaps he is disclosing a tendency to resipiscence; at any rate in connexion with the accusation of evasion he did not give any specific instance of the omission of Government to give him straight answers to his questions.

MR. COOKE: On a point of explanation, I thought the hon. member's

[Mr. Cooke]

memory was longer than it appears to be, but two questions which he answered last week were typical of the evasions.

MR. RENNIE: My memory is perhaps not very long in connexion with the hon. member's speeches, and perhaps it is just as well, but did the hon. member refer to those two things in his own speech? If he did not, I think my statement is quite correct. At any rate, I would merely remind the hon. member that it would facilitate the giving of a straight answer to a question if the question itself were a little straighter at times. In this connexion, I would commend to the hon. member for his spare time study the first three lines of Standing Rule and Order No. 22 and, in particular, the first ten words thereof.

I think as regards the speech of the hon. Member for Nyanza and her reference to the Information Office, that her criticism has been covered by the remarks of my hon. friend the Director of Education. I would merely say in this connexion, because it has occurred in the speeches of one or two other hon. members, that it is not a very large proportion of the total vote that is spent on broadcasting. The percentage of the vote spent on broadcasting is somewhere in the region of 10 per cent, and as a result of Mr. Davies' visits to various parts of the country he has realized that in some ways the broadcasts can be improved upon, and he is taking the necessary steps in that direction.

The hon. Member for Nyanza made no reference and gives no credit, to one particular activity of the Information Office, which every one agrees is first-rate, and that is the mobile cinema section. That section has, as Your Excellency is aware, now travelled thousands of miles in this country and has given shows to hundreds of thousands of Africans. I think it has done excellent work, and I am full of admiration for the work that Mr. Champion has done in this connexion. (Applause.)

The hon. Member for Nyanza criticized the Information Office because it did not provide busy farmers with all the information they would like to have about this or that detail. On this point

the hon. Member for Nairobi North may perhaps touch, but I may not be out of place in alluding to it here. The Settlement and Production Board has under consideration a proposal at the moment that an Agricultural Gazette should be published once a month or so, if our paper supplies run to it; this will give, I hope I am right in saying so, information of this type to farmers.

As regards the remarks of the hon. Member for Trans Nzoia on the subject of water and subsidies for dams and boreholes, I take it the hon. member has seen the vote in the Estimates of a sum of £2,750 for subsidies in connexion with boreholes.

Turning to the speech of the hon. Member for Aberdare, there are one or two points on which I might comment.

He raised this question of artesian underground supplies, and said that they should be investigated, that the drilling plant of the South African forces should be used for that purpose, and that a token vote should be inserted in the Estimates. I would remind the hon. member, if he were here, that the drilling plant to which he refers has already departed to other regions, that while it was here it was very busily and very fully engaged on military water supplies, and that in any case that particular plant, I am informed, cannot go down to the depth to which he referred, 1,500 feet.

There is a point in the speech of the hon. Member for Ukamba to which I should like to refer, and I am sorry that he is not here to listen. In the first place, he stated that there had been no attempt on the part of the Kenya Government to co-operate with the military authorities in respect of the very large and comprehensive road reconstruction problem that the military authorities had at one time under consideration. That is not the first time a statement of that sort has been made, and I am very glad indeed to take the opportunity now to say once and for all that that statement is entirely incorrect.

The first time that the Kenya Government heard about the £800,000 road reconstruction proposals was the 13th November, 1940, when the hon. Financial Secretary and I met a number

[Mr. Rennie]

of military officers in my office. On that very day and at that very meeting the Financial Secretary and I agreed, subject to anything that Your Excellency might have to say, and the proper boards and committees, namely the Central Roads and Traffic Board and the Standing Finance Committee, to the military proposals; and to suggest, as has been suggested to-day and elsewhere at an earlier date, that the Kenya Government "missed the bus" over a road reconstruction programme—that, I think, is the usual phrase used—because it argued with the military authorities over the question of future expenditure, is entirely incorrect.

MR. COOKE: On a point of explanation, I myself made that statement. It does not coincide with my recollection of what happened at the Central Roads and Traffic Board meeting.

MR. RENNIE: I will continue with my statement. As regards that meeting on the 13th November, perhaps I might not bear out my point by reading the conclusions as follows:—

"The main conclusions of the conference were:—(a) The civil representatives concurred in the proposals of the military representatives regarding the classification of, and responsibility for the maintenance of, Kenya roads, and (b) The civil representatives agreed in principle with the proposals of the military representatives regarding financial contributions towards capital expenditure, subject to further consideration by the Kenya Government and approval by the Secretary of State for the Colonies."

That was the 13th November. I think on the 3rd December the question came before the Central Roads and Traffic Board who agreed generally with the proposals, and recommended that "the Government should accept liability to contribute the sum of £250,000 towards the capital improvement proposed in respect of the roads in category II". The matter went before the Standing Finance Committee a few days afterwards and received the support of that committee. The question was then referred by us to the Secretary of State, and similarly

the military authorities referred it to the War Office. While it was being considered by those authorities at home, events here were moving so rapidly that the military authorities no longer considered it advisable to spend as much money as had been originally proposed on roads. I am quoting a telegram from the Secretary of State in this connexion:

"With regard to roads, revision of the original programme referred to in your telegram of 30th December is under consideration by the War Office in the light of recent military developments in East Africa."

As a result of that reconsideration, the War Office did not proceed with the very large road reconstruction programme, and our own offer to contribute something in the region of £250,000 as and when we could was not accepted.

MR. COOKE: There was delay.

MR. LOCKHART: None whatever.

MR. COOKE: There was.

MR. RENNIE: The hon. member apparently knows more about it than I do.

The second point in respect of which the hon. Member for Ukamba was inaccurate was in his statement as regards the use of road machinery that the South African road reconstruction unit had here. He made the statement, or implied, that this Government should have made use of that machinery since, I understood him to say, the unit had not much work to do. That, so far as my information goes, is again quite incorrect. The unit was, as we may well realize, very busy indeed in the forward areas getting roads made for the troops in those forward areas. It did carry out a certain small amount of work on the following roads: Isiolo, 2½ miles, and Nanyuki-Thomson's Falls, but for the hon. member to say that Government was slack in not getting that particular unit to do construction work on our roads is, I again say, incorrect.

On behalf of my hon. friend the Director of Medical Services, I may perhaps be permitted to reply briefly to one or two questions raised by the hon. member Mr. Isher Dass.

(Mr. Rennie)

In the first place the hon. member referred to conditions at the infectious diseases hospital in Nairobi, and said they were a disgrace. The Director of Medical Services is of the opinion that the accommodation for Asians at that hospital is inadequate and has already submitted proposals to Government for the improvement of those conditions, and the matter, he states, will be raised in Standing Finance Committee next week. The Director does not agree that there is any great or urgent need to provide further accommodation at Mombasa, but if he changes his views in that particular he will naturally take up the question with Government. As regards the furniture and equipment in the Asian wards of the native hospital near the K.A.R., the Director has had no complaint except that of the hon. member, and it will be investigated immediately. If there is any ground for that complaint it will be removed. As regards the question of Indian nurses, the Director has already submitted proposals to Government for the training of Indian girls at Mombasa, and that proposal was worked out in conjunction with the hon. member Dr. Sheehi, who has also advised the engagement of Indian nurses. I trust that that explanation will satisfy my hon. friend.

There is only one point of general application to which I have to refer in conclusion, and that is this subject which has interested several members, the question of the bottleneck. We have heard a good deal during this debate about the bottleneck formed by the Secretariat. One hon. member expressed the view that the bottleneck should be stopped, but how that would expedite business I was not very clear. Another hon. member suggested that the neck of the bottle should be broken off, but I think that even the virility and toughness of the hon. member who made that suggestion would hesitate to approach the Secretariat if it was in that condition, with jagged edges protruding all over. The hon. Member for the Coast is sufficiently deterred by the pink light over my door at the present time.

I am not quite certain whether hon. members who refer to the Secretariat

as a bottleneck were conscious of the fact that they were really paying the Secretariat a compliment. A bottleneck is a device designed for a special purpose which normally carries out with efficiency the task which it is called upon to perform, and even the hon. member for Nairobi South appears to appreciate the speed and efficiency with which a bottleneck can perform those duties when he calls for a drink at 22.14 hours and expects to have that drink disappear at 22.15 hours. (Laughter.) In the sense which I have just indicated, namely, a device designed for a special purpose which normally carries out with efficiency the task which it is called upon to perform, the description bottleneck applies very aptly to the Secretariat.

Then we have heard some talk of centralization and decentralization. I was reminded of, and hon. members no doubt remember, that supreme example of centralization who appeared before the magistrate one morning very much the worse for wear. When asked why he had been so completely drunk the previous evening he replied that he had fallen into bad company, and when the magistrate asked "What do you mean by bad company?" he replied "Well, your honour, there were four of us. I had a bottle of whisky, and the other three were teetotallers." (Laughter.) The Secretariat does not display such an extreme example of centralization as that, it is not in bad company. It is part of a team which works together to carry out the public business of this Colony in as efficient a manner as possible. To change the metaphor of the hon. Member for Nairobi South, the Secretariat is an individualistic centre-forward holding selfishly on to the ball as long as he can. It takes all the passes it can from the other members of the team, distributes the play to the best advantage, and coordinates the work of the team as a whole.

Hon. members who suggest that heads of departments and provincial commissioners do nothing of importance in their own particular department or province, are under a most grievous misapprehension. Such officers no doubt have to refer to the Secretariat occasionally, but their references are directed to two

(Mr. Rennie)

matters which are essential in any form of administration, namely, finance and legislation. I have had perhaps as much experience as anyone in this Council of work in a different type of administration: in fact I was another bottleneck under a system of executive committees when I was a bottleneck immediately under the Governor of Ceylon for two years. His ministers had their own similar bottlenecks, and there was one in the Attorney General's office and one in the Treasury, and I find great difficulty in conceiving any system which can be rid of those two bottlenecks of finance and legislation, whatever may be done to the unfortunate Secretariat.

There is just one point in conclusion that I would make in this connexion, and it is this. People who complain about the bottleneck formed by the Secretariat but who increase the pressure on that bottleneck by, constantly—or often shall I say—referring to the Secretariat matters that could be dealt with in the provinces or by heads of departments, are hardly acting in what one might call a reasonable manner when they complain of the bottleneck. If more people in this country went to the local officer concerned, the provincial commissioner, or in Nairobi to the officer most closely concerned with the subject, namely, the head of the department concerned, and did not come to the Secretariat unnecessarily, the pressure on the bottleneck would be less, and much as the Secretariat and I appreciate inquiries and interviews we feel that those people who complain of the bottleneck cannot have it both ways. We are only too happy to deal with all the business put before us, but if there is at times pressure on the bottleneck I would ask you to remember what caused the pressure, and that persons can relieve it by going to the man on the spot in the first instance.

MAJOR CAVENDISH-BENTINCK (Nairobi North): Your Excellency, coming on somewhat late in this debate I may touch on matters which have already been dealt with. In the first place we were told as regards the revenue estimates that we were estimating for a surplus in 1942 of £1,414. I

suggest that that is not a very great surplus. We are quite aware of that fact, so was the hon. Financial Secretary when he introduced the Estimates, and I am wondering whether the estimates of revenue might not be a little optimistic. We shall have an opportunity, or I shall, of going into that in more detail in the Standing Finance Committee, but I am alluding to it now with reference to the financial statement which appears on page 6, where I see the surplus revenue balance at the end of 1940 is given as £450,000, and the revised estimates for 1941 indicate a further £550,000. The surplus revenue of 1940, which I presume is not included in the £450,000, was earmarked for specific war expenditure, and has now to be added to that, giving £1,200,000 which we have heard a good deal about.

Last year at this time we made estimates, and we were wrong to the extent of £785,579 in those estimates. I admit that we were wrong on the right side, but I submit that we might next year be equally wrong in the other direction. Thus, if it is possible in 1941 to be wrong to so large an extent that we can now lend to the United Kingdom, a question which we will discuss later, £500,000, leaving some £700,000 in the kitty, that may not really be a very large reserve.

The only other matter regarding revenue which I was going to touch on is that of native taxation. We have heard both from members on this side of Council and the hon. member opposite who deals with native affairs that the majority of the natives are not better off now than they were before the war; in fact, they are worse off. Well, I am afraid that I cannot agree to that, and I do not believe that most hon. members on this side will subscribe to that theory. It is all very well to say that a man only gets Sh. 8 or Sh. 10 per month and that they only worked nine or ten months outside their reserves and therefore they cannot earn more than Sh. 100 in a year. That, of course, is not what really happens. Nearly all these people have property of their own of various kinds, and I am afraid that my experience is that natives at the present time are far better off than they have ever been since I have been in this

[Major Cavendish-Bentinck] country. There is more money in the reserves, more money in circulation, they are better dressed, and they are more idle.

That is all I have to say about revenue. Now I want to deal with one or two heads of expenditure.

The first is Administration, Head No. 3, and I really chiefly meant to deal under Administration with this question of labour.

Perhaps having rather forgotten my way about these annual Estimates, naturally the first person I looked for among the Administration was the person on whom we are so dependent for the production of labour at the present time, my hon. friend the Chief Labour Commissioner. I looked in vain but, later, remembering what my hon. friend the Member for Kiambu said yesterday, I sought and duly found him in the Secretariat vote among the assistant secretaries and establishment officers, clerks, reporters, etc. That is typical of the Administration of to-day. We heard the hon. gentleman discoursing at some length this afternoon on the labour problem. Several of us recently at meetings of elected members have asked what precisely is the Chief Labour Commissioner's job, and he tried to explain it this afternoon.

—MR. HOSKING: On a point of information, to what officer is the hon. member referring when he says the Chief Labour Commissioner?

MAJOR CAVENDISH-BENTINCK: The Chief Native Commissioner. The hon. member is well aware to whom I am referring. He described himself, if he wants a further description, as the voice crying in the wilderness, the barrister for the Administration, the People's Tribune, etc.

I do think we have a right on this side of Council to express in some way our great dissatisfaction at native administration during the past year. We were told just now, on behalf of Government, that it was hoped that members were satisfied with the appointment of a committee and with the energetic action that has been taken recently. Well, Sir, I admit that action has been

taken, and I will also say that action has only been taken because of the pressure brought to bear from this side of Council. I think it is high time that the hon. member opposite who deals with native affairs should, as already asked for during this debate, be given executive powers. Furthermore, he should exercise those powers. I said that I thought listening to him just now was a somewhat deplorable experience. Has he been addressing a meeting of the Aborigines Society or a meeting of the C.M.S. or been giving a lecture on idealistic subjects of an evening. I could have understood him, but I never heard one single note of an attempt to do something to deal with labour problems as they are to-day or to get the necessary labour to keep production going. There was no sort of lead or virile indication from the other side of Council from start to finish.

While dealing with the Administration, I would take up the question of Administration generally, the system under which we work. We have just recently heard from the hon. Chief Secretary the feeblest apology I have ever heard in this Council of the Crown Colony system of Government and the present Secretariat system as it exists in Nairobi to-day. First of all he started with jokes and, as far as I could make out, made perfectly clear his conception that no other system could be envisaged which would work. I think it only fair to members of Council opposite to say that not only among the elected members but among the commercial community and everywhere one goes in this country to-day, there is a determination that that system is going to be done away with, that we are going to have a greater say in our own affairs, and are going to have decentralization in our Government by one means or another.

I come now to the heading of Agriculture. All I want to say on that, because I will deal with production shortly, is that I do hope Government will see its way to get released from the Army those people who have been applied for to help the hon. Director of Agriculture as soon as possible.

The next Head I want to deal with is Head 10, Education. Really I only want to reiterate what has been said on

[Major Cavendish-Bentinck] this side of Council by several other hon. members, that we do want to see compulsory education introduced this session. When the hon. Chief Secretary spoke just now he told us it was hoped that statistics would be available before long and that this question would be considered at the next meeting of Executive Council. That satisfies me, provided that when the hon. Financial Secretary replies to this debate we shall be assured that a decision one way or another, a categorical decision, not merely the promise of further investigation, but a categorical decision will be conveyed to us during this session.

The next Head I want to touch on is that of Head 12, Game. If you notice there are seven men, as far as one knows, paid for the preservation of game and two vermin control officers paid for the destruction of game. This question of game, the encouragement of game, and damage done by game presents a very serious problem. I trust that steps will be taken, as otherwise members on this side will oppose the vote, that steps will be taken to provide far more finance for game control and game destruction than has been done in the past. It is a very important matter, and if we are to produce more we must protect the properties of land-owners in certain districts which are suffering tremendous depredations from game. In fact, they have had to go out of cereal production altogether in recent years.

I next want to deal with Lands and Settlement, Head 18. The first question I should like to touch on and which has already been alluded to, is the question of the settlement scheme which was approved shortly before the outbreak of war both by this Council and by the Secretary of State.

We are all quite aware that there is no opportunity—and indeed it would be wrong to seek an opportunity—of borrowing large sums of money at the present time. We cannot do it, but there are certain cases which are beginning to crop up of men, there are not many of them, there are a few, of men who would comply with the conditions, and they are very strict, laid down in our

settlement scheme, some of whom may have been born here and who have applied and will apply and whom I think should be helped under the terms of the settlement scheme. I did ask a question in this Council last session or the session before, and the answer I got was to the effect that this Government did consider that scheme as still in being although, of course, the money it was originally suggested should be asked for could not be made available at the present time. I have also asked elsewhere whether, if a few cases could be brought up and considered on their merits, Government would possibly make money available on a small scale to implement that scheme during the war. We now want a categorical assurance of policy. The hon. Commissioner for Lands and Settlement said he would bring this matter to the Standing Finance Committee. It is not for the Standing Finance Committee to lay down Government policy as to whether it is going on with settlement during the war or not or making preparations for immediate post-war settlement or anything of the kind. Policy is a matter for this Council to settle. Therefore, I would like some indication from Government that they do accept this. We are not asking for any large sum of money or anything of the kind. If in principle Government accepts it, then the Standing Finance Committee can decide whether to put in a small token vote or not. But don't let us be put off by references to the Standing Finance Committee—what we want is a definite yes or no.

The second matter I wish to bring up under this head is that which the hon. Chief Secretary touched on, the suggestion that there should be a publication in the nature of a Farmers Gazette once a month or fortnight, in which one could endeavour to incorporate Government Notices, notices which the Settlement and Production Board might wish to give out, prices, perhaps notes that the Kenya Farmers Association or certain big exporting firms might wish to give farmers; in fact, to put into the farmers' hands in an easily accessible form and in one which does not get thrown away or mixed up with old price lists, etc., every month a lot of valuable information which it seems difficult to

[Major Cavendish-Bentinck] impart to farmers at present. We have heard a lot of criticism of the Information Office and I think, as I shall show in a minute, they have failed in that regard, but it is most difficult, no matter how often you print in the newspapers or broadcast or insert it in the Official Gazette, it is very difficult to get the information you want around the country to farmers. If we have something of this kind it can be posted to each farmer throughout the country, and I believe it will serve in war time a very valuable purpose. It will cost about £100 besides postage, and I hope that this suggestion may find favour in the eyes of the Standing Finance Committee.

The next Head about which I must say something is that of the Police. That subject has been touched upon, I know, by every elected member so far, and certainly by one if not more hon. members opposite in reply. Therefore you will say, why bring it up again? I bring it up again chiefly because of the allusions to the Police which were made by the hon. Chief Secretary just now. He contented himself by giving certain assurances which I was very pleased to hear, in regard to rates of pay of the more junior police officers and said that something more would be done about it, but he pointed out the difficulties and mentioned three Civil Service Committees. Well, it so happens that I was on all three, and therefore I quite realize the difficulties in the matter of making precedents. Nevertheless, that is only one side of the picture.

Personally, I think in a force such as the police force, a disciplined force, it is almost impossible to have two rates of pay; at any rate, it is much more difficult to adjust two rates of pay or two different conditions of service in a semi-military force than it is in other forms of employment, and I do not think this differentiation should now be maintained. I have had enough experience to find out that it does not work. These differences should be done away with, but that is not the chief point hon. members on this side had at the back of their minds. What we have at the back of our minds is that we are at the present moment sitting on a volcano,

that we have numerically a totally inadequate police force, and that it is not because of the police or owing to provision on the part of Government that we have not got into serious trouble yet. It so happens that we have been lucky, and I think that the Police Force should not only get better rates of pay as regards the junior ranks but the force should be enormously increased in number, and quickly, and increased by a very large addition of European personnel. It is no good saying that we cannot get them, because I believe we can, and we have got to. (MR. LOCKHART: Where from?) From some of the people who can be released from the Army or, if necessary, from neighbour-territories. (MR. LOCKHART: Yes try!) It is no good shrugging our shoulders and saying we cannot get them; We must try and have got to try and increase the Police Force.

The next heading I wish to say something about is Head 32, Public Works Department. I am not going to talk about roads, which has been touched on by everybody, except to stress what I think has been stressed so far by only one member, and that is that we do want, I consider, in this country a competent road engineer. It may be that the hon. member opposite, who is Director of Public Works, may feel "I have quite adequate road engineers" and he may resent my remarks. But road building is a special job. Our roads are deplorable, and we are now going on to spend a good deal of money. Quite frankly, with due respect to the hon. member, I do not really know of one competent road engineer in this country who could undertake with satisfaction, to my mind, a road building programme on a large scale. I do not think it is detrimental to the officers of the Public Works Department for me to say that because, after all, they have innumerable jobs to perform, and some they perform very well, but if we go in for a road programme we should at least get an expert—it is a great pity that we lost the last one—and do it the best way with the best possible advice.

I have one or two other items to touch on, and the next is under Head 40, War Expenditure. What I want to

[Major Cavendish-Bentinck] say there is that I wish to stress what the hon. mover said when he introduced this motion, that it is more than likely—in fact, I think quite essential probably—that further sums of money will have to be found during the year for price control, export control, import control, and general Supply Board purposes. The amount of money so far sought by these services is not so very large when you come to think of it. The Supply Board has about £6,800 all told and the Import Control about £2,900, but when you turn to Censorship you are in the realms of £12,000 right away and the Information Office is in the realms of £15,000. I think conditions, if the war goes on, are going to be such that more and more Government intervention, shall we call it, will become necessary in the interests of all of us, and I should like to say—because I am merely a member of the Supply Board and have little to do with these particular officers, and can therefore say so without throwing bouquets at myself—that I do think the people who are engaged in the routine Supply Board work do deserve some word of recognition. I am sure the hon. mover will agree with me that they have worked tremendously hard for very long hours and with considerable effect, and they are very short staffed. If they broke down, I think we shall all suffer.

The Information Office is also one of those items of war expenditure, which has been touched on, and we have been told that a reorganization is under consideration. That is all. I do not know whether it would be possible for us to be given a little bit more information as to what people have in mind, because everybody throughout the country, in spite of what we have heard this afternoon, will still, I think, remain somewhat dissatisfied with so large a sum of money spent and the little that is apparently achieved by it. Information in regard to what we are trying to do as regards our war effort, as regards what Government wants done or such of its intentions which can properly be imparted to the public, should constitute a not unimportant part of the Information Office job to my mind. But this type of information does just not exist.

The other direction in which I think it fails—perhaps we should not think of these things, but I think we are all a little proud of this our part of the world, even if it is small, and we are all East Africans here, and personally I think that East Africans on the whole have made quite a good war effort, not a marvellous one, but one they have every right to be proud of. But never a word gets out, nothing gets out overseas! We hear about everybody else on the B.B.C., etc., but nothing about ourselves, and yet we are all in the same war doing the same things, and we are paying this our Information Office £15,000 a year partly to put our efforts across for us. All I can say is that this department is not much good so long as it remains a post office. I am not talking about African propaganda, I do not know much about that—but as far as a large section of present Information Office activities are concerned, we are paying for printed forms, enormous quantities of typescript stuff, most of which I have heard on the wireless some time before I get it. (Hear, hear.)

I would mention Head 45, under Joint Services Expenditure, Posts and Telegraphs. I unfortunately could not be in two places at once yesterday, and I believe the question of some further expenditure on facilities and space to enable the Post Office staff to do their work was considered by the Standing Finance Committee. I think we have to bear in mind that the Post Office in this country has undertaken since the war a very big task and, on the whole, it has I think performed that task very creditably, thanks to people who are not paid very high salaries—to my mind; some are paid too low salaries—and who work under conditions which are almost deplorable. I do think we should do what we can to help them.

I am going to bring up a hardy annual, also under this heading, and that is Nairobi Post Office. I know that in war time we cannot build new and expensive buildings or anything of the kind, but I do submit that we can do something to prevent women having to stand in a queue behind a large number of unwashed and not very high-class individuals before they can send a tele-



[Major Cavendish-Bentinck] gram or do whatever job they want to. It is high time something was done. People who come from other parts of the world go into this post office, and the conditions they see do more harm from a propaganda point of view than anything else in this country. An improvement can be made without vast expenditure which in war time is, of course, out of the question.

Under this comes the question of telephones. This morning the matter was alluded to by a colleague on this side of Council and you, Sir, interpolated and suggested he was not quite accurate in his statement. To what extent he may be accurate or not it would be ill for me to argue, but there is something in what he says, and I do hope that every effort will be made to see that these instruments are placed where they are most wanted, and that hospitals and schools get the first call. So far the public is under the impression that this, perhaps, is not the case.

Finally, I want to deal with the question of production. I am sorry the hon. Director of Agriculture is not here; but we did hear the hon. member discuss production and certain accessories of production, like storage facilities and things of that kind this afternoon. I happen to work in fairly close relationship with my hon. friend, and all I can say is that I cannot help believing that this afternoon he was saying what he was told to say and not saying what he thought, because that man normally is an enthusiast, and we are very lucky to have him here (I can say that because he is not present), but to-day all he did was to pour cold water on every suggestion made.

During the debate it was suggested by the hon. member Mr. Isher Dass that I went to Cairo with other people merely in order to sell a few tons of bacon. Of course, nothing of the kind was the case, but I am absolutely convinced from that visit . . .

**HIS EXCELLENCY:** I do not wish to interrupt the hon. member, but as he has made the suggestion that instructions were given the hon. Director of Agriculture before he made his speech I should like to say that neither the

hon. Chief Secretary nor myself gave him instructions of any kind.

**MAJOR CAVENDISH-BENTINCK:** Naturally I would not suggest that your government gave him complete instructions, but probably told him what Government's policy was.

**MR. RENNIE:** On a point of explanation, we did not discuss with the hon. Director of Agriculture any line whatsoever as regards his speech. We have not discussed the matter.

**MR. LOCKHART:** I may add that neither did I, and I would ask the hon. Member for Nairobi North to be a little more specific.

**MAJOR CAVENDISH-BENTINCK:** I seem to have thrown a fly which has worked rather satisfactorily, insofar as the fish are rising quite fast now! Yet ask me to be more specific. Yes, I certainly will. Storage was one of the matters to which the hon. member referred, and I will tell you what I have in mind, though the hour is getting rather late and I might prevent members from rising as soon as they may wish. I have reason to believe that the suggestions made by the noble lord when he opened the debate on our behalf were very unpopular in Government circles in that he stated that he wished to be given further information as to the possibility of utilizing the surpluses of which we have heard, perhaps, more effectively locally in regard to the prosecution of the war than by taking the easier course of sending the money home. He only wanted to obtain information and for this purpose to postpone any action as regards sending any money home for a short time. It may be that it is for such reasons for the purpose of forcing a point of view not by logic but by throwing cold water on suggestions made by hon. members on this side for the increasing production, for establishing war-time secondary industries, and for doing various things in this country which some of us think should have been done some time ago, ideas for increasing our war efforts which should have been approached with enthusiasm and not have cold water poured on them as has been the case since 1939.

[Major Cavendish-Bentinck]

If I went on with my justifiable indictment of Government on this score, we should be here for some time. There are a lot of things wanted, and a lot of things we can grow. All this is connected with this budget, because money may be required in some form or another to help to produce, to help to store, to help to ship. Some of these activities could quite easily be stimulated by Government giving a bank guarantee or in the normal course of business through business firms. Some could only be stimulated by direct Government finance. At the same time, some form of active Government encouragement, as you are well aware, Sir, will have to be given. There are maize, wheat, barley, potatoes, rice, millets, ndurrah, smsim, sugar, tea, coffee, hides, timber, pyrethrum—I am quoting a few things apparently badly wanted to the north, and which we can and should produce. I therefore wholeheartedly support what was said, in one of the best speeches I have ever heard in this Council, this morning by the hon. Member for Ukamba, that for heaven's sake don't exaggerate difficulties. We may be over-enthusiastic and it may be the job of you gentlemen on the other side to see that we do not get carried away, but don't let us quarrel over it, let us all try to develop more drive, more enthusiasm, more goodwill, and pray that small as we are we can still be privileged to play some further effective part in this war, and let us go to it as hard as we can!

**MR. LOCKHART:** Your Excellency, in opening the debate the noble lord said he thought that all the proposals in the Estimates required to be reviewed in their effect on winning the war. I would say at once that a good many of the proposals for increased expenditure in the Estimates, for which I am responsible I am afraid, would not survive that test, but I feel I am also justified in saying that a good many of the proposals made by hon. members opposite were in connexion with further increases in the Estimates which would not survive that test either.

There are one or two vital points in this matter, and one which was touched

on and followed up by the hon. and learned Attorney General as Director of Man Power is this man power question. It is all very well for the hon. Member for Nairobi North at this time of night to say "Don't throw cold water on things", but he knows as well as I do the position in which we are placed in regard to obtaining man power for these jobs, production or otherwise. He must also remember in justice to the military authorities, on whom I cast no reflections, that the armed forces have a certain pool of man power, and if we get them out of the Force here it means they have to draw on that pool for the men who might go somewhere else where they are badly needed. Apart from the tendency which all people in responsible positions have rather to play for their own side, I do feel we should recognize the position of the military authorities and the real dilemma which the man power position has placed us in.

On that, because there is some connexion, I would refer again rather briefly to the financial statement which appears on page 6 of the Estimates. There we shall find a forecast of the results of the present year, which show a surplus of £550,000. I would like to say at once that the actual cash surplus balance which we shall have at the beginning of next year is going to be substantially more than that, and for this reason, because up to the end of September of this year the Standing Finance Committee have authorized supplementary expenditure to the tune of £252,000. That supplementary expenditure is included in these figures as part of the revised expenditure and we are not in a position to spend it. The result, I am quite sure, will be that there will be substantial savings on the Estimates for this year. We have not got the men, and have not got the materials. Those are the facts you have to face. No sort of enthusiasm can get the men if they are not there, nor machinery and corrugated iron out of the United States if the United States Government is not prepared to release it, and the hon. Member for Nairobi North can be as enthusiastic as he likes but he will not get over that difficulty.

One point which the noble lord made was this question of assisting production,

[Mr. Lockhart]  
and the particular point he raised was that of maize. Well, I do not need to tell hon. members here the difficulties of the maize situation, and at any rate it is one of the subjects which I have displayed enough enthusiasm about to have gone into the question closely with the people concerned in handling the job since the hon. Member for Nairobi North returned from Cairo. I may be allowed to confess that, while I rather share the views of the hon. Director of Agriculture that perhaps the hon. Member for Trans Nzoia was a little ambitious, I agree with his general proposition. We all of us here have every sympathy and see no reason why the hon. member should be expected, or his constituents, to grow maize at a loss nor, for that matter, do I see why people who buy the maize should not pay what it is worth. I am not prepared here and now to admit the principle that we require to take from the reserves we have accumulated from the taxpayers of the country to use those reserves in order to provide cheap maize for Egyptians, Turks, Syrians, or anybody else, and I think the line to go on and the one on which we are working now is first of all not to admit that we should subsidize these exports but to provide a contingent guarantee which will enable farm products or firm undertakings to be given. As far as my advice is concerned, I am quite prepared to advise that a contingent liability should be accepted, which will give some reasonable assurance to producers in this country. But I am certainly not prepared to say that I should advise subsidies from the taxpayers' money until it becomes perfectly apparent that we cannot get a fair price for exports from outside.

That applies in general to the whole question of production. There is no reason for thinking that for any of the exports of the country, not one single one—or indeed from East Africa—with the possible exception of copra (which was allowed to run wild but which is now being got in hand) would we ask a price which any would regard as being unreasonable. I feel that we are perfectly entitled to expect from people

**MAJOR CAVENDISH-BENTINCK.**  
On a point of explanation, because he appears to have been misunderstood, the noble lord never for one moment suggested subsidies.

**MR. LOCKHART:** I am not suggesting that the noble lord did, but I think he will agree that one of the points he mentioned was a subsidy for maize.

**LORD FRANCIS SCOTT:** On a point of explanation, I said that if maize was to be grown a guaranteed price would have to be given to the farmers, and it would have to be given at once because if not they could not get the land ready, and that a guaranteed price might entail a subsidy.

**MR. LOCKHART:** In that case I did not misrepresent what the noble lord said and, indeed, I was aware that in fact we were thinking along the same lines.

While on the subject of maize, I should like to refer to one point raised by the hon. member Mr. Pandya, in which he said that the European producer of maize had got a fair price, or words to that effect, because the Supply Board fixed the price in accordance with the cost of production. The price of maize in this country is not controlled. There is no minimum price. The reason for it I imagine will be obvious to all hon. members, but the European producers in the case of maize have no protection at all in the matter of price.

A further point which was raised in connexion with the disposal of the surplus was the assistance to secondary industries. It was raised by the hon. Member for Mombasa, among others. Now, Sir, secondary industries so far as proposals for opening them are concerned would normally be expected to come from the people who wished to develop them, and in that matter, as I have said many times before—and I do not accept the suggestion made by the hon. member Dr. Wilson that I myself am or ever have been opposed to the establishment of secondary industries—there is assistance to which they are normally entitled, in the form of protection, cheap land, and assistance of that kind. When it comes to the question

[Mr. Lockhart]  
of putting up capital for development, that would only become necessary if capital from private sources was not available. The fact of the matter is that this country at the present time is full of money awaiting investment. The fact of the matter is that Kenya has never been short of capital. In point of fact, in many directions capital has been advanced too freely for investment. We do sometimes get industries which for particular reasons are unable to expand—and Government guaranteed a bank account in the last twelve months in order that one might get more machinery—but we are not a Communist state, and I do not admit for a moment that lack of capital is holding up development here at all. If it is, and there is such a case, I think Government might assist, but the idea that any substantial part of our surplus is in fact needed to finance secondary industries is not based on any foundation that is within my knowledge, and as hon. members will remember it has only been referred to in quite broad terms.

Here again, there is of course the question of man power, and still more the question of materials.

I can now turn to the speech of the hon. member Mr. Pandya, who referred, as I think did the hon. Member for Mombasa, to the question of a separate account for war taxation. I am quite prepared to consider that in the Standing Finance Committee, but I do think that as a practical preparation it will be extremely difficult to sort out, as I indicated when moving the motion, the effect on the revenue of the total new taxation which has been imposed.

The hon. member also suggested that we should have a cost of living inquiry. I have not had time to obtain Your Excellency's directions on that point, but if my advice in the matter were accepted we should have nothing of the kind.

In regard to price control, raised by the hon. member, I think it has already been answered but I would like to say this. I think the hon. member perhaps had in his mind the function which the Price Control Officer exercises in regard

to military contracts and military purchases. That is one of the functions of the office, and carries with it work on behalf of the military authorities. I think the trading community of this country, whatever inconvenience they may suffer from it, whatever reductions may have been made in their accounts, can think themselves extremely fortunate that that scheme was introduced and the question of the price to be paid by the military authorities maintained to some extent under the staff of the Control, because I can assure the hon. member Mr. Pandya that if the traders were left to deal with the Chief Paymaster and the Financial Adviser to the G.O.C. on these matters, he would have a great deal more to complain of than he has now!

On the civil side, I cannot accept for one moment that any prosecutions have not been justified. I do not know of one that has been lost, except possibly on a technicality. I appreciate that it must be troublesome for traders to fill in those brown forms, but the hon. member must remember that many more complaints are in fact made than brown forms are sent out for. They are not sent out unless there is some prima facie reason for supposing there has been overcharging, and it is only necessary to fill in a form and there is the complete answer. The point is that there is provision in the scheme of price control for the public to complain, and if a complaint is made it has to be investigated by asking the trader to fill in the form showing details of how he made up the price. You want to keep that in some sort of proportion, but I do not agree to that system being withdrawn or modified, and if a trader has to keep an extra junior clerk for the purpose he will have to put up with it as one of the minor disadvantages due to our being at war.

The hon. member also referred to what was the policy of Government in regard to import control. All I can say is that if the hon. member is not satisfied with the series of handbooks published the probability is in fact more likely that the traders of the country have been so deluged with communications on the subject that they have

(Mr. Lockhart) found them too confusing to follow, but it is certainly not because no statements have been made. This, perhaps, is a convenient point to deal with the point raised by the hon. Member for Nairobi South.

In fact, a list of prohibited imports has been drawn up for which no further import permits are issued. It is an extremely difficult sort of list to draw up, because what is one man's meat is another man's poison, and there are also the women in the country to consider as well. I admit that as a list of prohibited imports and luxuries it is not particularly impressive. No doubt we could extend the list, but while I would not go so far, because I rarely find myself in agreement with him, as the hon. Member for Ukamba, I think there is something in what he says, that within reason, as long as the stuff is available, there is no reason why we should allow Hitler to knock us so completely off our stroke. Furthermore it is, I am afraid, in this country going to be extremely difficult to draw the line between complete prohibition and the state of affairs which exists to-day, because (I will not elaborate it) there are very serious practical difficulties indeed in the way of rationing luxuries like whisky, cigarettes and so on in conditions in this country. While a more rigid form of control may be imposed on us, I can assure the hon. Member for Nairobi South that it is a matter under constant consideration, and it is certainly not likely to be lost sight of. What may likely happen is that supplies will gradually dwindle away, and in that respect control will be applied, but I would point out that we do work on such things as liquor on a United Kingdom quota, and with tobacco, and if we cut down our imports here it only means that the Bahamas or Ceylon or some other place will get a larger share.

I should like to deal now with what is quite an important point raised by the hon. Member for Nairobi South and touched on also by the hon. Member for Nairobi North, the cost of the police, and the hon. Member for Nairobi South worked out that the increase was only 3 per cent. That figure was quite

wrong, but it is quite pardonable that he should have produced that result because, owing to the very large expansion in the Police Force which has taken place owing to the war, and in order to allow a little elasticity—and, as usual, when you allow elasticity the cost is expanding instead of contracting—we have provided under the War Expenditure head a supplementary vote for the police which amounts to the not inconsiderable figure of £44,000. If you take the provision in the Draft Estimates now before Council, you will find the total provision is £201,000. The provision in 1939, the year before the war, was £148,000. We are to-day spending an additional £53,000 on the Police Force, and that is equivalent not to 3 per cent but to 36 per cent, which I trust the hon. member feels is an adequate answer to the point which he raised.

Now turning to the point raised by the hon. Member for Mombasa, he said as others have that he had no objection to war taxation as long as he was satisfied the money was not being frittered away. I do not know what that means. He also said that what he wanted the money for was that it should be applied to the prosecution of the war. But apparently the proposal that we should invite people to subscribe to the war effort of His Majesty's Government in the United Kingdom has not commended itself to the hon. member.

MR. NICOL: On a point of explanation, I did not raise an objection to the loan but on the ground that the time was not ripe to make the loan until we had gone further into the question.

MR. LOCKHART: I do not feel that any qualification of my remarks is required on the question of the money being frittered away. I endeavoured to summarize the really salient points of the budget as lucidly as one can, and tried to get away from the tangle of figures, and made clear first of all the one section of the budget in which we were hampered by commitments. In another section the actual running expenses of the country do include, I do not say a large additional provision, but there has been additional provision

(Mr. Lockhart) under Medical, Agriculture, Education, and so on, and despite that increase the expenditure had gone up by only 5½ per cent. The hon. Member for Transvaal said the increase of £90,000 was a very large figure. It sounds quite large, but the cost of running any sort of business or organization in this country, including the hon. member's farm I could imagine, has gone up on last year. I do not think that what we have seen provided for in these Estimates, an additional 5½ per cent, can be regarded as frittering money away. If the hon. Member for Mombasa can conduct the various enterprises with which he is associated in Mombasa at 5½ per cent more than they cost last year, I for one would be extremely surprised. On the remaining part of the Estimates, capital expenditure, there is nothing in that which has been challenged by this Council. It will be for examination by the Standing Finance Committee, and if there is any single item where it can be thought that money is frittered away as I say it can be challenged, but unless these items are challenged I do not think hon. members are entitled to use an expression like "frittering money away".

One of the items to which the hon. Member for Mombasa referred as omitted from the Estimates is the Mombasa-Tanga Road, which he described as the most important trunk road in the Colony.

MR. NICOL: At the coast I think—

MR. LOCKHART: I thought he said in the Colony, and I am extremely glad that he has withdrawn that statement. The position is that if there were a good road between Mombasa and Tanga, as far as lorry traffic is concerned at the present time I think it ought to be closed, because when you have a perfectly good railway service—it might not be a very rapid one—from Mombasa to Tanga with a railway service running it is quite unjustifiable to wear out tyres and petrol in hauling goods from Tanga to Mombasa or the other way, especially when they are mostly required for purely speculative purposes. I am unable to attach any importance to the Mombasa-Tanga Road from an industrial

point of view, and trust that no provision will appear for it on the Estimates this year.

The hon. member again raised the question of savings certificates. I know that the committee to which he belongs feels strongly about it, and I happen to know also that they feel very strongly that I have not been very helpful in the matter. I must admit that is so, because I must say again that I can see absolutely nothing in it at all, but I do not profess to be a judge of public psychology. The committee do, and I am quite prepared to withdraw my objections and let us spend money on printing and so on to put over what I feel will be a confusing idea certainly to most Africans and a much more cumbersome system of saving money than in the post office savings banks.

The hon. member said it would be delightful to give certificates to a child for a birthday or Christmas present—he could inculcate the habit of saving much better by opening a savings bank account for the child. There is a special provision in the ordinance under which a parent can open an account, and the hon. member can continue to add money every birthday or at any time he feels the inspiration to do so. We have, or will shortly, stamp books in which stamps can be affixed. It is intended to some extent to encourage savings among natives, but also among children, and a school scheme is being developed I understand.

The hon. Member for Nyanza also referred to the savings bank procedure being made more simple. If it were made more simple—after all, we have had a fair amount of experience, for such banks have been going about 140 years—it would open the scope for defrauding depositors, and nothing is more likely to do damage to the saving habit and the good reputation of the savings banks than that. Once withdraw the existing precautions then there is no safety, because that is what the procedure is there for, and under the savings certificates scheme the procedure will be distinctly more elaborate than under the post office savings bank.

The hon. Member for Mombasa also spoke about the Customs staff. Here

[Mr. Lockhart]  
again we come across exactly the same thing. The Standing Finance Committee has recently voted money for additional European staff, but what is the position? We cannot get them. We have got men marked down, but cannot get them. Whether the men are being of more use in the Army than in collecting revenue in Mombasa, is a matter of opinion. The point is that we cannot get these men. The hon. member suggested that we might get them from Zanzibar or Tanganyika. I sent myself a personal appeal to an officer in Tanganyika and also in Zanzibar not very long ago—I did not write officially but personally, because I thought it might have more effect—to get a man out of each territory for the Supply Board. I agree with the hon. Member for Nairobi North that we cannot get more assistance for the Supply Board staff if they break down. I failed to raise anybody. I suggest that the hon. Member for Mombasa when he visits his establishment in Tanganyika might bring his influence to bear on someone down there and see if he can get anybody, because I cannot do so.

On the Asian side the position is easier, and we did only the other day authorize the taking on of fourteen additional junior clerks. But, of course, it is a fact that a considerable time elapses before these men are going to be a great deal of use in the practical work of the Customs Department, because it takes quite a long time to learn, so I am told.

On the question of costs, the hon. member said the cost of collection of customs was 7 per cent. I am afraid I have to correct that because in the last figures we have, the 1940 Trade Report, the customs revenue was collected for a percentage figure of 2.16.

The hon. member referred to the waste which occurs in regard to military expenditure in this country. I do not claim to be overworked, but I have enough to do trying to stop waste that may occur in civil expenditure without taking on the job of dealing with the Army as well. They have a very much bigger audit staff and in many ways a much more rigid system of control over ex-

penditure than we have in the Civil Service, and if it is not effective I do not see how, from the headquarters point of view, much more can be done.

The only point on my list from the speech of the hon. Member for Kiambu to be dealt with is the question of secondary industries—(the only reason why I am going on so long is because I do not wish to appear discourteous to hon. members who have raised points)—I do not doubt but that there is something in the Ford scheme in a highly civilized country, but in a country like this the question of transport plays a very big part indeed, and I must point out once more that there is always a tendency to suppose that Government decides all these questions. The fact is that people who want to start a secondary industry want to be left to decide for themselves where to put it; they do not want to be dictated to by Government or even probably by the hon. Member for Kiambu as to what site they shall take. We have plans and proposals we can put before them, but I am afraid the hon. member will find there will be for a considerable time to come a tendency to centralize for economic reasons of transport and distribution.

The hon. Member for Uasin Gishu did raise an important point which I should like to deal with, the question of locust insurance. The hon. member asked for a categorical assurance that this Government is in favour of that insurance, and is prepared to assist financially in the matter. I do not know why he wanted a categorical assurance, because he knows perfectly well that Government has been prepared to do that for a considerable time, and he knows without my telling him (I am sorry he is not here) what the difficulties in that direction are.

We again come to the question of manpower. I think I demonstrated to the Settlement and Production Board, of which he is a member, that the scheme of locust insurance which is at present on the tapis and which I may say was my responsibility for drawing up some time ago, was unworkable under present circumstances, and it was therefore suggested by the board that a simpler form of insurance should be drawn up

[Mr. Lockhart]  
I regard that form myself as quite un- sound. I do not believe it will be acceptable and should not myself advise them to undertake it, and said so, but if they are satisfied with it then all that we are waiting for now is to learn from them what the scheme is. I believe that a meeting is shortly to take place at Nakuru.

The hon. member Dr. Wilson or his colleague raised the question whether there was any provision under head 26, item 4, for the provision of a provident fund for the African staff. The answer is: there is no such provision, and no such scheme has been approved.

I do not propose to say any more about roads except this one point. I was very glad to notice that the hon. Chief Secretary was able to draw from the hon. Member for the Coast an admission that he too had been responsible for spreading the story round the country that dilatory action by this Government had caused us to lose the opportunity for the construction of a road system by the military authorities.

MR. COOKE: On a point of explanation, I said no such thing—he knows perfectly well, and it is a perfectly gratuitously rude remark to make.

MR. LOCKHART: In that case I shall repeat it. (Laughter.) The hon. member indicated quite clearly that he associated himself and was responsible for the statement which was made in this Council by the hon. Member for Kiambu, and the hon. Member for the Coast definitely said on rising on one of his numerous . . .

MR. COOKE: On a point of explanation, I made no such statement. I said I also raised the point. It is part of the evasion. . .

MR. LOCKHART: That I thought I said. The hon. member also raised the point and he associated himself with the suggestion, and I am now providing the hon. member with an opportunity which I trust he will take of withdrawing it because it has no foundation of any sort or kind. The position is that the military authorities had in contemplation a scheme for putting tar on the macadam

surface of the roads. It was suggested to them, I am not sure it did not come from Brigadier Minnis, the Chief Engineer, that if we were to contribute funds they would put down a better standard of roads which would be more permanent, as the standard usually adopted would only last a short time. The Chief Engineer came to the meeting with other road officers, the hon. Chief Secretary and myself, and without consulting Your Excellency or anybody else the hon. Chief Secretary and I practically committed ourselves to the military without further ado to provide a quarter of a million pounds. In fact, the financial aspect of the matter as far as the military were concerned, never weighed in the smallest degree, and the reason why the roads were not built was because the engineering department never got permission from the War Office to build, and so the need passed away and the whole thing was washed out.

MR. COOKE: That is exactly our argument—delay to expenditure of this kind.

MR. LOCKHART: Perhaps there is some hon. member who understands the meaning of that objection? I do not, so I shall not proceed with it.

The hon. Member for Trans Nzoia inquired whether there was any arrangement for a refund of income tax or excess profits tax. The position as far as the excess profits tax is concerned is that there is provision for refund assuming that during the period of the war and one year after the actual profits made by a company or individual they fall below standard. If what the hon. member had in mind was the refund on compulsory savings schemes as in the United Kingdom, we have none here. He must remember that there they graded down from 100 per cent; here we have not yet built up to that figure. If the time ever came for considering any increase in percentage, the question of compulsory savings might well come into the matter.

The hon. member also referred, and it is an important question, to the Customs figure, and suggested that it ought to be reduced to £600,000. Well, I am not quite sure whether the hon. member appreciates that the increase of

[Mr. Lockhart]  
 £97,000 which appears in the Estimates, as I thought I explained, is the difference between the original estimate last year and the official estimate now. That was the original Customs estimate, but that has been exceeded, and in fact the revenue this year from customs and excise is likely to be in the order of a million and a half. I quite appreciate that in 1942 imports will decline, but none the less for the first quarter I see no reason why there should be any great decline. I think that by March we shall have got in quite a good slice of the estimate, and in view of the reductions made I think it quite a safe figure.

I admit it is largely a matter of opinion, but I certainly could not accept the hon. member's argument that there is a quarter of a million too much in it nor, if I may say so, could I accept the argument of the hon. Member for Nairobi North that because we have got a sum of £785,000 more than we expected to get this year we are likely to get something less next year. I should have thought, if there was any force in the argument at all, that it was precisely in the opposite direction.

The hon. Member for Trans-Nzoia also referred to the question of cold storage, and I should like to say something about that. In fact, cold storage facilities have been improved quite considerably since the beginning of the war. There is no very elaborate scheme of cold storage, and those who advise me on this question say that at the moment there is no need for it. But, even if there were, it is not possible to get a big scheme through because I do not think we could get the materials. We hope to get the material for Uplands, we hope to get the material for a butter store at the coast, but we have not got even a guarantee there.

The hon. member also referred to the question of trade licences in general but, in particular, to the 50 per cent surcharge. I know that has been raised by the trading community, but the point about trade licences is that if ever there was a time at which they were justified Government thinks that this is the time, and the 50 per cent surcharge as well. So far as firms liable to income tax or

excess profits tax are concerned, that surcharge does not bear very heavily upon them, but it does represent some additional war taxation, and as regards members of the trading community who do not in fact come within the income tax scope we feel that the surcharge is justified as a personal tax.

Another point dealt with by the hon. member was, I think, an extremely serious point. I do not know whether the hon. member really meant to say what he did, but if I understood him rightly it was an accusation of leakage of information regarding the budget from Your Excellency's Executive Council. That caused a Cabinet Minister to lose his job not long ago, and I think it is an extremely grave thing to say, apart from the fact, of course, that it is quite unfounded. Executive Council was, with the exception of two official members—I do not know whether it is those people against whom the hon. member levelled his accusations—saw these duties half an hour before this Council's meeting. There has not been, I am quite sure, any leakage of information at all. But a discussion has gone on in the Press, among other things, that there was likely to be additional taxation on liquor, cigarettes and so forth, and it was a deduction anybody could make. There was, as there customarily is, on these things some preliminary discussion in the matter of tobacco with the trade. That has gone on for a long time. We should get into difficulties if we altered the customs and excise on tobacco and cigarettes without getting expert advice. But the fact that these meetings took place and the matter was under discussion cannot be kept quiet but, in fact, there was nothing like the rum that I should have expected. There was something of a rum on Monday, and as a result we closed the bonded warehouses that day under the Defence Regulations due to the admirable and ingenious interpretation of them by my hon. and learned friend. (Laughter.)

I express regret that the hon. Member for Aberdare is not here, because his suggestion for all-night sittings has received a most prompt response. (Laughter.) He referred to the Naivasha-Nakuru Road. It is perfectly true that only a section of the road is being done.

[Mr. Lockhart]  
 and it does not begin from the Nairobi side. He referred to the roads leading from Nairobi, but that does not mean that linking up will not be done—this happens to be the most convenient because it is near a prisoners of war camp.

I do not know that there are many more points in the speech of the hon. Member for Nairobi North which have not already been touched on. There was one point in regard to the settlement scheme which the hon. member said, rather surprisingly I thought, was not a question for the Standing Finance Committee. The scheme as a scheme, as he knows, has been accepted by Government. He also knows why no loan has been raised for the purpose. The question of providing money in advance of the loan, say from revenue, is it seems to me very much a matter for the Standing Finance Committee, and if they are prepared to advise it and this hon. Council is prepared to accept it that will be, as far as I am aware, an end of the matter. I would have thought that the hon. member in his treatment of the question would have indicated that.

I was not quite clear what was the hon. member's point about the police, being a disciplined force, should not have two rates of pay. I do not know whether the hon. member meant to indicate the whole force should be put on pensionable terms of service but, if it were, in view of the figures I gave, which I think were 918 in the Local Civil Service of which the police numbered only about 100, it is a proposition which we would have to consider very carefully indeed without running a risk of the contributory system breaking down.

The hon. member criticized the Information Office, which is almost as much criticized in this country as the Ministry of Information at home. I might say that I have always myself been extremely sceptical as to the real value we have got for the money spent on that department, but I do think that members might be interested to know exactly how that money is spent, because I do not think the impression created by gross figures is necessarily quite accurate: general office, £2,778; European section, £900;

Indian, £1,197; African, £4,669; broadcasting, £1,534; cinema van, £1,691; photographic unit, £3,068.

The question of expenditure on Nairobi Post Office is also coming up at the Standing Finance Committee. I may say that the hon. member's absence the other day from the meeting of this committee was not of much consequence as far as this particular item was concerned, because no decision was arrived at.

I think Your Excellency has dealt with the suggestion—what it meant was a little obscure to me—that the hon. Director of Agriculture was told what to say. As a matter of fact, what he did say is what he said in writing some time ago, and I am extremely sorry the hon. member is not here to answer for himself.

In conclusion, Sir, the references made to my departure in the course of this debate in terms I can only attribute to the uniform courtesy which I have received in this Council for the past four years. I should like to say, and I can say so quite sincerely, that during that time the standard of debates in this Council has been very high from the point of view that no attempt has been made to take an unfair advantage of anyone, and it has been made very plain indeed that we all work here to make the best we can of the job. That is particularly so of what I personally regard as the really important part of this Council, and that is the committee work, because I regard these full-dress debates as being a less useful part of the Council's work, and I should imagine that a few more sittings like the present will tend to make them rather less popular in the minds of hon. members. I would say of committees that at no time have I ever been conscious of anything but the most complete co-operation of both sides of Council, and it is obvious that there is a real desire to come to terms and get some scheme which will be workable, and I hope that spirit will always be maintained. (Applause.)

The question was put and carried.

#### ADJOURNMENT

Council adjourned at 7.10 p.m. till 10 a.m. on Tuesday, 9th December, 1941.

Tuesday, 9th December, 1941

Council assembled at the Memorial Hall, Nairobi, at 10 a.m. on Tuesday, 9th December, 1941, His Excellency the Governor (Sir Henry Moore, K.C.M.G.) presiding.

### COMMUNICATIONS FROM THE CHAIR

#### STATE OF WAR

**HIS EXCELLENCY:** Honourable Members, since we last met it has been my duty to sign Proclamations declaring us to be at war with Rumania, Hungary, Finland and Japan. Many of you no doubt listened yesterday over the wireless to President Roosevelt and our Prime Minister describing the calculated and characteristic treachery with which Japan launched her unprovoked attack upon British and American possessions in the Far East. If so, you also heard with what words of sombre and grim determination Mr. Winston Churchill appealed to the British people for further sacrifice and further effort in preparation for the severe and prolonged struggle that may lie before us.

Here, in Kenya, such few Japanese nationals as still remained amongst us were all rounded up by the Police early yesterday morning in anticipation of the Cabinet's formal declaration of war and all necessary precautions have been taken. Whether the tides of war may once again set nearer to our shores it is idle to speculate, but one thing is certain. We must redouble our efforts to take our full share of the strain. Our vigilance and resolution must quicken the greater the demands made upon us.

#### EAST AFRICA COMMAND APPRECIATION

**HIS EXCELLENCY:** There is one other announcement I have to make. Hon. members will remember that at our meeting on the 28th November it was agreed that the Clerk to Legislative Council should convey the congratulations of the Council to Major-General Wetherall, the General Officer Commanding in Chief, on the success of the troops under his command in bringing about the surrender of Gondar. The Clerk has now received the following letter from Major-General Wetherall:—

Headquarters,  
East Africa Command,  
A.P.O. Nairobi,  
6th December, 1941.

Sir,  
I have just received your letter of the 28th November conveying the congratulations of the Legislative Council to myself and the officers under my command, which is so much appreciated. I arrived back from Gondar yesterday where I visited all the units which took part in the Gondar attack. They were all in very good heart, and displayed great bravery and dash during the operations up there.

H. E. DE R. WETHERALL,  
Major-General,  
Commanding in Chief,  
East Africa Command.

#### MINUTES

The minutes of the meeting of Friday, 28th November, 1941, were confirmed.

#### PAPERS LAID

The following papers were laid on the table:—

By MR. HARRAGIN:  
Select Committee Reports on the Estate Duty (Consolidation) (Amendment) Bill and the Forest Bill.

By MR. LOCKHART:  
Report by a committee appointed to consider Local Native Council finance in relationship to Government finance.

By MR. MORTIMER:  
Report of Commissioner for Local Government for 1940.

#### ORAL ANSWERS TO QUESTIONS

No. 73—TRADERS LICENCES, 1940

MRS. WATKINS asked:—

(a) How many Traders' Licences were issued in the year 1940 to Europeans, Indians and Companies?

(b) Of these licences how much Income Tax was paid by—

- (a) Europeans;
- (b) Indians; and
- (c) Companies?

(c) What was the net revenue (after making refunds) derived from Income Tax during 1940 up to date?

[Mrs. Watkins]

(a) Of this amount, how much was paid by—  
(a) Europeans; and  
(b) Indians?

MR. LOCKHART: (a) Traders Licences were issued in the year 1940 as follows:—

European individuals	331
Indian individuals	6,215
Companies	362

(b) The information is not available.

(c) It is assumed that the question means—what is the amount of income tax collected up to date in respect of the year's assessment 1940. An appropriate figure is £268,000. As already explained in the reply given to Question No. 71, up to date particulars of collections by the Crown Agents and by other territories are not available.

(d) Information regarding actual cash payments is not available. Of the total tax assessed for the year of assessment 1940, approximately £270,000 was charged on Europeans and £40,000 on Indians.

No. 76—COMMISSIONS FUNCTUS OFFICIO

MR. COOKE asked:—

Is the Commission that sat to inquire into the Customs frauds *functus officio*?

If the answer is in the negative, will Government consider reassembling it so that it may make the necessary alterations in its report so as to make that report suitable for publication?

If the answer is in the affirmative, will Government, bearing in mind its answer that the Coffee Control Inquiry Commission was not *functus officio* after its report was submitted on 23rd June, state the length of time which must elapse or factor which must arise before a Commission may be said to be *functus officio*?

MR. HARRAGIN: 1. The answer to paragraph 1 of the question is in the affirmative.

2. Since the answer to paragraph 1 is in the affirmative this part does not arise.

3. There is no specified length of time which must elapse or factor which must arise before a Commission may be said to be *functus officio*.

### BILLS

#### FIRST READINGS

On the motion of Mr. Harragin the following Bills were read a first time:—  
The Control of Grass Fires Bill,  
The Kenya and Uganda Railway (Amendment) Bill,  
The Local Government (Municipalities) (Amendment No. 2) Bill,  
The Local Government (District Councils) (Amendment) Bill,  
The Pyrethrum (Amendment No. 2) Bill,  
The Trusts of Land Bill,  
The Registration of Titles (Amendment) Bill,  
The War Taxation (Income Tax) (Amendment) Bill,  
The Increase of Rent and of Mortgage Interest (Restrictions) (Amendment No. 2) Bill,  
The War Revenue (Customs and Excise Duties) Bill,  
The Matrimonial Causes (Amendment) Bill,  
The Arms and Ammunition (Amendment) Bill,  
The War Risks Insurance (Amendment No. 2) Bill,  
The Legislative Council (War Provisions) Bill.

Notice was given to move the subsequent readings at a later stage of the session.

#### K.U.R. & H. ESTIMATES

2ND SUPPLEMENTARY, 1940

MR. HAMP (Acting General Manager, K.U.R. & H.): Your Excellency, I beg to move that the Second Supplementary Estimates, K.U.R. & H., for 1940, be adopted.

These estimates represent the final position at the end of 1940. They are fully described in the General Manager's Report, to which I have nothing to add.

MR. HARRAGIN seconded.

The question was put and carried.

#### 1ST SUPPLEMENTARY, 1941

MR. HAMP: Your Excellency, I beg to move that the First Supplementary Estimates, K.U.R. & H., for 1941, be adopted.

[Mr. Hamp]

The principal item of interest in these estimates, as Council will see from the statement of the Railway revenue account, is that the estimated additional revenue is £846,000 to be earned at an estimated increase in ordinary working expenditure of £148,865. This means that the revenue has increased by 35 per cent at an increased working cost of 10 per cent. The resulting increase in the net earnings carried to net revenue account is £702,000 approximately. Military traffic accounts for the greater portion of the increased earnings, and it may strike members that in view of the low rates charged for military traffic profits are unduly high. This, however, is largely accounted for by the economical working caused by the even flow which the traffic reached throughout the year. There was practically no peak and no depression.

If we compare this traffic with the corresponding figures taken from 1937, which was our previous highest record, but adjust the min each case to the twelve months ending with September (as later figures than these are not available yet for this year) we find that in 1937 the variation between peak and depression was 81 per cent, whereas in the twelve months ending last September the variation was only 27 per cent. As hon. members will realize, this even flow of traffic is an ideal not before offered to this Railway, and undoubtedly it contributed greatly to the satisfactory results obtained.

On the Railway net revenue account on page 4, the only explanation that I think is necessary is in connexion with the figure of £15,708, which represents a withdrawal from the renewals fund. The Administration's Standing Committee makes a five-yearly review of this fund, and as the result of the most recent examination in the early part of this year they found that certain assets could be more properly dealt with through the ordinary maintenance votes and that no use was ever likely to be made of the renewals fund on their account. This amount therefore represents a write-back of contributions made to the fund in respect of contributions made in previous years.

On the Harbours revenue account, page 5, it will be seen that the revenue statement shows an increase of £273,302, while ordinary working expenditure is increased by £104,482. This is an increase on both sides of approximately 50 per cent, which is mainly due to the increased imports, largely on military account, and the greater use made of the port by shipping.

I will pass over the Harbours net revenue account, and turn to the combined net revenue appropriation account. From this it will be observed that charges on military traffic of just over £365,000 have been remitted during 1941. The contributions appropriated to the various funds are normal, except so far as the contribution to the Harbour Betterment Fund is concerned, which contribution may be increased when fuller consideration is given to the matter when the Second Supplementary Estimates are submitted. A large unallocated balance is carried forward to next year. Both the Railway Advisory Council and the Harbour Advisory Board recommend that no further appropriations be made at this stage, but be deferred for further consideration when the final figures on the Second Supplementary Estimates are submitted.

Finally, turning to the last page of these estimates, it will be seen that the expenditure on works shows a decrease on the original estimate of £243,517 on the Railway programme and of £2,519 on the Harbour programme. This is accounted for by the impossibility of obtaining the necessary materials, but is mainly on account of the slowing up of the programme wherever it has been possible to do so.

MR. HARRAGIN seconded.

The question was put and carried.

#### ESTIMATES, 1942

MR. HAMP: Your Excellency, I beg to move that the Estimates of Revenue and Expenditure, K.U.R. & H., for 1942 be adopted.

For the third year in succession, it is necessary to put before this Council a budget based on rather vague possibilities instead of reasonable probabilities. It is quite impossible to predict how long the

[Mr. Hamp]

heavy military demands will last, and it is difficult to forecast what demands export traffic will make on us because of the difficulties in shipping. On the other hand, there are indications that heavy internal traffic will continue well on into the coming year. The revenue estimates can be taken as conservative and are unlikely to show a short-fall unless something very untoward occurs.

If members will turn to page 5 of the estimates they will see from the Railways revenue account that we are budgeting for approximately 10 per cent increase in revenue over the original figure in the 1941 estimates which, of course, is far below the 3½ millions shown in the First Supplementary Estimates for 1941 which have been adopted to-day. It would possibly give hon. members a better guide for comparative purposes if they examine the 1941 supplementary estimates simultaneously with those now under review. The corresponding revenue figures will be found on page 4 of the supplementary estimates.

Hon. members will note that we are budgeting for a revenue of £2,641,000. In arriving at this figure, proper attention has been paid to all available indications regarding crop-exportation prospects that are likely to be realized, bearing in mind the shipping position, and although purely military demands may decrease, we anticipate big demands for some time in connexion with the movement and maintenance of prisoners of war. We have therefore allowed for a reasonable figure for imports over and above essential war time necessities.

As regards the tariff position, no alteration is contemplated next year, except that the rebate on *robusta* coffee in force to the end of October has been withdrawn. As hon. members will be aware, the prices of *robusta* coffee have improved so much that instead of giving it assistance a tax of £2 per ton is being levied in Uganda.

On the expenditure side there is an increase in ordinary working expenditure, which amounts to £202,886 over the 1941 estimates and of £53,221 over the First Supplementary Estimates for 1941. This increase is accounted for mainly by the increased cost of imported materials,

and is explained on pages 1 and 2 of the memorandum attached to the estimates and in the marginal notes included in the abstracts of expenditure on pages 9 to 21. The outstanding increase in expenditure is in respect of coal, the estimate for which is based on a preponderance of coal being used as against wood fuel, but every effort will be made to keep down the consumption of coal by making the maximum use of the small engines. To what extent expenditure can be curtailed will largely depend on the flow of traffic. If we are pressed throughout 1942 as we have been during the present year, the bulk of the traffic will have to be hauled by the large coal-burning engines.

The account at the foot of page 5 shows the Railway net revenue account, from which it will be seen that the balance carried forward to the combined net revenue appropriation account is £68,692, which exceeds the corresponding figure originally budgeted for in 1941 by some £42,000.

On the next page is the Harbours net revenue account. The basis for the estimate of revenue follows closely that used for the Railways. The revenue shows a small decrease on the 1941 original estimate on account of a lower tonnage of imports and exports being allowed for than was anticipated when arriving at those figures. The ordinary working expenditure shows an increase of £31,662, due mainly again to the increased cost of imported fuel and stores and increased payment to the shore handling and lighterage contractor in respect of overtime and the provision of additional lighterage for bunkering coal.

From the Harbour net revenue account £5,396 is carried forward to the combined net revenue appropriation account, which will be found on page 4. From this account it will be noted also that there are large unallocated balances shown as carried forward at the end of the current year. These will be reduced if some of the Railway unallocated balances of £1356,282 and the £191,814 from Harbours brought into the account from this year are subsequently allocated when the Second Supplementary Estimates for this year are submitted.

[Mr. Hamp]

I have no particular comments to make on the abstracts of Harbour expenditure. They follow generally the similar abstracts for 1941, and any material changes are explained in paragraphs 6 and 7 of the memorandum and the marginal notes included on pages 22 to 29 of the estimates.

If members will turn to page 31, they will see from Abstract L that the estimated expenditure on new works is £164,834, but it is highly improbable that stores will be available to carry out the whole of the programme or to complete the works already sanctioned, and every effort will be made to postpone any but the most urgent works. I should like members to know that this figure of £164,834 includes works that so far have not been finally considered by the Railway Advisory Council and that every work not within the General Manager's authority will receive their scrutiny before approval is accorded.

On Abstract M, page 32, expenditure of £181,975 has been shown for new works for the Harbours. The same remarks which I made concerning the Railway apply here.

On page 33 a statement showing the approximate position of capital, betterment and renewals funds and reserve accounts will be found. In the column towards the end of the statement will be seen the unallocated balance. I have no particular comments on this statement beyond the fact that the allocation of any part of this balance will be dealt with later in the supplementary estimates for 1942.

I have nothing further to add in explanation of these estimates, but on general matters I should like to say a few words regarding our stores position.

The position in regard to stores, both for the Railway and military work, has been reasonably satisfactory up to the end of the last quarter, when account is taken of war time conditions and shipping shortages. Since that time, however, a shortage, particularly of steel plates, angles and sections generally, has been progressively apparent, due to the non-supply of indents placed at the latter end of last year and the early part of this year. The position is well understood

and appreciated by all the supervisory staff, and every step is being taken to secure materials under various outstanding indents and also to marshal and utilize all available scrap. Our locomotives and rolling stock are being, and have for some time been, used to the maximum of their capacity, and considerable wear and tear has occurred. Difficulty is bound to arise in providing the necessary replacements of worn components, in view of the present unfavourable raw material position. Every endeavour is being made and ingenuity exercised in using our scrap resources in the manufacture of these components and generally to make temporary repairs where permanent repair is out of the question due to lack of spare parts. Steps are also being taken to recondition by welding and other means worn components when consistent with sound engineering practice and the safety of the public.

Turning to staff matters, during the debate on last year's estimates the hon. Indian Member for the Central District raised the question of the terms of service of the Asian artisans in the Administration staff, and since then the hon. member Mr. Shamsud-Deen has addressed an appeal to you, Sir, on their behalf. I should like to say that this appeal has been very carefully considered by the Administration, by the Railway Advisory Council, and finally by you, and as a result certain recommendations for improvement in the terms of service offered to this grade of employee have been made and accepted by Your Excellency. In the past we have been in the habit of referring to these artisans as "casual", but I entirely agree with the hon. member Mr. Shamsud-Deen that this term is misleading in that many men have worked for years continuously in the service of the Railway. In future, it is proposed to refer to them as "wages staff".

In answer to a question this session by the hon. member Mr. Isher Dass, I enumerated the improvements in the terms of service, and I will refer to them briefly again.

It has been decided to grant full pay for all public holidays on which the works are closed down at the instance of

[Mr. Hamp]

the Administration. Local leave has been increased to the same period given under the old agreements to the hands that came on indenture from India, ten days for each year which may be accumulated up to twenty days. Though the Administration will not grant overseas leave on full pay or half pay, they will grant the wages staff leave to proceed to India at their own expense, and this will be treated as leave without pay, so that an individual's service will not be broken for the purpose of calculating the retiring gratuity. It has been agreed that free medical attention should be granted them and their families after twelve months' service. On the question of free housing no change will be made at present but the system whereby quarters where available should be let to them at a nominal rent will be continued.

I hope that hon. members will agree that the requests of these employees have now been liberally met by the Administration, and I consider that they have every reason to be grateful to their representatives on this Council for their share in obtaining these concessions. I do not consider that it is right for us to go further in granting the additional demands made. In my opinion, it is wrong for artisans to expect terms from the Railway Administration that could not possibly be granted by other employers of this class of labour.

There is one other thing I should like to refer to as a general matter of interest and that is the use of timber sleepers in place of steel. It has been stated previously that no large quantity of sleepers will be required for ten years but, in the interval, tests will be carried out on various suitable timbers and experiments conducted in the treatment of them. Last Saturday, the Administration received the offer of the gift of a pressure treatment plant from the Kenya Creosoting Company which I have gratefully accepted. This plant was offered last year to the military authorities, but they were unable to make use of it, and the directors have therefore transferred the offer to us. The plant has not yet been examined, but if complete I propose to remove it to Nairobi as the most convenient receiving and distributing centre, and experiments will be made to see if

any locally produced toxic treatment can be substituted for the creosote treatment that the plant was originally designed for. During the next ten years it should be possible to establish what the future sleeper policy is to be before any further large purchases of further steel becomes necessary.

I have nothing further to add except that I will endeavour to answer any questions by hon. members.

MR. HARRAGIN seconded.

HIS EXCELLENCY: Before I put the question I should like to take this opportunity of informing hon. members that I have just received a letter from Sir Godfrey Rhodes informing me that as his present duties as Director of Transportation, Persia, are likely to continue for a protracted period, in effect probably until the end of the war, he wishes to retire from his post as General Manager of the Kenya and Uganda Railways as from the end of the present month.

I am sure all hon. members will receive this information with very sincere regret. Sir Godfrey Rhodes first joined the Kenya and Uganda Railway as Chief Engineer in November, 1920, and after serving in that capacity with distinction for nearly eight years he was appointed General Manager in August, 1928, to fill the vacancy caused by the untimely death of the late Sir Christian Felling. This would have been in itself no easy task, but his responsibilities were made all the more onerous by reason of the fact that the first few years of his General Managership coincided with those years of economic depression in which this Colony suffered so severely in common with the rest of the Empire. The manner in which Sir Godfrey Rhodes by his energy and pertinacity surmounted those difficulties is well known to you all, and on his retirement he has the satisfaction of knowing that not only has the Railway been able fully to meet all the urgent demands made upon it during two years of war, but also that he has left it in an incomparably stronger financial position than he found it in some twelve years ago.

I feel sure all hon. members would wish me to take this opportunity of con-



[H.E. the Governor] saying to Sir Godfrey Rhodes an expression of their sincere appreciation of his long and distinguished services with the Railway, their real regret at his retirement and their heartiest good wishes for his continued success in the responsible duties which he is now performing in Persia. (Applause.)

DR. WILSON: Your Excellency, I did not intend to open this debate from this side of Council. It has always been astonishing to me that hon. members on this side seem to take so little interest in these estimates, and it is rather depressing for a member of the Colony's Standing Finance Committee to have to listen to this debate after a week of very hard work discussing small items of perhaps £50 and £100 and then, as I have said much too frequently before, to be faced with these figures of astronomical magnitude. I sincerely hope that some members on this side far better qualified than I will deal with at least some of the points in these estimates. I admit that I am not qualified, really, to discuss them in detail, and no doubt my hon. friend opposite will say "Why talk about them at all?" (Laughter.)

On one occasion I did suggest that these estimates were framed in such a way that a simple person like myself could be easily fogged and entirely unable to ascertain the true position. Of course, I was very promptly and properly put in my place for making such a disgraceful suggestion. On one occasion I remember the hon. General Manager saying he was always prepared—and he always made a great point of saying he was prepared—to explain any point in the estimates which was not immediately plain. If I fail in my understanding of the estimates, I freely admit that it is my own fault. Another thing, I do not intend to go into detail and do not intend to suggest again that the Railway should make a contribution to the general revenues of the Colony, because it is perfectly obvious that it is a sheer waste of words for me to say that.

I should like to call attention to one thing, and that is, this annually recurring miracle of a large surplus of revenue over expenditure which ordinary people like myself call profit, in spite of the fact that, according to the Railway Ordin-

ance, "the total earnings of the Services shall not be more than sufficient to meet the necessary outlays for working and maintenance, contributions to reserve funds... interest and sinking fund charges... compensation or damages as may be awarded against the High Commissioner". It appears to me that during this year the Railway exceeded its estimated revenue by such a colossal figure that, instead of the estimated deficit of £250,000, which was the amount refunded to the military authorities for military traffic, there will be a surplus of £548,000, although the quarter of a million refund to the military was increased to £328,000, and the betterment fund was raised to £100,000. That looks to me strangely like a profit of over half a million pounds, and these estimates seem to show a deliberate indication to annex that profit with no mention of any contribution towards winning the war. It was a contribution of that nature which took the sting out of the criticism last year. I had hoped that, although these printed estimates show no recognition of the fact of the war, except in increased cost, the hon. member might have suggested that they were proposing a contribution of more or less the same magnitude as the Railway has made in the last two years. I take it that is the intention, and that it is merely a question of deferring or postponing a decision as to the exact amount which will be allocated.

I have only one or two other remarks to make.

The Railway is reckoning on an increased revenue of £237,000 more than last year, and I see that £130,000 of this increase is to come from passenger traffic. We were told in the past in the annual report on the Railway, of which I have not seen a copy this year—whether I have mistaid it or it was not issued I do not know—that a good deal more than half of the revenue from passenger traffic came from the third class passengers. I should like to know how much of this total of £350,000 is expected to come from military traffic and how much from our own third class native passengers.

On page 9, Head IV (c): Is that sum of £22,000 to be devoted to the maintenance of staff quarters justified in

(Dr. Wilson) present conditions? We all know the high standard at which the Railway houses are maintained, and I am only wondering whether that high standard is justified in present conditions.

Page 21, Heads VII and XIV: "Head VII, contribution to municipal rates, £6,817; Head XIV, medical services per capita payments to Governments of Kenya and Uganda, etc., £8,400". I want to ask whether these sums, particularly the one for medical services, are anywhere near the real value of the services the Railway receives?

Lastly, page 31, Abstract L to which the hon. member in charge referred. He referred to the sum of £164,000 shown to be spent in this coming year. According to my reading of this abstract, item 2, "new lines under construction", the amount proposed to be spent in 1942 is £109,500 but the exact figure does not matter. As has been said in another place, "figures mean nothing, they are only used for illustration". I only want to know whether such a sum should properly be contemplated in present conditions, especially in view of the supposed shortage of labour for primary production. I take it that that item is inserted merely as a sign that that amount of money is standing over and that it is not intended to spend £100,000 on new lines which cannot, as far as I know, be of any possible use during this war.

I am afraid that my remarks have been very unhelpful, but with that I leave the question of the proposed adoption of these estimates.

MAJOR CAVENDISH-BENTINCK: Your Excellency, I should like to endorse fully what you, Sir, have said about General Rhodes. I have had a good deal to do with him for many years, and more especially recently, and I think we are losing a very able man and a man who has served his country more than well. (Hear, hear.)

I really have got only one point which I wish to make in connexion with these Railway Estimates. Before doing so, I would like also to pay tribute to the way in which the Railway as a body has coped with the extra work thrown on it during the last two years, and not only the Railway staff but the work-

shops which have had to undertake at short notice military repairs and military work of different kinds, and they have done it with great ability. I believe they have proved of great service in this campaign. (Hear, hear.)

In moving the estimates, the hon. General Manager referred to various sources of revenue and various types of traffic which they have had to deal with, notably military movements, and he also alluded to traffic which might ensue from the movements of prisoners of war. He also on several occasions during his remarks alluded to shortage of shipping and consequential effect on Railway revenue. I would like to put this aspect to him, however, that a general shortage of shipping might, instead of reducing calls that are going to be made on the Railway, considerably increase them, in that it may be found that we are now conveniently geographically situated to increase production and might have to make very considerable calls on the Railway in connexion with that.

It has been suggested, and I believe it is a fact, that the Railway at the present moment is extremely short of rolling stock. If we allow that position to become aggravated, we might find that such services as we can render to the common war effort might be greatly curtailed by reason of the Railway not being able to cope with the traffic offering. In that connexion, one naturally turns to the estimates in order to see what provision has been made for repairs and maintenance of rolling stock. I am fully aware of the difficulty of obtaining raw materials, I am coming to that in a minute, but I must say that I was extremely astonished to find in the supplementary estimates for 1941 a figure of £270,738 for the maintenance of engines and rolling stock, whereas in the estimates for this next year the figure of £264,240 only is included. If one turns to page 1 of the budget memorandum where is shown the ordinary working expenditure classified under various heads of engineering expenses (nearly all connected with the track), and locomotive expenses, practically any substantial increase was confined to the purchase of coal at an increased price. The maintenance of engines and rolling stock are only increased by £34,767 over

[Major Cavendish-Bentinck] last year's estimates; traffic expenses have only had £17,000 out of the £32,000 attributable to increased traffic. I should very much like an explanation why a larger figure was not put in, and also why greater detail was not given as to the rolling stock position?

Turning to the question of raw materials, when I say raw materials I mean iron and steel plates and so on, I am fully aware that it is extremely difficult to get any such supplies. I am also fully aware that the Railway has done all it can so far to try and obtain them, but it is no good waiting until we find the indents are not being fulfilled. If an indication is clearly given as to the policy which this Government is required to follow in respect of the war effort, and that has now been given, and if as I suspect the position of the rolling stock in this country is not very satisfactory, I think that now is the time to try and get the authorities who have indicated the policy to support us in trying to obtain what is necessary for helping the Railway in regard to the iron and steel which it requires. Don't wait—let us do it right now.

One other point I wish to make is that it has been pointed out by the hon. member Dr. Wilson that the Railway has and has been making very large profits. I would suggest—and I am not making the suggestion on the ground that the Railway has not done so far—that where it is possible for this country to assist in any shape or way in providing materials or food supplies which are required for war purposes overseas, the Railway should try and assist in that war effort by giving special export rates for such commodities. They have hitherto given special import rates for military requirements. That was only right when the campaign was taking place to the north of us. Now it is reversed, and we are trying to fulfil military requirements overseas, and therefore we shall want a little assistance possibly from the Railway in the other direction, that of export. The Railway so far has always met these requirements, but I merely make the point because, perhaps, it is not always realized that this would be a contribution to the war effort. I am not suggesting that the Railway should

lose but that they should not make any more profit than they need.

The last remark I want to make, which I had forgotten to make earlier, was that the hon. General Manager did suggest that he was only making repairs to rolling stock when such were consistent with sound engineering practice. I do not know what he means, but I would make this remark: that these are not normal times and possibly sound engineering practice cannot always be considered. I think we want every single truck to be repaired, made available on the line, and used for the period of the war.

MR. ISHER DASS: Your Excellency, I entirely agree with the remarks made by you and unofficial members in connexion with the retirement of Sir Godfrey Rhodes. I hope that in his retirement he will have a very pleasant time, and that he will possibly come back to Kenya and settle here. I sincerely appreciate his parting gift in improving the conditions of the Asian artisans in his department. I sincerely hope the hon. Acting General Manager will now improve them further as the next instalment of that gift during the coming Christmas.

There are one or two points which I must raise before I come to the question of Asian staff and staff conditions. I have not changed my mind in so far that I do not like the idea of the Railway being a separate entity, because year in and year out, when the estimates are submitted to this Council, the unofficial members get up and talk about them for days and days, but absolutely without any use, for the estimates are prepared by the General Manager and his decision is final and must be taken as the gospel. They should be submitted to the Standing Finance Committee or some other committee of this Council, so that members here might have an opportunity of criticizing his dealings and rectifying mistakes committed by him or improve upon certain matters. But suggestions made here during the course of debate mean nothing, and I say that is a form of arbitrariness as far as the Railway is concerned.

My second point is that I have often heard from the hon. General Manager (not the present one but his predecessors) that the Railway more or less is a commercial proposition and is working on

[Mr. Isher Dass] a commercial basis. Well, it is very strange that a commercial firm working in Kenya should get away without payment of a single penny towards general revenue in the form of taxes in any shape or form. This has been impressed on Government for the last two years, but nothing seems to have moved them in the matter.

I have already stated that the improvement in the conditions of the Asian artisans was a parting gift by the General Manager, but it does not entirely meet the situation, for I am asking the hon. member to improve their conditions still further. I still maintain, as I did last year, that the matter should be referred to the tribunal Your Excellency appointed with the Director of Man Power as chairman, on 15th April, 1941.

The artisans themselves and their representatives would then have the fullest opportunity of placing their grievances before the Director, and once and for all the question would be threshed out. I can assure you that they have entire confidence in the Director of Man Power and his integrity, and are perfectly assured that they will get justice.

How long are we to keep on hammering about these other difficulties? There are so many other disabilities and hardships experienced by the Asian clerical staff of the Railway. There are a few of them which I could take hours to explain by examples, but it is high time that the General Manager went into the matter to try and improve conditions of that staff.

For instance, the question of privilege leave is a very important question on certain parts of the line from Nairobi to Kampala or Mombasa. For Europeans working on those lines the number of days of privilege leave are entirely different to those for Asians. I will quote the Railway regulation on this matter:

"Keeping in view the health of the European staff of the Railway, the Administration has classified the stations, vide Sections 74 and 75 of the Railway Staff Regulations as under:—

Class A.—All stations Nairobi to Nakuru and Nakuru to Eldoret. Staff employed at these stations are granted

privilege leave at the rate of 36 days P.A. for the first two tours and 48 days for the subsequent tours.

Class B.—All main Line stations on the coastal side of Nairobi i.e. Nairobi to Mombasa, Turbo to Kampala inclusive of Kahe Branch all stations. Magadi Branch all stations except Kajiado, Nyeri Branch Thika Station to Sagana both inclusive. Nakuru-Kisumu Branch Muhoroni to Kisumu both inclusive, Yala Branch all stations, all stations in Uganda and all lake ports except Namasagali, Butiaba Pakwach and Kagera River.

At the above-mentioned stations they are entitled to leave at the rate of 42 days P.A. for the first tour and 58 days for subsequent tours.

Class C.—Namasagali, Butiaba, Pakwach and Kagera River. Staff stationed at these places they get 54 days P.A. leave for the 1st two tours and 72 days leave for the subsequent tours."

When it comes to Indians on the same lines they get only 25 days per annum. This sort of difference in the treatment cannot be based on anything but partiality, otherwise when it comes to the question of health it is in the interests of the Railway to see that the staff which is entitled to leave gets the same privileges, whether they are European or Asian. It cannot be that one should have more than the other.

Secondly, is the question of local leave. This was raised many times previously with the Civil Administration, who now give their Asian staff local leave 18 days per annum, and the Railway give only 14, but in the case of the Railway requests for similar treatment for their Asian staff have been turned down on flimsy excuses. One was that the financial position of the Railway did not warrant the change. In view of these estimates submitted by the hon. General Manager, the financial position has improved enormously, and that excuse cannot be maintained any longer.

In answer to my question a week ago, I was given the number of people who had received no increment for the last two, three or five years, and if you calculate on that number with the total of the staff employed it means that

[Mr. Isher Dass] nearly 15 per cent of the total employed on the Railway have received no promotion during eight years. I do not think the hon. European members would allow that condition to remain long unchanged if it were the case with European employees, and would press Government or the Railway Advisory Council to rectify it. But in the case of the Asians we have time after time asked Government to assist in this matter, but due to the fact that we are not represented on the Railway Advisory Council nor any other body our interest goes overboard, and nobody takes the slightest interest to safeguard the interests of the Asian staff. If I ever heard from an unofficial member on this side of Council that he is here to protect the interests of the Asian staff, I am sorry but I could not believe him in view of my past experiences. Actions after all speak louder than words.

There is one other difficulty, the hardship experienced by the Asian staff in regard to overseas leave to India. When the leave expires, they come back to Bombay to wait for the boat. If there is no sailing for 20 or 25 days, that period spent in waiting is characterized as leave without pay, but it is of no value to a man if he is merely waiting for a boat. It is not his fault that he should suffer, and the period of waiting should be treated as leave. This hardship is very serious.

There is another unfortunate disability, the matter of concessions in meals on the occasion of a breakdown on the line, and the regulations for the European staff are very different to those for the Asian staff. The European staff can have everything they like to their entire satisfaction free of charge from the catering department, but in the case of the Indians only tea, sugar, bread and butter is allowed. People are to be fed, and it is no fault of theirs if a breakdown occurs, and if the arrangements are satisfactory for the Europeans I do not see why there should be a distinction as far as the Asians are concerned.

I raised the issue a few days ago in connexion with furniture supplied to the staff, and the hon. General Manager explained that it was supplied to the

European staff but, so far as the Asian staff was concerned, it was not included with their personal emoluments. The maximum pay of the Asian staff is £360 and the minimum £80, and in neither case is furniture supplied; in the case of the Europeans it is supplied free of charge. When the hon. member says it is not part of the emoluments of the Asians, may I remind him of Staff Regulations, page 103, paragraph 633: "Furniture free of charge may be issued when available to European servants only"? You will again say that this is not based on racialism, but if it is part of the emoluments in one case others who require it, such as the Asian staff, should have it issued when available, but you find in this paragraph a clear indication that it is only issued when available to Europeans and no one else.

There is one more important issue, the question of widows' and orphans' pensions. I think the matter has been referred to the General Manager by the Railway Asians Union for many years, but no action seems to have been taken to remedy these difficulties. I will quote an instance. Take the case of a European of 30 years of age with a wife of 25 years of age, and he contributes £10 to the widows pension fund. If unfortunately he dies, his family is entitled to £55-5-12 per annum as a pension. In the case of an Indian of exactly the same age and his wife, the amount contributed by the man is exactly the same also, £10, but the pension is only £38-16-0 per annum. I cannot see any reason for this differentiation. There may be some hidden reason best known to the General Manager, but I shall be glad to know what it is, particularly the Indian community will, because it is of great importance to the Asian staff when they are contributing the same amount but are entitled to less benefit than their European brothers in the K.U.R. & H.

I could go on enumerating difficulties and hardships but, in view of the fact that the hon. Acting General Manager in the opinion of many of my friends of the Asian staff seems to be a very reasonable man, I hope he will go into these matters. At the same time, I would mention that if he could, in consultation

[Mr. Isher Dass] with the High Commissioner for Transport, appoint a committee of inquiry to go into the terms of service of the Asian staff, that step would be likely to create very good confidence in the minds of the Asian staff and, once and for all, these questions would be definitely settled. If, unfortunately, he does not agree to appointing such a committee, because he might feel the time is not ripe for it, I hope Government will consider seriously appointing an Indian member on the Railway Advisory Council.

We have heard suggestions from time to time from hon. members on this Council that they are there to protect and safeguard our interests, but experience has proved that it is nothing of the kind. Our interests are not safeguarded by any of the unofficial members on this side of Council. They may be sympathetic in extraordinary circumstances, but we have found from experience that there is not the slightest truth in the statement by any unofficial member that he is competent, or is anxious in other words, to safeguard the interests of the Indian community so far as the Railway is concerned.

There are so many other points in connexion with the terms of service of the Asian staff but, as I am anxious that no time is to be wasted, I will sit down, after urging once again upon the hon. General Manager, in view of the glaring instances which I have given, to appoint a committee of inquiry when the whole case could be submitted and evidence given by the staff concerned. Alternatively, if he does not agree to the appointment of such a committee, or Government, at this stage, that they will consider the appointment of an Indian member on the Railway Advisory Council. If a European is competent, in your opinion, to safeguard the interests of the Indian community, European members should also have confidence that any Indian member would have the same interest for Europeans. I hope that some action will definitely be taken by Government to relieve anxiety on the part of the Indian community in general, and I support the motion before Council.

MRS. WATKINS: Your Excellency, I want to bring up one point for the

attention of the hon. General Manager. That is, the iniquitous way our natives have to travel on this Railway. It is the first thing that strikes a visitor to this country—and may be the first thing that strikes Colonial Office people when they come out—and is one of the first things that I think ought to be altered as soon as funds allow. I realize that I may be speaking out of turn because of the difficulties of rolling stock, but we should not sit down complacently and think that all is well with the Railway when we can go at any time to the Railway and see how the natives travel, men, women and children, in these third-class carriages. I know that sanitary arrangements in some of the old-fashioned carriages, and therefore at the stations, are exceptionally difficult, but I should very much like to see the matter considered, anyway before next year's estimates, if possible.

There is one other point which the hon. member Mr. Isher Dass raised. He was complaining about the amount of money contributed to pensions being the same but the amount paid out being £55 for a European widow and £38 for an Indian widow. I am never quite certain how many widows an Indian leaves, and I believe that may have something to do with the question.

MR. COOKE: Your Excellency, unlike my hon. friend Dr. Wilson, I have no reasons for having anything to say about Railway figures, astronomically or otherwise but, like him, I have a hardy annual which I bring up every year. That is the question of cheap all the year round excursions on the Railway. I have always contended that on the coast there should be no definite season as far as the Railway is concerned, and I think there are pretty good arguments in favour of that. One is that the present system leads to a good deal of congestion on the Railway. For instance, last July and August it was impossible to get a seat on the train at certain times of the month. It also puts an undue strain on the hotels and clubs at the coast. When talking about these excursions I mean, of course, that *vice versa* there should be cheap excursions from Mombasa to Nairobi and up-country, so that Mombasa residents can get a good holiday.

[Mr. Cooke]

Necessary as that was some years ago it is even more necessary in times of war, when people cannot get a trip to Europe or South Africa and when they are very badly in need of a change. I think the hon. Director of Medical Services who, whenever he can get the opportunity does go down to the coast, will agree that it is a very necessary change.

I know that my hon. friend the General Manager will put up the usual difficulties in the way of my suggestion. He will say that the privilege will be abused. Well, Sir, it is easy to find difficulties, but I always think they are only made to be overcome, and we could have the system which prevails in Southern Rhodesia by which anyone who wishes to travel on the Railway on a legitimate holiday goes to the nearest magistrate and makes an affirmation to that effect, two copies of which are handed to the railway headquarters and he gets the reduced fare. It is particularly hard on a family, for it is very expensive for them to go from November to the end of May when there are no excursion rates.

It must also be remembered that some years ago the Railway Administration opposed an all-weather road being made from Nairobi to the coast, and therefore it is impossible at certain times of the year to drive to the coast and save expense that way.

I was rather surprised to hear the hon. Member for Kiambu talking about the third class railway carriages, because I travel a lot on the Railway, and my impression is that they have been enormously improved in recent years; in fact, they are really extraordinarily good for what is required. Of course, they are always crowded, but that is inevitable during war time, and it is the same with European and Indian carriages which are often crowded out also on the Railway.

The hon. Member for Nairobi North has paid a tribute to the efficiency of the Railway workshops. I, as a constant traveller on the Railway and a fairly observant person, would also like to pay a tribute to the efficiency and good humour of the subordinate staff of the Railway. They have had a very difficult time, especially between Mombasa and Nairobi, with troop movements, but I

have never seen them lose their temper or behave discourteously to any member of the public of any race, and I think that is a tribute one should recognize and pay. It is very largely due to the loyalty which the heads of the Railway inspire in their staff, and it is a proof that the best way to obtain loyalty in a staff is to look after the staff well, and I think the Railway does.

That is all I have to say, Sir.

MR. NICOL: Your Excellency, as I am the only unofficial member who is a member of the Harbour Advisory Board, I should like first of all to add my tribute to Sir Godfrey Rhodes and to associate myself with the remarks of the hon. Member for Nairobi North.

As a member of that Board, a point which has been worrying me for a long time is the matter of congestion at the port and the slowness of the movement and the clearance of goods. While I was in Mombasa over the week-end it was a point I went into, and I have some figures here. A ship which finished discharging at 6.30 a.m. on the 28th November discharged 34,447 packages; among those packages were 7,576 bales of piece goods. It is the clearance of these bales of piece goods which rather give us trouble and concern at the port. The other types of cargo seem to be moving fairly well. At 7 a.m. yesterday out of 7,576 bales only 1,054 had been cleared. It is our view that one of the major causes of this delay is shortage of staff in the Customs Long Room and at Kilindini.

I touched briefly on this in the budget debate, but I want to emphasize this now because it is a most important matter and one which has caused great concern to the Harbour Advisory Board. It is most urgent that the Customs staff is augmented as soon as possible.

Another matter which has been worrying us on the board is the question of European supervisory staff at the port, and I should say now that as far as the contractors are concerned I declare my interests in that I am a director of that company. But they have been very short staffed and very hard worked. The average age of the Europeans is somewhere between 50 and 60, the majority are over 50, and some are over 60, and they have been working up to about

[Mr. Nicol]

last week 160 to 180 hours overtime per month, and they are just cracking up under it, they cannot stand the strain. We have made various representations through the Man Power Committee, through the General Manager and through Your Excellency to emphasize the urgent necessity of releasing staff so that we can expeditiously turn round ships and get away military cargoes. I do suggest that it is most necessary that the European supervisory staff be augmented in the lines which have already been indicated to Your Excellency through the General Manager of the Railway at the soonest possible moment.

With regard to the remarks made by the hon. Member for the Coast I, too, have travelled a lot on the Railway between Mombasa and Nairobi and vice versa, and I would also like to say how much one does appreciate the courtesy of the staff of the Railway; under very trying conditions they always seem to come up smiling so to speak. I think we are very fortunate indeed to have such an excellent train staff with us.

I also support the plea for excursions for people to come from up-country. I fully appreciate that it is very necessary for people from up-country to get down to sea coast and sanity. At the same time, the coolth of the Highlands is very necessary and beneficial to those at the coast, in order that those at the coast should retain their sanity.

Regarding the third-class accommodation which the hon. Member for Kiambu has criticized, I think the new third-class carriages are extraordinarily good. I do not know what more for the fare charged the hon. member would like to be provided, but I do not think any complaint can be laid at the Railway's door when they have taken the steps they have to produce these new carriages.

If the hon. General Manager would turn to page 13, Head III, maintenance of coaching stock, I suggest that the figure of £54,245 set aside for that purpose should be raised by another £10,000. I say that because, if the actual journey that we experienced yesterday coming up from the coast is any criterion—I very nearly got thrown out of my bunk three times and quite a large number of people on the train com-

plained—it strikes me that something should be done. It has been rare of late, this jerking of carriages, which I was once informed by Sir Godfrey Rhodes was really unnecessary. It only happens on certain stretches as though one engine driver was better than another. Last night was particularly bad, and there were a lot of complaints throughout the train this morning at breakfast time. I mention that in the hopes that something can be done so that passengers will not be bumped about and possibly receive injuries or broken arms and the like by falling all over the carriage.

COL. KIRKWOOD: Your Excellency, before touching in general on the motion before Council, I should like to get clear one item on which I want to speak. That is, a certain length of line at Kampala which is considered to be very dangerous and on which recently a serious accident happened. As a result of the accident there were several casualties. As a result of the casualties there was a prosecution. As a result of the prosecution a European driver, I think, was sentenced to 18 months' imprisonment. I am going to ask Your Excellency to cause an investigation to be made into that accident from the point of view that on that particular line it is the custom of the Railway to put an old and experienced driver. I have not the court case in front of me, and do not know what the evidence was. I only give you the results. But I am told by an old and experienced driver of the Kenya and Uganda Railway that the facts I have stated are correct in general.

If that is so, the responsibility for that accident rests on the Railway and not on that driver. I do not think that that fact was made clear at his trial, and I ask that that should be investigated from that point of view and, if found correct, that it is a dangerous part of the line and that it was the practice of the Kenya and Uganda Railway to put on old and experienced drivers, the responsibility does not rest with that driver. He was not old and experienced, and had had very little experience of that part of the line. If that is found correct, Your Excellency should use your prerogative and have his sentence reduced if not abolished.

[Col. Kirkwood]

I will now get down to my old hardy annual. It has been said by the hon. member Dr. Wilson that we on this side of Council appear reluctant to get up and discuss the Railway budget. There are reasons for that. One outstanding reason is that there is no control over the Railway. It is a separate Government from Kenya Government itself, it is a taxing machine separate from the central Government.

To paint the picture. The Kenya and Uganda Railway was built as a strategic line to connect Uganda for military and strategic reasons. Time then was the essence of the contract. The result was a very expensive railway, with very high rates to Kenya who had to pay interest on loan charges, with the result that the producer had to foot the bill, which he would not have had to do had the railway been built under different conditions when time was not the essence of the contract. The Railway is governed by a General Manager, and we also have the Railway Advisory Council. I believe there are equal voting powers for the Uganda members of that Council. I understand that the General Manager has not got a vote. I also understand, and I think it is correct, that Kenya alone is responsible for the repayment of the loan.

But we are not responsible for the whole management of the Railway at all, we are responsible for the financial side of it only—and that I think is wrong. Also, at a later stage, we proceeded to appoint as High Commissioner for Transport the Governor of Kenya, at the moment Your Excellency. At a later date we also appointed the Governor of Uganda as a High Commissioner. He had to get a rake off, for some reasons I do not know, and just where the responsibility lies between Your Excellency and the Governor of Uganda I do not know.

But, as far as this Council is concerned, on any motion we are outvoted by gentlemen with no political consciences on the other side of Council, so why waste too much time over the Railway budget? But there are one or two points I should like to point out to the hon. General Manager, and I hope they will be looked upon as suggestions.

If he chooses to take them as criticism I cannot help it.

Recently I have shifted quite a lot of cattle on the Railway. I had the misfortune on the last occasion, when I intended for a cattle truck to have my cattle shifted from Nakuru to Kitale, to get a coolie truck. As a result I lost two calves, one going lame for life and one which it will take me six months to get out of the veterinary farm. Yet I paid the same rate for high-priced dairy stock as if it were a cattle truck. Mine is not the only case. I think it is a scandal, and I hope that in future when cattle is moved and when cattle trucks are paid for, that cattle is moved in cattle trucks. After all, it is brutal and inhuman to put them in other trucks, for on every curve they swing about, as there is no foothold for them, no boards on the bottom of the floor as in a cattle truck, and no subdivisions. That might help the hon. General Manager as regards acting efficiently in the future.

I contend that a great deal can be done by the Railway to develop the country, and I regret very much that there was not a single word in the hon. member's speech in which he acknowledged or referred to the responsibility of the Railway to develop the territory in which it performs. Of course, it does not exist for that evidently; all it exists for is to put up a qualified balance sheet showing a terrifically unnecessary profit, more than is necessary to cover redemption and working costs of the Railway, which amount is dragged out of the users of the Railway. I think that is bordering on a scandal. It is no use trying to quote these figures; one could, and it would lengthen the debate, but everybody knows that what I have said is correct. Huge profits are made, unnecessary profits, and over and above that the running costs of the Railway are sufficient to pay the interest. It is time to call a halt. Otherwise the rates could be reduced to the users.

The agricultural industry is always considered to have first call on the Railway. It has been so in Australia and New Zealand, and the railways were built not as strategic railways but to develop the country. Those countries are the same as Kenya, they rely on agriculture, and without it they would go

[Col. Kirkwood]

bankrupt and would not be worth living. I suggest that many of the charges here are far too high. Take cattle salt—I see no reason why it could not be carried at cost to the Railway. It would not do very great harm to them but it would be a very big item to the cattle and dairy people, and the dairy industry is developing very quickly and is going to be a very fine industry, and I see no reason why it should not be assisted. Reduce your rates on cattle salt, and reduce your rates on lime which comes from Uganda in large quantities so that the farmer could put some part of his money back into his land by liming. Again, the rates on fencing poles I consider are far too high and could be reduced. In the past, speaking from experience, they cost 90 cents at Rongai and about 30 cents rail charges to take to Kitale, only a short distance. Those posts are loaded not by the Railway, they are unloaded not by the Railway—all the Railway do is to haul them, yet the charges are Sh. 168/75. I think it could have been less, and suggest it should have been from the point of view of helping the farming industry. As a result, there is practically no fencing in this country. The only fencing on any farm in the whole of Trans-Nzoia is on the farm I own. What you see between Gilgil and Nakuru are only boundary fences. Fencing is terrifically expensive, and is made unnecessarily expensive by the Railway. I do hope they will consider reducing charges as far as they possibly can. After all, the Railway is making a terrific profit, and it would not interfere with their finances if they carried out the ideas I have suggested.

The hon. member Dr. Wilson did not seem to understand why we were so reluctant to get up. I will try and explain it by telling you a story. There was a cook who did not give the utmost satisfaction, and he was called in—the hon. General Manager is the cook—and the hon. member Dr. Wilson put pig's swill in his boots. He kept quiet for a time to see the cook's reactions, but there was no reaction, and my hon. friend was eventually compelled to ask him "Did you find who put the pig's swill in your boots?" He said "No, but I did discover who ate it." (Laughter.)

MR. KASIM: Your Excellency, I associate myself with what the hon. Member for Kiambu said in connexion with the third class passenger coaches. On several occasions, men, women and children are forced to travel in goods wagons, which is a great hardship to those passengers. I realize that this was due to the military position, but as the Abyssinian campaign is now over those passengers should not be forced to travel in those bogies.

In reply to my question concerning the Asian staff working in the Railway restaurant cars, the hon. General Manager said the Railway was not prepared to extend to them the terms of the running staff. It is strange that members of these staffs have to travel many thousands of miles every month, and in fairness to them they should be taken on the running staff list. They have had to work very hard since the war, and the passenger traffic has increased considerably. In this connexion I should like to read a cutting from the *Sunday Post*: "In 1938, from January to June 22nd, 474 first and second class passengers travelled by rail; from January to June, 1941, the number was over 69,000, without reckoning troop trains which carried many thousands." From this it will be seen that the staff is deserving of some consideration.

Another matter which I wish to bring to the hon. General Manager's notice is that in Your Excellency's Communication from the Chair you stressed the necessity of utilizing local production more and more. To this end I would like to make a suggestion to the Railway: to ask if it cannot take some of the thousands of tons of cottonseed which are being destroyed in Uganda and mix the seed with coal for use in the locomotives, which would save a lot of shipping space in the import of coal for the Railway. It is interesting to know in this connexion in the Sudan experiments have been made to burn this cottonseed with coal, and proved satisfactory. I submit this could be carried a step further. In Uganda as well as in Kenya there are many steam engines in use, some of which are using the cottonseed fuel. Others could follow suit as well as the Railway and thus assist the country

[Mr. Kasim]

economically and the war effort as well. I am sure that if the Railway used this cotton seed we shall save a great deal of shipping.

**LORD FRANCIS SCOTT:** Sir, I have very few remarks to add to this debate. First of all, I should like to associate myself whole-heartedly with the remarks made concerning Brigadier-General Sir Godfrey Rhodes. I know of no one with whom I have crossed swords so often and with whom I had so many differences of opinion on matters of policy connected with the Railway, but I should like to say that in spite of all that I have a very high appreciation of his great ability, his great courtesy, and his unrelenting persistency in achieving the ends to which he directed himself. Though Sir Godfrey will not any more be our General Manager, I do hope he will decide to come back to Kenya so that as a citizen of the country we should have the benefit of his great ability in other lines. (Applause.)

These estimates as presented to us to-day must, of course, on the revenue side be tremendously a matter of guess-work, as it is impossible to foretell what will happen during 1942. In 1941 we have a very large surplus over the estimates, and it was decided at the last meeting of the Railway Advisory Council that we should not allocate this surplus until we had a nearer figure of what the actual amount is. That will be considered later on. I do trust that when it is considered that it shall be devoted, as far as possible, to helping on the prosecution of the war. In this respect I do support the remarks of my hon. friend the Member for Nairobi North, that the question of helping to get the produce out of the country for the assistance of the Middle East may be borne in mind.

There is, of course, one item of £200,000 rates stabilization, and it may be possible to increase that amount for this particular purpose.

My hon. friend the Member for Trans Nzoia said he believed that Kenya was responsible for all the loans. I think actually the position is that Uganda is responsible for two million pounds of loan and Kenya for the rest. The hon.

General Manager will no doubt answer that question.

It is a fact that we now have joint High Commissioners. I believe the position is that you, Sir, as Governor of Kenya, in your capacity as High Commissioner settle ordinary matters, but matters of big moment are referred to the Governor of Uganda as well.

Coming to another point of my hon. friend, he raised certain items on which the rates might be reduced. Cattle salt was one. We did discuss that at the last meeting of the Railway Advisory Council, and by a majority of Council it was turned down. He mentioned fencing posts and so on. I think it would be very helpful if he would write in with regard to any of these items where the rates might be met so that they could be considered at the next meeting of the Railway Advisory Council. If he would like to let me have them I will take them up or send them to the General Manager.

I should like also to support the appeal of the hon. Member for the Coast with regard to these cheap rates between up-country and Mombasa. Personally, I have always supported that, and I do feel that it is a very long haul between Mombasa and Nairobi and I believe it is very necessary for the health of the people in the country to have this change. I suggest that we could very well afford to have these cheap rates all the year round.

Unfortunately my advancing years make it difficult for me to hear what the hon. member Mr. Isher Dass has to say! I thought he said, I am not quite sure, that the unofficial members of the Railway Council do not look after the interests of the Asian staff as well as those of the Europeans. Is that correct? (Mr. Isher Dass: Yes.) Well, that is not correct, sir. (Laughter.) The unofficial members of the Railway Council are not there as protagonists of rights for Europeans or Asian staff. Our duties on the Railway Advisory Council are to see to the best of our ability that the Railway is run in a proper way and that the servants of the Railway have fair and reasonable terms of service, whether European or Asian or African. We go into these questions very thoroughly, and

[Lord Francis Scott]

I personally feel that the terms of service enjoyed by Asians as well as Europeans at the present time, in view of the improvements made this very year, are fair and reasonable. I somewhat resent the implication that one looks after people of one's own race and not those of other races.

**MR. PANDYA:** Your Excellency, the only point on which I wish to say a few words is in connexion with what the noble lord the hon. Member for Rift Valley said just now. I do not know whether from this side of Council it is right to say that the members on the Railway Advisory Council are not representing only European interests, but the fact remains that it is only natural for them not to be able to understand and to represent the grievances of the Asian staff. Just now the noble lord said that the terms of service were reasonable, and I should like to question that very seriously. If that is the opinion of all the unofficial members of the Railway Advisory Council, I think it is quite clear that they do not represent the Asian section at all.

My hon. friend Mr. Isher Dass gave instances of differentiation between the two sections of service, and I do not think these terms could be considered reasonable. The only point I should like to stress is that about 130 clerks have been in the Railway service for so many years, about eight, without any increment. Out of the 930 people engaged on the Railway, if 130 Asian clerks remain without an increment for a number of years, I should like to question anybody saying that is a reasonable term of service provided by the Railway.

We have seen in the budget for the Colony that wherever there is a staff of more than four or five Europeans it is suggested there should be somebody over those who is senior in order so that he may get the higher pay. Here is an instance where there are 130 without any increment whatsoever, and I therefore seriously question the complacent attitude adopted by members of the Railway Advisory Council.

A clear case has been made out that if these members do represent the

interests of the Colony as a whole and of all races, the time has come to make a change in that membership. If they have the right to represent the interests of the Colony we on these benches have an equal right to see that they do represent those interests, and the time has come to change from European to Asian, when we should see the difference in the representations made in regard to Asian services.

This question is brought up every time in this Council that we are not qualified to make a detailed examination of these estimates, and naturally, because no one representing Indian interests is on the Railway Advisory Council. This is a defect which should be removed if not by law by Your Excellency as soon as possible.

**MR. RENNIE:** Your Excellency, as a member of the Railway Advisory Council I feel it incumbent upon me to say a word or two on the question of terms of service for Asian Railway staff.

It is perfectly true that there is no Asian member of the Railway Advisory Council at the present time; but those members of the Railway Advisory Council who are here to-day will remember that the interests of the Asian staff were very carefully looked after by one of the Indian members of this Legislative Council and that a considerable amount of correspondence ensued between that member and the Railway Administration. I thought that every point that hon. member could put up was put up by him, and he entered into quite a long, one could almost say argumentative, correspondence with the General Manager. That correspondence came before members of the Railway Advisory Council, and at the most recent meeting of that Council every one of the points put forward by that member was carefully considered, and I think I am giving away no secrets when I say that greater concessions were made in respect of the Asian staff than were made in the case of the European staff.

I think, therefore, the hon. Indian members of this Council should not take the view that on the Railway Advisory Council Asians are not adequately represented. As the noble lord the hon. Mem-

[Mr. Rennie] ber for Rift Valley said, the Railway Advisory Council looks to the interests and welfare of the Railway staff as a whole, and when proposals come before it for consideration dealing with the interests of the staff the view point of members is taken irrespective of race: it is simply a question of weighing the merits of the case put up to Council and giving advice on the merits of the case as presented.

I think, Sir, since you yourself are aware of the concessions that have been made recently to the Asian members of the Railway staff, it is unnecessary for me to go into the various points of detail, but I would merely mention that, as regards this question of stagnation, if anyone here were to go through the Government estimates and not merely the Railway Administration estimates, that person would find numerous instances of officers stagnating at the top of their grades. After all, there must be a limit to any particular salary scale, and when an officer gets to the top of his scale he is in a good many cases fairly lucky. He has got as far as, normally speaking, he could expect, and I think any hon. member who thinks that an officer of Government or an officer of the Railway Administration has a justifiable grievance because he gets to the top of his scale and stays there for a number of years is under a misapprehension and has a wrong idea of the purpose of salary scales.

MR. HAMP: Your Excellency, in reply to the hon. member Dr. Wilson I regret that I cannot give him the figures as to how much of the third class traffic revenue is derived from civilian natives and how much from the military. These figures may be available and, if so, I will let him have them, but they are not with me now.

The hon. member also asked why there was no rebate allowed in the estimates on account of military traffic, and the noble lord the hon. Member for Rift Valley explained that point, that the Railway Advisory Council felt it was better to deal with it when the full figures were known than when preparing the estimates.

As regards the maintenance of staff quarters, the hon. member suggested that £22,000 was too high a figure to expend. All I can say on that point is that we have reduced our standard of maintenance in that we have increased the number of years we are now making a building go before it comes up for consideration for repair. Even then it is not repaired unless we have a report to the effect that if it is not done greater expense will accumulate by leaving it.

He also asked whether the Railway contributed fairly to municipal rates and medical expenses. As regards the medical figure, it was reached some years ago between the Director of Medical Services and the Railway Administration, and so far as I am aware he has not asked for any reconsideration of that amount. As far as rating is concerned, the Railway is rated in exactly the same manner as the public, and presumably that figure is adequate.

The hon. member mentioned the sum put aside in the works estimates for building new lines. A large part of that money will certainly not be expended next year, but it is really an earmark and a carry forward of the full amount required for the replacement of the portion of the line between Uplands and Gilgil. There is no doubt that rails will not be available to complete the laying of the section, and only a very small amount remains to be spent to complete that section of the earth works on which we were engaged before war broke out. We did carry on with it, but slowed down, and instead of finishing a year ago we transferred the staff to other jobs of military work.

In reply to the hon. Member for Nairobi North, I think he misunderstood me when I spoke on the question of the shortage of material and repairs to vehicles. The truck shortage existing at the moment has nothing to do with the number of trucks out of action due to repair. The shortage is due entirely to the fact that more traffic is being offered than we can deal with and, so far, no undue amount of stock is laid up. I rather gathered that he thought from my remarks that we were not keeping

[Mr. Hamp] vehicles in repair to the extent that we might. So far, with the spares we have got, and from the manufacture of parts from scrap and so forth, we have been able to keep every vehicle running normally. There is always a certain number laid up for repairs, but that number so far has not increased.

He mentioned that in the estimates there is a reduction in the locomotive maintenance vote. This is caused by the basis on which our estimates are framed. These estimates for locomotive repairs are based on anticipated mileage so far as the running repair side is concerned, and as we have allowed for less running than in the previous year, that accounts for the figure being down. The hon. member will note that the permanent way is not affected, as that is not based on the mileage run but on the actual mileage of the Railway. The amount that increase in traffic causes in deterioration to the line, and which has to be made up, does not affect us at this stage, because the traffic we carry is comparatively light.

He spoke on the subject of indents. As you are aware, Sir, arrangements have recently been made whereby our indents will receive priority of consideration, and the source has been indicated where we are draw our stores from. This will lead to a considerable improvement over the situation as it has existed up to now. I think it is fully realized at home now that a railway like this must be kept running as part of the war effort and for the general benefit of the country, and arrangements are being made to meet our urgent requirements.

The hon. member also suggested that special export rates might be considered. This is a matter which I have no doubt the Railway Advisory Council will consider, and that was rather indicated by the noble lord. The time for that consideration may be when they are considering the disposal of the surplus funds, that will take place as soon as we know the position at the end of this year.

As regards the remarks of the hon. member Mr. Isher Dass on the question of Asian artisans, the hon. Chief Secre-

tary has explained how carefully that case was examined, and I can hold out no hopes to him that conditions will be materially improved for that particular class. I think it quite wrong that the Railway should be asked to set a standard not generally acceptable for the rest of the country.

I am afraid that I cannot answer his question on the subject of clerical local leave, but I am willing to look into that and see what disadvantages there are and why they occur. I am afraid I cannot answer that offhand.

As regards the Asians whose salaries have been blocked for some years, the hon. Chief Secretary has explained very largely how that position arose, but I can tell you that so far as the lower grades are concerned these will gradually be eliminated by the appointment of Africans to these lower grade posts.

So far as regards the allowance for detention in India when waiting for a boat, each case is considered on its merits, and if it can be proved that through no fault of the individual he has been delayed these cases are treated with consideration and not as the hon. member would have us believe.

He mentioned the feeding of the staff on breakdown trains. I am afraid that I cannot answer that offhand but I am willing to look into it. Regarding the remarks about furniture, I answered that question in this Council a few weeks ago. The fact is that on all European agreements it is stated that they are entitled to furnished quarters and on the Indian agreements it is stated they are entitled to quarters only.

As regards widows' pensions, this matter is under consideration; I cannot inform the hon. member what the conclusions are as I believe they are not yet ready. Regarding hardships generally, I cannot believe there are any of importance, otherwise this service would not be so popular as it is with the Asians. We have not the slightest difficulty in filling any vacancy at all.

Finally, regarding his question, I do not consider there is a case for a committee of inquiry because there are ample means for the Asian staff to put up their case to the management, which

[Mr. Hamp]

they do very efficiently through their own union, and these are given close attention by the Administration, and are then passed to the Railway Advisory Council, where they again receive very sympathetic consideration.

In reply to the hon. Member for Kiambu, I am quite ready to admit that the natives are travelling under great hardships at the present time and it is entirely owing to the fact that we have such heavy demands on the third class vehicles due to the war. I may say that European troops have travelled in these same vehicles under the same conditions, and we have as Council is aware a lot of new third class coaches of order entirely adequate for our present needs, but only half the number originally ordered have so far arrived, and the others probably will not arrive until the end of the war.

Regarding the hon. member's remarks about Indian widows, only one widow comes into the scheme. (Laughter.)

In reply to the hon. Member for the Coast, I will look into the question as to whether there is any method of extending the cheap excursions to apply all the year round. I have the greatest sympathy with his wishes in that direction, and it may be possible that we can find some means such as he suggests to prevent abuses of that privilege, because if you have cheap excursions all the year round with no control you might just as well make a reduction in rates. But there is at present the difficulty which I know he recognizes, the tremendous shortage of stock.

I thank him for his remarks on the conduct of the staff, which I am sure will be very much appreciated.

As regards the remarks of the hon. Member for Mombasa, as he is aware we have been into the question of congestion at the port, and he has been on sub-committees and it has been given careful consideration, and I hope that on many points we shall come to a final decision to-morrow afternoon when there is a meeting of the Harbour Advisory Board. We have realized there is a shortage of staff not only in the Customs and wharfage company but also in the harbour. All these bodies allowed people

to join up in the early part of the war, and it is now found that with the increased work which has occurred since the early stages of the war it is impossible with the staff now available to get the work done quickly and the sheds cleared.

The hon. member supported the hon. Member for the Coast in his request for cheap excursions.

He made a remark on the maintenance of the rolling stock. One of the difficulties in maintaining passenger stock has been our difficulty in taking the stock off the line for repairs. We bring it in in normal rotation, and that may be the cause of his complaint. On the other hand, it is a fact that some drivers take a train more smoothly than others. Some of the men are very much more experienced, and naturally are better at handling these big engines than some of the others. With these very long trains we have now, and with the type of coupling which we have, which is not a very modern type, it is difficult not to feel the jerks if a driver is not very expert.

Regarding the questions of the hon. Member for Trains Nzoia, I think he has been misinformed. Actually there was no European driver implicated in that accident at Kampala at all. There was an Indian driver, who was found guilty by the high court of driving at an excessive speed of which there was ample evidence and was sentenced to 10 months hard labour. The line at that point is not dangerous if proper precautions are taken. There is a notice board stating what the maximum speed is, and in this particular case, instead of driving over that particular section at 25 miles an hour it was proved in evidence that he went over it at 50.

COL. KIRKWOOD: On a point of explanation, I cannot say whether a European or Indian driver was mixed up in it. I tried to make it clear that it was the practice of the Railway to see that an experienced driver was in charge of all these trains, and the driver of the train at the time of the accident did not come up to that standard. Consequently it was the responsibility of the Railway, and it should be investigated from that point.

MR. HAMP: I am afraid that I cannot agree with the hon. member. He

[Mr. Hamp]

was experienced and had a good record previously. I also disagree with him that this part of the line needs to be treated differently from any other part of the line. It is a part of the line that any experienced driver could negotiate safely and with no danger to the public.

As regards his remarks on the original building of the Railway and its capital cost on which amount the Railway had to bear heavy interest and sinking fund charges, no sum of money was paid at all. The 5½ millions was paid by the Imperial Government.

COL. KIRKWOOD: On a point of explanation, up to recently money had to be paid and rates were charged accordingly.

MR. HAMP: As regards the original Parliamentary grant it was stated in this Council, I should think two years ago, that His Majesty's Government had agreed that no portion of that 5½ millions should be borne by this country. Regarding the balance of the capital, the larger part is borne by Kenya, but some two millions is borne by Uganda, and Uganda also stated that they would be responsible for about one million on account of rolling stock in headquarters workshop and that sort of thing. I have not with me the exact proportion, but it is very much higher than the hon. member stated.

As regards the question of your office, Sir, that was dealt with by the noble lord.

With regard to the hon. member's statement about cattle trucks, I admit we have been in serious difficulties for them, and the reason for that, which will be borne out by the Director of Veterinary Services, is that we have to shift so many cattle for the military and the Middle East that we have an entirely inadequate supply of the proper vehicles to meet the demand. I am sorry that should be so, but I am afraid it will have to occur so long as this heavy demand for the movement of cattle to Liebig's and the coast for export continues. I will see that instructions are given so far as possible so that every care is taken in loading these vehicles, and if there is anything we can do to make travel safer. I can assure the hon. member that we will do so.

Regarding the question of assistance to producers, I think I answered that in reply to a previous speaker, and it was also mentioned by the noble lord. I think that if a case is put up to the Railway Advisory Council for assistance to producers during the war, if it is proved that such assistance is necessary, it will receive careful consideration. It is a fact that the rate on cattle salt came up at the last meeting of the Railway Advisory Council and was not approved. So far as lime is concerned, a very low rate is already quoted. Fencing I do not believe has come before the Railway Council, but if there is a case for that I will put it up.

In reply to the hon. member Mr. Kasim, who asked the question why the catering staff was not getting running allowance, the main reason for that is that the catering staff are interchangeable between running and stationary duties. They are therefore paid on the basis of stationary duties plus travelling allowance and not running allowance.

As regards the use of cottonseed for fuel, I have no knowledge that it was used in the Sudan. I rather fancy the hon. member is mistaken over that. It was used on the Egyptian Railways, and with success in the form of cake. In its loose form it was found entirely unsuccessful, but it was used mixed with coal as cotton cake and it was found to be most successful for steaming on their easy grades. But they had such trouble with grass fires that they had to abandon it, because if a spark arrestor was introduced it became blocked by the cotton seed and stopped the engines steaming. Before we got that information—we only had information at the time of its success—we tried it with 100 tons of cotton cake which we obtained from Soroti and ran extensive trials on this line. With our heavy grades and a spark arrestor we could not keep up steam in the engine and had to abandon the idea.

I think as regards the questions of other members, I have covered them in answers and I have nothing further to say.

The question was put and carried.

ADJOURNMENT  
Council adjourned till 10 a.m. on Wednesday, 10th December, 1941.



**Wednesday, 10th December, 1941**

Council assembled at the Memorial Hall, Nairobi, at 10 a.m. on Wednesday, 10th December, 1941. His Excellency the Governor (Sir Henry Moore, K.C.M.G.) presiding.

His Excellency opened the Council with prayer.

**COMMUNICATION FROM THE CHAIR**

**HIS EXCELLENCY:** Hon. members will remember that yesterday I read out to them a letter of appreciation from the General Officer Commanding in Chief on the subject of our congratulatory message to him on the surrender of Gondar. I also at the same time instructed the Clerk to send a similar message to the Air Officer Commanding, and the Clerk has received a letter from him expressing his appreciation "for the congratulatory message conveyed therein to the Air Officer Commanding and to other members of the Air Forces who took part in the East African campaign. The Air Officer Commanding requests that his thanks for your letter may be conveyed to His Excellency the Governor and the Kenya Legislative Council".

**MINUTES**

The minutes of the meeting of Tuesday, 9th December, 1941, were confirmed.

**SCHEDULES OF ADDITIONAL PROVISION**

No. 5 of 1940 and No. 2 of 1941

**MR. RENNIE:** Your Excellency, I beg to move: That the Standing Finance Committee report on Schedules of Additional Provision Nos. 5 of 1940 and 2 of 1941 be adopted.

In the case of Schedule No. 5 of 1940, this closes the accounts for that year, and Schedule No. 2 is for the second quarter of this year. Both Schedules were examined by the Standing Finance Committee in October of this year in anticipation of the motion of Legislative Council, and the committee recommend approval of the expenditure contained in them.

As regards Schedule No. 5 of 1940, hon. members will see from the statement set out at the beginning of the schedule that the revenue expenditure

covered amounts to £256,942 and the loan expenditure amounts to £5,813. As regards the revenue expenditure, it is offset by savings to the amount of £9,578, and approximately £2,561 will it is hoped be covered by consequential increased revenue. The sum remaining is £244,802 made up as follows: transfer of 1940 surplus to suspense account, £200,000—hon. members are aware of that transaction; transfer of actual excess of Forest revenue for 1940 over the 1940 Forestry estimates to Forest replanting fund, £19,101—hon. members are also aware of that particular proposal and the manner in which it is being carried out; contribution towards the cost of Kenya Auxiliary Air Unit, £10,000; contribution to East African War Welfare Fund, £5,000; and the balance is made up of a number of small items amounting to the sum of £10,701.

As regards No. 2 of 1941, covering the period from the 1st April to the 30th of June this year, the Kenya expenditure is £52,011, Joint services £1,530; and loans £4,000. Of that amount of £52,011, £2,222 is specifically offset by savings, and approximately £13,183 will it is hoped be recovered by consequential increased revenue. That leaves a net additional provision of £36,606, of which sum £4,905 is directly due to war expenditure. As regards the joint services amount, £1,530, the whole of that will be fully reimbursed by other Governments.

**MR. HARRAGIN** seconded.

The question was put and carried.

**NAIROBI MUNICIPAL COUNCIL  
LOAN FOR AFRICAN HOUSING**

**MR. LOCKHART:** Your Excellency, I beg to move: Be it resolved, that this Council approves a loan from the general revenue and other funds of the Colony to the Nairobi Municipal Council of a sum not exceeding £30,000 for the purpose of carrying out a programme of African housing.

I should like first of all to make clear that although the sum is the same, this particular loan has no relationship to the two provisions in the Draft Estimates for 1942 for native housing at Nairobi and Mombasa, which is intended for African Government servants.

[Mr. Lockhart]

Nairobi Municipal Council have for some time been anxious to improve their municipal housing schemes, and for that purpose they require a loan of £30,000. As hon. members know, there is no colonial loan at present on the stocks, we have no unexpended balances, and no prospect of raising a loan until the end of the war. The Council attach great importance to the improvement of housing in Nairobi, and were extremely reluctant to wait until the end of the war before they were in a position to finance such a loan. It was therefore decided at their request that a loan should be made temporarily from Government funds as a charge against our own surplus revenue to be recovered by inclusion in the schedule of a colonial loan as soon as such a loan is raised. The period of repayment has been fixed at 40 years, and the rate of interest at 3 per cent.

While it is extremely difficult to predict what the terms of a post war loan will be, we think these are reasonable terms in the light of what we expect to be able to borrow money at after the war. The expenditure has been recommended by the Standing Finance Committee, and I now ask the approval of this Council to the loan.

**MR. HARRAGIN** seconded.

**MRS. WATKINS:** Your Excellency, I rise to support this motion, and I agree with the statement that we cannot wait until the end of the war. Whether we improve the native housing or not is not a matter of whether we are providing luxury. It is rather a matter of public health, a matter of plague, a matter of T.B., and all the other horrible diseases which start when we have 10 or more boys crowded together in one hut, as we have heard is being done from the reports from time to time received from the Municipal Council. We know quite well we cannot control these diseases unless we have adequate housing.

But I do want to draw the attention of Council to one thing, that Government seems to me chiefly concerned with the out of pocket expenses. Every owner of farms and buildings in this country knows that there are two kinds of expenses, out of pocket expenses, and

those others which still have to be reckoned, but which are incurred in any case. I am rather perturbed at the way Government ignore this latter sort of expenditure, and does not apparently wish to avail itself of it at all. We have all sorts of possibilities of reducing the out of pocket expenditure on the native housing in Nairobi, by considering and making full use of those things which are available to Government.

I would, for instance, point this out. I must not refer to people by name, but a young prison officer in this country was given the incredibly small sum the other day of £15 to build houses for native warders, and by various methods, quite honest but not the usual P.W.D., he built them extraordinary well out of brick, with three rooms. For incredibly little but well under £50 they could be built here with three rooms if we used the prisoners for them; instead of them cutting grass they should go and build. You may say, prisoners cannot do that, but the reply is that it has been done. I personally think that that man is a genius. Government may say there cannot be a genius in the Local Civil Service, but I do not think the Creator takes particular notice of where his genius is going to be put, and I submit that this is a genius if you take a gang of natives like Kipsigis, Nandi and so on and build really good native houses. I suggest that that young man should be used to take charge of the housing in the country first where more prisoners are available; in Nairobi they are not, but they may be in Mombasa. Another thing, I think now that the N.I.T.D. has gone on to war work—

**HIS EXCELLENCY:** Order, order! Will the hon. member resume her seat? I do not wish to interrupt the hon. member, but we are talking to a motion which is that Council should approve a loan to Nairobi Municipal Council for the purpose of native housing, and the manner in which that money is spent if the loan is approved is a matter for Nairobi Municipal Council. It is not a question of Government housing. The hon. member may resume her speech, but I want to point out that this debate should not range over the question of native housing generally.

MRS. WATKINS: I think this might be the beginning of a new era. I apologize to Council if I was out of order, but I do stress that we want to see the resources that are available to us made full use of, in a way which is not being done at present; or, if it is being done, then the out of pocket expenses for these buildings should not be so high. Alternatively, you should be able to get a far better class of building for these out of pocket expenditures, if the resources for which one does not have to pay cash down are brought into the scheme.

I also think that Government must now soon consider whether they are not going to require more space for Government housing, whether we should not start a Government or municipal garden city. I believe it can be done. I believe it should be done, to facilitate the transition stage for the African families becoming dependent on town jobs. These women when they come in are shorn of every natural occupation (except possibly one), they have no gardens, and in one room 12 by 11 in a long row of rooms, cannot have any possibility at all of making a home. The urban native must be made as comfortable and as healthy as he can be made, for he has come to stay; and in considering his welfare many things come into it. We should certainly attempt in and around Nairobi to create a possibility for a respectable and working African to have home life, and we can do this by considering carefully all that which we can bring to bear on the scheme, money certainly, but also much else, which we already have, or have to pay for it whether we use it or not, and which would be better used for the benefit of the natives.

COL. GROGAN: Sir, I do not propose to oppose this motion by any manner of means, because I am entirely in favour of the general principle. But I should like to put in a caveat in respect of it at the present time to this effect. That it is recognized there is a serious shortage of materials for building purposes, and also of labour, particularly for building. There is a very big programme afoot if we put all these things together—£30,000 for the Municipality, £30,000 for Government housing in Nairobi, and I understand from my hon. friend the General Manager of the

Railway that the continuation of his housing problem involves some £16,000, a total of over £65,000.

Everybody who has made a study of these buildings knows—I am not referring to the Railway buildings, which are rather good, but certainly some of the municipal buildings are of a very extravagant type. All realize the seriousness of the native housing problem in Nairobi, but it is a question whether the type could not be materially modified and a more satisfactory result obtained in relation to war conditions.

Another serious problem also complicates the position, and that is the housing of the large number of prisoners of war who are wanted badly indeed in Nairobi for essential war work and for assistance to the Supply Department, which is another serious complication. It is also notorious that the K.A.R., who probably have a little more of a claim on the sympathy of the community than most other categories of the native population at the present time, are and have been for the last 40 years housed in most scandalous huts walks ever allowed to exist in any civilized community.

I suggest that all the parties concerned—the Municipality, Government and the military authorities and anybody else concerned, the Railway also, should put their heads together and see if they cannot solve these problems, which are pressing ones, in such a way as to save ultimately loss of public moneys and at the same time achieve the result everybody desires.

MR. LOCKHART: Your Excellency, I should merely like to say once more that frequently in the last week or two I find myself in entire agreement with my hon. friend the Member for Ukamba. (Laughter.) The question of material is a very serious one indeed, and I do think the Municipality will have to get out of their heads the opinion that sheet steel is the only material to make houses from. I have tried to convince them several times, without success, but so far as I can see no iron or steel can come into a building scheme. There is, in fact, a good deal of inquiry going on at present with regard to the most suitable economic forms of native housing, and I agree with the hon. member that it is a matter on which experience and

[Mr. Lockhart] convention should be pooled for the whole of this, as the hon. member says, quite formidable programme for which we are seeking money. Whether we shall be able to carry it out remains to be seen. The question was put and carried.

#### SCHEDULE OF ADDITIONAL PROVISION No. 3 of 1941

MR. LOCKHART: Your Excellency, I beg to move: That Schedule of Additional Provision No. 3 of 1941 be referred to the Standing Finance Committee. This schedule covers the quarter from July to September, and I do not think it necessary for me to enlarge on the figures therein.

MR. HARRAGIN seconded.  
The question was put and carried.

#### 1940 SUPPLEMENTARY APPROPRIATION BILL SECOND READING

MR. LOCKHART: Your Excellency, I beg to move that the 1940 Supplementary Appropriation Bill be read a second time.

Hon. members will remember that this Bill was withheld earlier in the session because at that time Council had not passed all the Schedules of supplementary appropriation which made the total over-expenditure for 1940. That has now been done, so that the enactment of this Bill is more or less a formal matter.

MR. HARRAGIN seconded.  
The question was put and carried.

#### CONTROL OF GRASS FIRES BILL SECOND READING

MR. BROWN (Solicitor General): Your Excellency, I beg to move that the Control of Grass Fires Bill be read a second time.

Hon. members will remember that in May of last year a committee was appointed with the hon. and learned Attorney General as chairman, to examine the subject of grass fires and to draft any necessary legislation. That committee was appointed in response to a persistent public demand, and a bill was drafted and then published for comments and criticism. Early in this year a select committee of this Council

was appointed, with myself as chairman, to examine that draft bill in the light of the comments and criticisms which had been received. We had three members of the first committee—the Conservator of Forests, the hon. member Mr. Montgomery, and the hon. Member for Aberdare—and we had the advantage of their experience on the first committee, while the majority of us—the hon. Director of Agriculture, the hon. Member for Nyanza, the hon. member Mr. Isher Dass and myself—of course had the advantage that the bill which we were examining was not our bill and we were not encumbered by any preconceived ideas.

The result was that the committee produced a bill which contained all the provisions of the first draft bill with a few minor variations and which included three new provisions of our own. This is the bill which is now before Council and of which I am moving the second reading and is put forward by Government. It is the same as the select committee's bill, except for a few alterations which in no way affect the object and intentions of the select committee. The three new provisions which I referred to as being the product of the select committee are clauses 9, 10 and 11.

That is the history of the investigation which has taken place into the subject, which I think it is necessary to give in order to show that if this bill should suffer the peculiar misfortune of not being able to please everybody, it is not for want of a thorough examination of the subject.

The most controversial question that we had to consider was the question whether or not there should be close seasons; that is to say, periods of the year during which grass burning should be absolutely prohibited. Obviously there can be no question of one uniform close season for the whole country because of the variations in climatic conditions, but we were urged by some witnesses who appeared before the select committee to recommend that local authorities should be empowered to impose close seasons in their areas at times of the year which were appropriate to those areas. We came to the same conclusion as the first committee, that we

[Mr. Brown]

were unable to recommend regular close seasons.

One of the criticisms made of the first committee on this point—I am quoting from the letter in which the criticism was made—was "the committee lost sight of its object and has gone into a dissertation on the rights and wrongs of grass burning in general. It is felt the committee should have based its decision on the fact that at certain times of the year any fire is likely to be an uncontrollable one and therefore very dangerous". Of course, many of the criticisms which we had to consider were particularly valuable, but this one was quite valueless, because it ignored one of the most important issues. Nobody needed to be told that at certain times of the year a fire was likely to be uncontrollable and therefore dangerous; we knew that that was why we were there. What we had to consider was the merits and demerits of grass burning, we had to make up our minds whether the advantages of grass burning outweighed the danger which is inherent in grass burning, and we had to consider whether that danger could not be considerably diminished by measures of control.

The controversy with regard to the merits and demerits of grass burning is acute, and experts and others who have spent their lives in studying the subject express the most bewildering contrary opinions. I am not myself going into that controversy; the hon. Director of Agriculture is far more suited to do so. All I say is that we on the committee came to the conclusion that our aim must be not to prohibit burning but to control it, and to allow those people who believe in it to use it as a controlled instrument in their grass land management. But we did consider that exceptional circumstances might arise in which it might be desirable to prohibit burning for a time, and we have made provision for that in clause 10 of this bill: "The Governor may proclaim a state of danger in respect of any area," and on a state of danger being proclaimed the local authority which has jurisdiction in that area may, if it chooses, prohibit burning for as long as the proclamation is in force. That was as far as we were prepared to go in the direction of close seasons.

Coming to the bill, clause 4 requires that any person before burning within half a mile of his neighbour's land shall give at least two days notice in writing. The notice must be delivered by hand, and the notice will commence to run from the time when it is received. Native areas are excluded from the operation of this clause except where burning in a native area is to take place within half a mile of a settled area. In such a case, notice must be given, but in that case the notice need not be in writing.

In clause 5 is a typographical error. The last words of (1) should read "except between the hours of 5 p.m. and 5 a.m." instead of 5 a.m. and 5 p.m. It is during the day time that it is desired to give power to the Director of Agriculture to prohibit burning.

Clause 6 should put a stop to all unauthorized burning by squatters. It makes it an offence for any servant or resident labourer or any member of the family of a resident labourer to burn without not merely the consent of his employer but without the personal supervision of his employer. As I see it, it should put an end to these unauthorized squatters fires if this provision is enforced, as it undoubtedly will be if employers will co-operate by reporting any case which comes to their notice.

Clause 7 is the most important provision of this bill. It embodies the whole principle of the bill, which is the co-operation of the land owning community. By clause 7, any owner or occupier may call upon his neighbour to cut his share of a fire-break, which is defined as "a strip of land not less than 30 feet on either side of a boundary, whether under trees or not, which has been cleared of inflammable matter to prevent the spread of fire". I may call on my neighbour to cut his 30 feet strip of fire break or, alternatively, say to him that I will cut the whole of the fire-break of 60 feet, that is 30 feet on my side and 30 feet on his, and he must contribute half the cost of the whole 60 feet, either half the labour or half the cost. If he refuses, I can cut the whole of the 60 feet myself, and I can go on his land, as I necessarily must, because 30 feet are on his land, without committing any act of

[Mr. Brown]

trespass, and can recover half the cost of the whole of the fire-break from him.

This clause comes almost word for word from the first draft bill, and it is interesting to note that of the many comments and criticisms which were received only one criticised this particular clause on the ground of principle or on the ground of expense. That was a certain public body which said that this provision involved expense and that it was also liable to lead to abuses. With regard to this clause being abused, provision is made in sub-clause (1) (b) whereby any person who is called upon to cut his share of a fire-break under this clause may appeal to the Director of Agriculture on the ground that it is unnecessary. While one can imagine cases where it might be abused, that paragraph provides a safety valve.

With regard to expense, it is difficult to give an exact estimate of what the cost would be, because it must necessarily vary in each case with the conditions; it varies with the type of vegetation to be cleared, and with the facilities which any individual landowner has for clearing. My hon. friend the General Manager of the Railway gave evidence before the committee, and he said that he would cut his fire-breaks on either side of his line and would give notice to the adjoining owners to cut their fire-breaks, and he said it would cost the Railway £9 a mile to construct their 30 feet wide fire-break and £4 10s. per mile per annum to maintain them. The total cost to the Railway would be £17,262 to construct their fire-breaks and £3,070 per annum to maintain them. I found those figures somewhat startling. Hon. members will have their own views of them. But from inquiries I have made these figures cannot be taken as in any way at all as a criterion of what outlay would be caused the individual landowner. I know the Railway is in a peculiar position in this respect, because they have drains running through diagonally the railway line on either side of the railway underneath the surface of the soil, which precludes the possibility of ploughing. From inquiries which I have made an individual farmer in the majority of cases—and as I say it varies

with the conditions—should be able to cut his 30 feet fire-break at a cost of Sh. 11 or Sh. 12 a mile. Put it at £1 a mile which, from inquiries I have made, is a gross over-estimate, put it at £1 a mile; say that on a 5,000 acre farm four miles long and two miles wide, there are 12 miles of boundaries; it will cost the owner £12 at £1 per mile to construct his fire-break. On a 20,000 acre farm, 10 miles long and three miles wide, which has 26 miles of boundaries, it will cost the owner £26 to construct his fire-break. I submit that that is not an excessive cost for a very valuable benefit.

I said just now that only one criticism was received of this clause on the ground of principle or on the ground of expense. But a number of people wrote in to say that they do not consider the present the most appropriate time to bring this clause into force with so many people away and their farms being managed by group managers. If that is the general opinion, it would be quite possible to amend clause 1 of the bill, which provides that the ordinance shall come into force on such date as the Governor may by notice in the Gazette appoint, so that any particular section of this ordinance would come into force on such date as the Governor may direct.

Clause 9 is an important clause, because it empowers the local authorities to engage fire rangers and to remunerate them out of their revenues. At the present time certain private individuals are employing fire rangers at their own expense. There are two who watch the country from Gilgil to Naivasha, and they are able to see if smoke rises over the escarpment in the direction of Nakuru. I am told that they have been the means of checking at least one fire. Again it is difficult to estimate the exact expenditure, because it must necessarily depend on the lie of the land. A convenient hill reduces the expenditure. In the four wards of the Usin Gishu district it is estimated that 12 fire rangers would be required for each of the four wards at a cost of £60 a year for each ward, or £240 for the whole district. The revenue of the Usin Gishu District Council is, I believe, just over £7,000, and three per cent of your income for a valuable insurance is not, I think, an excessive allocation.

[Mr. Brown]

Clause 17 repeats the Careless Use of Fire Prevention Ordinance, and a glance at that Ordinance will reveal its complete inadequacy to prevent anything. All that it does substantially is to make it an offence willfully or negligently to burn another person's vegetation, which is provided for in clause 3(1) of this bill. That is literally the only legislation that we have got in this country at the present time to deal with this major problem.

I know that some people will be disappointed that this bill makes no provision for close seasons, but I do submit that this bill will go a very long way towards reducing the damage caused by grass fires if it receives the co-operation of the land owning public. If people say that the bill does not provide for this and that and therefore they will have nothing to do with it, then I make no prediction as to the success of the measure, but if it receives their co-operation I personally do not see how it can fail very greatly to reduce the damage and destruction caused by grass fires.

One of the recommendations made by the committee of the hon. and learned Attorney General, to which we must all agree, was that intensive propaganda should be employed on the subject of grass fires through administrative, educational and agricultural authorities. If a clear explanation of the provisions of this bill is given a front place in that propaganda, I believe that the farming community will be found to co-operate.

MR. HARRAGIN seconded.

LORD FRANCIS SCOTT: Sir, this question has been exhaustively inquired into by a series of committees, and I think we must accept it that this bill now before us represents the considered opinion of those people who have gone into it. Personally, I wish to support the bill, but there are a few points I should like to get cleared up.

The first one is in the definition of vegetation. I presume that means growing vegetation, things alive, and not dead, such as old maize stalks, rubbish, and so on, because it is quite impossible every time you are going to burn a certain amount of that sort of thing to notify your neighbours.

The next point is in clause 5, where I think it is a mistake to lay down the hours 5 p.m. to 5 a.m. I would rather see it worded so that the Director may by order prohibit burning of vegetation between any stated hours, or something of the sort, because I do not think that 5 to 5 is the best time to burn; the best time as a rule is in the very early morning, and not to have a limit of 5 a.m. After 5 p.m. is a bad time, for the fire may get away and may not be out during the whole night. I think the Director should have these powers but some latitude as to which hours he prohibits.

I think the most important clause in this bill is, as the hon. and learned mover said, clause 7, and especially the question of cost. The cost, of course, should be considered in the light of insurance against greater loss by not having fire-breaks. But when the Railway put up their figures, and in the figures mentioned by the hon. mover, he talked about constructing a fire-break, does he mean to eliminate the burning of a fire-break? because that is the normal method, and that is not very expensive. You have to have all your labour out for so many hours to look after that firebreak, but that is not expensive. If it is understood that it has all got to be ploughed up then, of course, the expense becomes very much greater.

I am glad that he has made clause 7 (b) and (2) clear, that it means half the cost of construction of 60 feet; that was a point raised to me, whether it meant only half the cost.

The other point I should like information about is in clause 10: what is considered to involve a "state of danger"? I do not quite know what a state of danger actually means, and when the Governor may proclaim that that state of danger exists.

If I can get answers to these questions and these few points, I support the bill.

MR. BOUWER: Your Excellency, I rise to support this bill which, if it does pass, will provide legislation which is long overdue. In a district such as mine, where the grass is very thick and tall after the heavy rainy seasons such as we have just had, the uncontrolled burning of

[Mr. Bouwer]

grass becomes a very grave danger in the dry season and when very high winds are prevalent such as in a district like mine. The hon. member in charge has put the case so clearly that one would imagine that, instead of sitting in Nairobi, as I think he does most of the time, he has been out on these farms himself, and he has put a very clear picture before us.

Little remains to be said except one point. That is in the case of clause 14, which provides that the owner of the land or his servants can arrest any person found committing an offence against the provisions of the ordinance. What I would like to see in here is the inclusion of the fire rangers. This bill does make provision for the appointment of fire rangers, and I presume their main job will be the control of fires, and I think a must be an obvious thing that if you have fire rangers they should also have power of arrest.

COL. KIRKWOOD: Your Excellency, I am rising to support the bill, which I think will be a very great help in contributing towards the control of fires.

Clause 5 gives the Director power to fix the time of burning between 5 and 5. Clause 9 gives a local authority power to engage fire rangers and pay them. This is of course understood. It seems to me, however, that those two clauses want to be tied together, and more power given a local authority, and I suggest that the power of fixing the time of burning should be left to that authority who know their own conditions better than what they do at headquarters in Nairobi. Clause 5 should be altered to the effect that the fixing of the time of burning is with the approval of the local authority.

I also see that there is no provision for or allusion to unoccupied crown lands. In the Trans Nzoia there are boys who work for the Veterinary Department and have a large number of cattle and are squatting on crown land, and every year they fire the grass, continually fire it, in different places. It should be stopped and these boys removed. If I understand the law, it is illegal for them to be there. The land is unoccupied and is surrounded by occupied farms, and

some provision should be made that in a case like that, if these boys are permitted to be there Government should be responsible for any damage done to adjoining farms when it is proved that a fire is started by these boys.

Subject to these points, I approve of the bill.

MR. COOKE: Your Excellency, I hesitate to join issue with my hon. and learned friend, but I do submit that clause 7(2)(b) is not clear and will leave a loophole for the courts of the country to possibly upset what he means. I submit that if that clause is read carefully, half the cost must refer to half the cost of the fire-break on the land of the dissident person who refuses to construct his fire-break. If it is read carefully in conjunction with (a), that is the interpretation most people will put on it. I know what he means, but I think it should be made clear. It would actually be clearer if he had said "recovered from such first-mentioned person the cost of such construction and maintenance", because such construction and maintenance refers to (a), the construction and maintenance of a fire-break on a person's land who refuses to construct the fire-break.

MR. BLUNT: Your Excellency, there are one or two points to which I should like briefly to refer in connexion with this bill. One of them was spoken to at some length by the hon. mover, the other was passed over.

There is a difficulty over the definition of fire-break. The difficulty does not arise directly here under this bill, but the definition in this bill might be at variance with the requirements under the terms of the Land and Water Preservation Rules. In those cases where the common boundary of a farm is a water-course, this bill says in effect that that watercourse, if a common boundary, must be cleared of inflammable matter, and the Land and Water Preservation Rules at the same time say that you cannot clear anything within a certain distance of the stream. It seems rather difficult to get over that trouble, and it is here that the unfortunate Director of Agriculture in both cases is the arbiter, and he will have as best he can to decide claims regarding this particular boundary that has to be dealt with. I may say that

[Mr. Blunt]

that is probably not so difficult as it seems, because in the majority of cases where you have a watercourse on the boundary there will probably be a complete firebreak in one part on one side of the boundary and in another part totally on the other side.

The other point mentioned by the hon. mover was this question of a close season and the declaration of a state of danger. As he says, this has been a point of controversy for a very considerable time. The point is rather a technical and involved one, but perhaps I may be forgiven if I take up a few minutes time in explaining it as I see it.

The principal and most important grass in the settled and many native areas of this country is what is commonly known as "oat grass", or *Themeda triandra*, and experiments have been carried out by my department at Ngong to prove that this grass is improved if it is burned over periodically. These Ngong experiments indicate that is so, and that provided the burning is not too fierce that particular and valuable grass is encouraged. On the other hand, the burning of grass does undoubtedly do a certain amount of damage to the soil. It does tend to increase erosion, and if the fire through the grass is a fierce one it does this particular grass no good but, in fact, a considerable amount of harm.

The whole question seems to resolve itself into a matter of the intensity of the fire that goes through the grass as to what the result will be.

We can roughly divide the grass lands in the settled areas into two types, one of which is that known as *Acacia* tall grass Savannah type, generally found at lower altitudes, and the other the moist Highland areas. In both areas under natural conditions the *Themeda* grass is the predominant type. But as those areas are brought under treatment they develop in rather different directions. As the *Themeda* in the *Acacia* tall grass Savannah type disappears, the next stage is that *Thangari*, or *Digitaria Abyssinica*, comes in. In the moist Highlands areas the next stage under natural conditions is the coming in of "wire grass" (*Pennisetum Schimperii*), a grass of very little value. But in the second case, the moist High-

lands areas, the oat grass stage is not we really want to get to. Oat grass is a good and useful grass but is by no means the best type of grass that can be grown in these areas, and as the moist Highlands areas are improved there should undoubtedly be more intensive development to arrive at a stage where we get the much more valuable Kikuyu grass.

It therefore seems to be that we should aim at eventually entirely eliminating the burning of grass in the moist Highlands areas where we can get this improved type of Kikuyu grass, but in areas of extensive grazing and ranching conditions we should, for the present at any rate, permit burning in order to encourage the particular grass which, under those conditions, is the most useful one that we have.

If I may reply to some of the points raised by speakers on the opposite side of Council, I would first refer to the question of the noble lord the hon. Member for Rift Valley. He suggested that powers should be given to control burning within specified hours and not specify those hours as between 5 a.m. and 5 p.m. in the bill. With that I entirely agree. The object of that clause is to enable burning to be done at a time when there is the least likelihood of the fire breaking loose and doing damage, and I quite agree that the hours should not be defined in the bill but be specified in particular cases.

He referred also to the method of making a fire-break and, as I understand it, the usual method employed in grassland of burning a fire-break is allowed.

The hon. Member for Trans Nzoia referred to clauses 5 and 9, and pointed out that in one case the Director is required to specify the time at which burning may or may not take place, and in the other it is the local authority which engages the fire rangers. Personally, I would prefer that local authorities undertake those duties in both cases, and in any case, if the provision remains, I should have to exercise these powers in conjunction with local people.

MR. BROWN: Your Excellency, the debate certainly shows a great degree of unanimity, in fact complete unanimity, on the principles of this bill. That unanimity is gratifying to anybody who

[Mr. Brown]

has had anything to do with the bill, but it is useless unless it reflects accurately, as one presumes it does, the feeling of the public, and I stress again that this is one of those bills which depends entirely upon the public and not upon the law for its success.

The points which have been raised can be dealt with in select committee. The noble lord has referred to the definition of vegetation, and that can be made clearer in select committee by the insertion of one word. The hon. Director of Agriculture has dealt with the noble lord's point about 5 a.m. and 5 p.m. As to clause 7, he asks whether it would be possible to burn a fire-break. The answer is yes, he can construct one in any manner he pleases so long as it conforms to the definition.

"State of danger" in clause 10 is not defined, and it has been intentionally left undefined. What we had in mind was that probably in a year of exceptional drought we did not want to tie down the authority concerned to any precise definition of a state of danger. It would be in each case a question of fact whether the land through drought or some other cause was in a state which made it dangerous to burn.

The hon. Member for Uasin Gishu made the point that in clause 14 fire rangers should be included so as to give them power to make arrests. I think that is also a point which might receive careful consideration in select committee.

The hon. Member for Trans Nzoia asked that prohibition of burning under clause 5 should be left to the local authority, and the hon. Director of Agriculture has dealt with that point. He also made the point that there was no provision for crown lands and unoccupied lands. That I have in mind. I agree that it is an omission, and it will be made clear in the definition of "owner or occupier" in select committee.

The hon. Member for the Coast thinks that clause 7(2) is not clear, and apparently a good many people think the same. I think it is quite clear, but so many think it is not that no doubt I must be wrong! Obviously there is a doubt about the matter, and it will be gone into in select committee, and by the

addition of one or two words it can be made clear beyond the shadow of doubt. The question was put and carried.

## KENYA AND UGANDA RAILWAY (AMENDMENT) BILL.

### SECOND READING.

MR. BROWN: Your Excellency, I beg to move that the Kenya and Uganda Railway (Amendment) Bill be read a second time.

This bill is complementary to the Control of Grass Fires Bill.

By clause 2, the definition of fire-break in the principal ordinance is amended to bring it into line with that of the Control of Grass Fires Bill. By clause 3, the Railway will be liable to pay £200 without proof of negligence in the case of damage caused by sparks to land if the owner or occupier of the land has constructed a fire-break and if his land is contiguous to that portion of the Railway land on which the fire starts. I want to make it clear that the hon. General Manager suggested this in the select committee on the Grass Fires Bill, and it was a generous suggestion and was his contribution, as a large owner and occupier, to that co-operation which I say is so essential to the success of the Grass Fires Bill. It is a departure from the important principle that a person is not liable for a civil action for damages except on proof of negligence, and it is a departure that will have to be carefully watched.

MR. HARRAGIN seconded.

LORD FRANCIS SCOTT: Sir, this is a great improvement on what has happened in the past, but there is one point which I cannot understand and I do not know why it is in the bill.

In the new section 70(2) (c) and (d), the conditions are laid down under which an owner or occupier of land, particularly Railway land, can get compensation. First it says: "prior to such fire he had on his land a fire-break contiguous to Railway land adjoining a railway"—that is obviously right. Then it says: "At the time such fire originated he had such fire-break in good condition"—that is obviously right. But I do not understand (c): "Not less than two months prior to such fire there was a similar fire-break on railway land and

[Lord Francis Scott] contiguous to his fire-break". What on earth is the reason for that? Why has there got to be a fire-break two months prior on railway land? All the railway has got to do is not to make one, and if there is one two months previous to the fire they are not liable for any damage. In (d) it says: "not less than two months prior to such fire he had notified the High Commissioner to construct a similar fire-break on railway land and contiguous to his fire-break". Surely, with all due respect to you, Sir, as High Commissioner, you do not require two months notice from a farmer to tell you that a fire-break has got to be constructed along the railway? I cannot see the point of those sub-sections, and when it comes to select committee I shall move their deletion or amendment. I think it would be reasonable that an owner should notify the Railway when he is proposing to start constructing his own fire-break; that would be a reasonable thing, but not two months notice as in this bill.

MR. BROWN: Your Excellency, I am not sure that the noble lord appreciates that these paragraphs (c) and (d) are alternatives. An owner has either got under (d) to give notice to the Railway to construct their fire-break or under (c) there must be in existence a fire-break cut by the Railway. That is the whole principle of the bill. (LORD FRANCIS SCOTT: Not two months before a fire?) It is the time which is laid down in the existing ordinance. Paragraph (c) of section 70 of the existing ordinance contains exactly the same words which are used in this new paragraph (c), not less than two months.

The question was put and carried.

#### LOCAL GOVERNMENT (MUNICIPALITIES) (AMENDMENT No. 2) BILL

##### SECOND READING

MR. BROWN: Your Excellency, I beg to move that the Local Government (Municipalities) (Amendment No. 2) Bill be read a second time.

This bill is complementary to section 9 of the Control of Grass Fires Bill and makes an addition to the general powers of a municipal council as laid down in

section 52 of the principal ordinance by empowering them to engage and remunerate fire rangers.

MR. HARRAGIN seconded.

The question was put and carried.

#### LOCAL GOVERNMENT (DISTRICT COUNCILS) (AMENDMENT) BILL

##### SECOND READING

MR. BROWN: Your Excellency, I beg to move that the Local Government (District Councils) (Amendment) Bill be read a second time.

This bill is also complementary to section 9 of the Control of Grass Fires Bill, and empowers district councils to engage and remunerate such staff as is necessary for the control of grass fires.

The question was put and carried.

MR. BROWN moved that a select committee be appointed consisting of himself as chairman; Mr. Blunt, Mr. Gardner, Mr. Montgomery, Lord Francis Scott, Col. Kirkwood, Mrs. Watkins, and Mr. Isher Dass, to consider the following bills:—The Control of Grass Fires, the Kenya and Uganda Railway (Amendment), the Local Government (Municipalities) (Amendment No. 2), and the Local Government (District Councils) (Amendment) Bills.

MR. HARRAGIN seconded.

The question was put and carried.

#### WAR TAXATION (INCOME TAX) (AMENDMENT) BILL

##### SECOND READING

MR. LOCKHART: Your Excellency, I beg to move that the War Taxation (Income Tax) (Amendment) Bill be read a second time.

This bill proposes a big increase in income tax as from 1st January, 1942, and it will affect the third instalment of the tax which is payable on the 30th September, 1942.

The first question which may be asked is the necessity for the bill. In dealing with that, I do not propose to be drawn into an argument which haggles over details of the budget or splits hairs over this item or over that. If the question is asked, is this bill necessary in order to carry out the civil administration of the Colony for 1942 on normal lines, the answer is, no. If

[Mr. Lockhart] the question is asked that, assuming that the proposal to contribute £500,000 to His Majesty's Government in the United Kingdom as a loan for the prosecution of the war is abandoned, is this bill then necessary in order to carry out that intensification of our local war effort which is now necessary and possible, the answer in my judgment again is, no. But, if the question is, is this bill necessary in order that Kenya may play the part which it ought to play and is capable of playing with the rest of the Empire in winning this war, then the answer is yes, and I would say that in his honest heart every hon. member knows perfectly well that the answer is yes and he knows where his duty lies.

Turning to the details of the bill—which I am afraid I am rather ill fitted to expound and on which I wish we could have had the benefit of the presence on this Council of the Commissioner of Income Tax, but we are having a select committee on the bill when we shall have him in attendance—I will deal first with the position of individuals as compared with those of companies. In the case of individual income tax, there are really two separate issues. One is the scale of relief and the other is the rate of tax. As far as the scale of relief is concerned, the provisions last year were quite drastically reduced, and in view of the increased cost of living it is considered that there is no justification for reducing them any further, so that we are left to consider only the rate of income tax.

At first sight it might be thought that a simple way of dealing with this matter would be by a straightforward surcharge on existing rates of income tax but, in fact, it has not proved possible to do that. The present scale starts at Sh. 1 in the pound, and after the first £50 of chargeable income it is increased by one-tenth of a cent for every pound over that amount. That formula results in a tax of approximately Sh. 1 in the pound on the first £50, Sh. 2 on the next £50, Sh. 3 on the next £50, and so on, until we reach the ultimate maximum of Sh. 10 in the pound on the whole of the chargeable income. That is at the present rate spread over the

whole of the income. This means that when a chargeable income produces £10,000 a year, the last £500 is bearing tax as high as Sh. 19 in the pound, and it would follow that by applying a small percentage addition that would have the effect on very high incomes of bringing the rate on the last £500 to over Sh. 20 in the pound. It was therefore necessary to split the scale and adopt the surtax principle.

Dealing also with the position in regard to these high incomes—I am speaking of incomes ranging somewhere around and over the £5,000 to £6,000 mark—in the alterations last year we made a drastic increase in the rates on these incomes. The increase was somewhere in the order of Sh. 3 to Sh. 10 in the pound.

When you come to the question of the recovery of the tax on anything like an order approaching 50 per cent of the chargeable income, you are faced with the consideration that in this country such incomes are mainly derived from business and from agriculture in which the whole of the profits are not necessarily received in cash and cash which is available in order to meet the tax demand. It was for that reason, the fact that we did make drastic increases last year and in consideration of the possible effect on the development of the country, that the percentage increases being made now have been scaled down on these higher incomes.

If that is so, that is to say, if the increased tax on the very highest incomes has not in percentage to be relatively increased, and if the exemption limits are to be made so that some people are not to be brought within the scope of the taxation, some general alteration in the income tax formula is necessary in order to recover the higher tax from those whom we think at this time should be liable to pay. The general basis of the provision is this. This bill provides that the initial rate is increased from Sh. 1 to Sh. 2 in the pound. That may at first sight on the lowest taxable income of the first £250 appear to be an increase of 100 per cent but, in fact, we have to take the present personal tax of Sh. 60 into consideration, and it will be seen, for instance, with an individual

[Mr. Lockhart]

person paying Sh. 140 income tax and Sh. 60 personal tax, that is a total of Sh. 200 a year. With the proposed increase in income tax that will go up to Sh. 280 and, with the personal tax, the total will be Sh. 340, an equivalent of 70 per cent increase in direct taxation.

As I have explained, that percentage as the income grows is scaled down, so that, for instance, on an income of £2,000 a year of a married man the percentage increase on the present income tax is 55 per cent; at £4,000, 41 per cent; at £10,000, just over 4 per cent.

I have explained broadly the basis of which these proposals are framed; and I do not propose to go into great detail of the actual formula of the bill, but I would say briefly that after the initial rate of Sh. 2 on the first £250, an increase from Sh. 1 to Sh. 2, the tax will then rise at one-eighth of a cent per pound instead of the previous one-tenth, up to a maximum of Sh. 5 in the pound. At that point there will be a surtax on all incomes over £3,000 a year, starting at Sh. 4 in the pound and increasing up to one-twentieth of a cent for every pound over £3,000 of taxable income up to a maximum of Sh. 7/50; that is the maximum surtax rate. The initial rate of Sh. 4 in the pound surtax may require some explanation, and I will try to make it as lucid as I can. On the proposed new income tax rates, after charging the first £250 at Sh. 2 in the pound, an increase of one-eighth cent is equivalent to a charge on the next £400 at Sh. 3, the next £400 at Sh. 4, and so on, until the last £400 is charged at Sh. 8, when the flat rate over the whole income reaches the minimum of Sh. 5 in the pound. If the income tax were not limited to Sh. 5, the next £400 would be charged at Sh. 9. So in order to dovetail in with the income tax and surtax it is necessary that the first surtax rate should commence at Sh. 4 in the pound. The necessary amendments will be found in clause 2 of the bill and in the memorandum will be found, I think, a very complete set of schedules explaining the effect of the tax at the various ranges of income.

These increases which I have just explained, and I trust they are clear to

hon. members, apply only to resident individuals. In the case of non-residential individuals, these increased rates will not apply until the chargeable income exceeds £750 a year. The reason for that is we have among the non-resident individuals a number of pensioners in the United Kingdom and elsewhere on comparatively small incomes, who already suffer under United Kingdom rates of tax, and there are as well complications in regard to small share-holdings in local companies. For that reason it is considered these additional rates should not apply until the chargeable income reaches £750 a year. The effect on the revenue will not be substantial, but it does relieve what I think is a very genuine hardship.

Turning now to the company tax, as we know on the profits of companies the income tax is in effect paid by the individual share-holders, and for that reason there must be some relationship between the scales of personal income tax and income tax on companies. The position is that the present company rate of Sh. 3 is equal to that borne by an individual with a chargeable income of £2,250. Under the proposed increase now, such an individual, that is one with a chargeable income of £2,250, will be taxed an overall rate of Sh. 4/50 in the pound. It is on that basis that you cannot get an exact relation, but it is in order to bring the company tax into line with income tax that we have increased it from Sh. 3 to Sh. 4 in the pound.

I may here call attention to a rather technical point which I have a great deal of difficulty I may say in grasping myself, but hon. members will see that the new operative clause to this bill, that is 27 (1), slightly alters the wording of the old section. It now reads "The tax upon the income of any individual resident in the Colony" instead of "The tax upon the chargeable income of any person resident in the Colony, other than a company". The point about that is that in law there is a distinction between a person and an individual. As a person includes various corporate bodies such as municipalities and so on it is considered they have no claim to the graduated scale of taxation applicable to an individual. It will not affect

[Mr. Lockhart]

very many bodies in this country but it does remove by that change of wording what is found to be a difficulty in our law and gives a privilege not really provided.

Clauses 3 and 4 are merely consequential. One provides for the recovery of tax from mortgage interest at the new rate of Sh. 4 which will be payable under clause 2 of the bill. Under clause 3 there is provision for re-introducing the previous ordinance to the effect that the ordinance expires on the 31st December after the end of the war.

As Your Excellency said in your Communication from the Chair, these increases in taxation can fairly be described as drastic. They fall short, of course, from the rates applied in the United Kingdom but they exceed, according to my information, any rates of income tax imposed in any other British colony or dominion in Africa. They are a drastic increase, but I believe there are very many people in this country who will welcome them and who have felt for some time that the charge made on their income is not adequate nor related to the conditions which we are confronted with now as far as the Empire is concerned. It is in that spirit that I commend this bill to the consideration of hon. members.

MR. HARRAGIN seconded.

MR. NICOL: Your Excellency, I rise to support the bill, but there is one point which I should like considered by the select committee. That is, in view of the fact that the avowed intention first of all of the bill is that the increase in income tax as laid down in the Moyne dispatch is to curtail the spending power of the individual, and the Moyne dispatch also encourages development of a worth-while nature, I suggest that development is not intended to be confined to purely and simply governmental development but also to industry and agriculture. The principle of encouraging development is already admitted in the Excess Profits Tax Ordinance; and I suggest that in these times where development of a worth-while nature is essential the encouragement of that principle of encouraging

development should start before people have arrived at the stage of making excess profit. I should therefore like to see the principle which is already accepted in the Excess Profits Tax Ordinance transferred to the Income Tax Bill.

COL. GROGAN: Sir, as might be anticipated, I rise to oppose the bill. (Laughter.) I listened with great interest to the remarks of my hon. friend the Financial Secretary; it was a very interesting study throwing light upon the pantomime proceedings of this Council's. The first question which he put was, is there any justification for this increase in penal taxation in terms of financial need, and his answer was, no. His second question was, is there any justification for this increase in penal taxation to support the Government war purposes, and his answer was no.

MR. LOCKHART: On a point of explanation, it was accompanied by my qualification.

COL. GROGAN: I understood that he referred to the suggested loan for a short period of £500,000, and to any suggestion that it would be of any assistance whatever to war purposes his answer was no. Those were the two answers I would expect from a reasonably intelligent citizen.

MR. LOCKHART: Is the hon. member referring to me, Sir? (Laughter.)

COL. GROGAN: The hon. gentleman may be surprised, but the answer is, yes. (Laughter.) Question three of the hon. gentleman was, should it be enforced—penal taxation on the community—for no explicit war purposes, and his answer was yes, and that is the answer one might reasonably expect from a salaried yes-yes man.

To look at the bill itself, the objects and reasons given are that this penal taxation is to meet the present conditions. What are the present conditions? As far as industry is concerned, the present condition is that industry is faced with enormous troubles and uncertainties and in the ordinary course of events I would imagine that Government would give industry every possible opportunity to consolidate its

[Col. Grogan] position and take the necessary precautions against an unknown future. Turning to the case of the individual citizen, I do not suppose there is a member of this honourable Council who has not got increased personal troubles and responsibilities arising out of world conditions. How many members of Council find they have to transmit additional sums, often overseas, to assist people bombed, destroyed or reduced to poverty for whom they have domestic responsibilities? There is no limit to the implications of the war, not only to industry but to the individual.

When you turn to the proposals to apply this ill-gotten revenue, we find that there is not one single glimmer of war purpose in any proposals as contained in the budget. Your, Sir, may be forgiven in the first instance. The outbreak of war justified a heavy burden of taxation, because then you had no idea what it would produce, and no idea of the world conditions this community would be called on to face and to solve. But, since then, there has been a vast clarification of the position, and in respect of this budget the position of the country is perfectly clear. From the financial point of view we have got an enormous sum of liquid reserves, reserves such as we have never had in the whole of our history, and the only proposal put forward is not even a communal proposal but merely a proposal to spend money and utilize materials on behalf of a small section of a privileged community of which you, Sir, were at one time a very distinguished member. Those are the proposals as shown in the budget, I understand that the argument was that you wanted to control the expenditure of moneys available in this country to see that it did not impinge upon shipping limitations and so on, but you find when you examine your proposals that they involve the utilization of a large proportion of materials for a small section of a privileged community. I say without the slightest hesitation that this proposal can fairly and adequately be described as unadulterated quibbling. There is no possible justification, no matter how closely you search the budget, for the proposals made to

utilize these vast sums, no justification whatsoever in terms of war or war purposes. It is merely the acquired momentum of some sunny eyewash schemes that germinated in the past, and because you suddenly find yourselves half drowned in a flood of other people's money you say that now is the time to give effect to them.

In any case this bill will be forced on the community who will gladly agree to hand over all moneys on the supposition that you will spend them properly. But I do urge that the least you can do is to see there are excluded from this penal taxation all such sums as citizens may wish to apply to the redemption of debt or the extension of industry in conformity with the principle actually introduced in the excess profits tax measure referred to by the hon. Member for Mombasa.

**LADY SIDNEY FARRAR:** Your Excellency, I rise to support this bill, particularly in view of the truce on this subject agreed to by the majority of hon. members at the beginning of the war. But the country as a whole is not entirely satisfied. It appreciates the spirit in which this is being introduced, it does not entirely appreciate the manner in which the surplus balances are being spent at the present time. The question of the war effort is also bound up with that of the post war position, and there is a feeling among a certain section of the community that in place of increases in income tax some system of compulsory saving should have been introduced. I should like to ask the hon. member if he can tell us whether this possibility has been explored and what has the answer been to the possibility of replacing the increase in income tax by compulsory saving to ensure towards the stability of the country and the taxpayers after the war.

**COL. KIRKWOOD:** Your Excellency, I am against the bill. I am against the principle of it, if one can be discovered. The only principle that I can discover is that it is necessary to further tax this most heavily taxed community in the world for the purpose of bringing in a little more money that can be spent. I know that it is futile for me to talk, I know that we are going to be steam-

[Col. Kirkwood] and that brings me to the point where again I must nail my constitutional flag to the mast.

It is a constitutional issue, and this may be called an unconstitutional measure. You are forcing taxation on to a community which has no control over the expenditure. In principle that is wrong. It is not the English system, and why it has not been adopted here I do not know.

I do not propose to go into the question of the different figures, it is too puzzling and gets my poor old brain in a whirl! I love to hear other people talk about how it affects them and the result, but there is one A. B. C rule that I should like to see in force. I will explain it this way, what I have in mind. This is a farming community and an agricultural community, it is paying much heavier taxes per capita of the European population than is paid in any part of the British Empire. A large percentage of our agriculturists, for one reason or another, are financially in debt, either to a bank, or mortgagee, or friend, and I think it is a deplorable system of taxation on these people to prevent them paying off what they owe, and is a vicious one. And I would appeal to the select committee on the bill to introduce something in the bill on a compulsory saving basis, to use that phrase, so that where an individual who is paying income tax he should be allowed or forced to pay what the income tax collector would take from him to reduce his debts by that amount. Otherwise, introduce a form of compulsory saving. It is only right and just that when one is liable to taxation he should first be allowed to free himself from debt. I think it is a logical argument that until you are free from debt you have no income, but under the income tax regulations that, of course, is not admitted, and although you may be very heavily in debt you still pay income tax. I would ask Your Excellency for that to be taken into consideration.

I think there is far too much of this fogging the issue of the war effort and all that sort of thing in this colony at the present moment. It will not help the war effort to send the finances of this crown colony of Kenya down the drain. You have been fortunate enough in these last two years to have got surplus balances.

At the moment they are larger than they have been for years, and what is the position of 1942 going to be? Is it going to make the revenue equal to 1940 or 1941? I submit that anybody would say that we are going to make nothing like the surplus in the coming year. Personally, I do not think you will have a surplus balance. You have been advised by the Secretary of State to put your house in order, you have been advised to nurse your reserves, to increase taxes where necessary to create a surplus balance, and to balance your budget to carry out the different duties under the budget that fall upon the Government. But the Secretary of State also indicates very strongly that there is a very large possibility of the absence of loan money to a crown colony after the war. I suggest that it is only reasonable to conclude from his despatch that his intention is that we should put our house in order, that we should as far as possible create a surplus balance, that we should nurse that balance and keep a nest egg for the many, many calls that Government will have on it in the coming year. I do hope that some consideration will be given to these points, especially to my suggestion regarding the compulsory saving aspect of this bill.

**MR. LOCKHART:** Your Excellency, as the hon. Member for Mombasa said, one of the objects of this bill is to reduce spending power. I do not think that that is the only object, or that the revenue which it is anticipated it will yield—which will amount, we hope, to £75,000 next year—is not needed for public purposes. The hon. member brought forward the suggestion—it was really, I imagine, much the same as the proposal for compulsory saving—that there should be a remission in this increased taxation which is applied to development. Well, of course, as far as the agricultural industry is concerned, that effect is achieved largely by the provisions which appear in the Income Tax Ordinance, which will be found, for example, in section 13(1)(i) of that ordinance. Whether a provision of that sort requires to be adapted to other forms of industry is a matter which the Standing Finance Committee can certainly go into.

The speech of the hon. Member for Ukamba—and it is one which I am afraid I cannot say I feel any agreement what-



[Mr. Lockhart] ever—was really an argument against any sacrifice at all. The hon. member pointed out, rightly, that most people suffer some way as a result of the war and their incomes decline in some cases while their responsibilities have gone up. Well, that is true no doubt of many people, it is true of a great many more in the United Kingdom. It is an argument you can bring forward against increased taxation at any time, but I think that when the hon. member paints the difficulties of the taxpayers in this country he is apt to do so with a very limited view. I can perhaps illustrate that by a remark just made by the hon. Member for Trans-Nzoia, who said that this is an agricultural country.

Well, the basis of the economics of this country may be agriculture, but in point of fact the community which is going to be affected very largely by these taxes is in fact the trading community, which has been extremely well off of late and can perfectly well afford to pay this increased taxation, for they have done very well out of the war expenditure and also the increased prosperity of the agricultural community itself. The argument of the hon. Member for Ukamba that the ordinary citizen could make a better use of his income if he were left to spend it himself in his own way is an argument which we could apply to any increase in taxation. We know in fact in regard to a great deal of the taxation levied, that despite the increases made and despite the hardships of the individual which the hon. member has pointed out, you have only got to look round the country and see that, in fact, despite all these hardships, large numbers of people in this country are still doing themselves extremely well and are adding, as I know, to their assets and reserves every day. Despite the additional taxation, despite the excess profits tax and so on, there is in fact as everybody knows any quantity of money awaiting investment in this country to-day.

The hon. member also said that since the beginning of the war there had been a vast clarification of the position. It may have clarified itself for the hon. Member for Ukamba, but as for me I am compelled to say that the outlook at the moment is at least obscure, and the prospects of the next 12 months are at

least as difficult in this country as they have ever been.

COL. GROGAN: By way of explanation, I was referring, of course, as I imagined the hon. member would understand, to the financial position of this country, in which I venture to believe he will agree there has been a vast clarification to the extent of £750,000 increase in the surplus balance.

MR. LOCKHART: Yes, that is perfectly true, there has been a clarification in that we now know the results of the last two years which we did not know two years ago, but not a clarification in the prospects for the year 1942 which I suggest, are by no means so clear as the hon. member thinks. Of course, his proposal (he is perfectly frank about it) is that we have acquired an additional £800,000 by one means or another in the last two years and we should hang on to it and should not put on any further taxation for next year. This is really quite a gratuitous accumulation...

COL. GROGAN: That was not my explanation. The hon. member never heard me say a word against an increase in indirect taxation. I confined my remarks to direct taxation.

MR. LOCKHART: Then I withdraw any accusation that way. I was speaking about direct taxation. That is what I had in mind in considering this bill. I agree with the hon. member that there should be no increase in indirect taxation, but he has urged there should be no increase in direct taxation and has based his argument on two lines: one, owing to the fact that we have accumulated this surplus if it is not necessary; two, that the amounts which have been moved from the pockets of taxpayers would have been better used if left in. Whether that is an argument which could be elaborated in proportion to the ratepayers, I submit that as a general statement it will not hold water.

The hon. Member for Nyanza raised this very difficult question of compulsory saving with a view to post war development. What we hope, of course, is that this taxation, this income tax, will amount to a saving; that is to say, we hope that what we realise will be lent to Government at home for the war and will be available for the development of the country. From a national point of view it does represent compulsory saving.

LADY SIDNEY FARRAR: On a point of explanation, I said stability of development, and intended to apply to stability of individual taxpayers rather than stability as a whole.

MR. LOCKHART: I was going to elaborate that point to which I was coming. What the hon. member had in mind was money for development which remains at the command of the individual taxpayer. Well, after all, drastic as these increases are, they will leave a very substantial share of income in the pockets of the taxpayers, as far as excess profits tax is concerned, with which these proposals must be in one's mind linked. There again, a considerable portion remains in the hands of the taxpayer. When we speak of compulsory saving as introduced into the United Kingdom, we must remember that was introduced as a measure of scaling down what in the excess profits tax amounted to 100 per cent. It amounted to a stage which the proposals before Council have not yet reached.

But while there are, as in all these things, considerable difficulties, I do not think that should rule the proposal out, and I entirely agree with the hon. member that it is a point for consideration in select committee.

Turning to the remarks for the hon. Member for Trans-Nzoia, I do not know that I should be prepared to state that this is the heaviest taxed country in the world, but we have sent up taxation to a very considerable degree. I think the hon. member has gone much too far in his argument regarding deduction for debt. When he says debt, he is presumably speaking of capital liability, and to suggest that no man should be liable to pay income tax until his capital liability was extinguished is, in fact, virtually the policy of income tax, and the variation of any debt redemption proposal does, of course, produce the most anomalous results as between individuals and as between a man engaged in agriculture financed by capital which he happened to acquire in his own right against improvement or development done on borrowed money. We have been through all this before. We went into it in select committee in great detail indeed in connection with excess profits tax. I

have no objection whatever to saying that it can all be gone into again by the select committee we now propose to appoint, but I cannot hold out very much hope that we are likely to arrive at any different conclusion.

However, I could not agree with the hon. member more than when he says we may have no surplus balance at the end of 1942 other than what we have. That is, I should say, one of the strongest arguments in favour of this bill which could be presented to this Council, and I heartily endorse it.

COL. KIRKWOOD: On a point of explanation, what I had in mind was not the question of extra taxation to make up deficiencies next year but of going into the finances and expenditure of the country and scaling down expenses and saving money.

MR. LOCKHART: I do not think the hon. member said that.

The question was put and carried.

MR. HARRIGAN moved that the bill be referred to a select committee consisting of himself as chairman; Mr. Lockhart, Mr. Tomkins, Col. Modera, Mr. Wright, Mr. Nicol and Mr. Pandya.

MR. LOCKHART seconded.

The question was put and carried.

#### INCREASE OF RENT AND OF MORTGAGE INTEREST (RESTRICTIONS) (AMENDMENT No. 2) BILL 2nd Reading

MR. HARRIGAN: Your Excellency, I beg to move that the Increase of Rent and of Mortgage Interest (Restrictions) (Amendment No. 2) Bill be read a second time.

This bill has three objects in view. The first arose from the Municipality of Nairobi, and the position at the moment is as follows. Although there is a large number of houses which should be demolished, although the Town Clerk obtains a demolition order under the necessary ordinance from the magistrate—or I should say that he obtains a demolition order subject to a condition which I will explain in a moment—nevertheless, on account of overcrowding and the necessity for houses in Nairobi at the present moment, in fact no demolition ever takes place, for this reason, that

[Mr. Harragin]

before the warrant authorising the demolition can be signed the magistrate has to be satisfied that alternative accommodation has been found for the people who live in the particular house to be demolished. In fact, as there is very little alternative accommodation to be found in Nairobi at the present time, and as the tenants who are to be turned out can always protest that such accommodation is not suitable, which is the word used under the ordinance, the whole demolition scheme has been at a standstill for some time.

The position, as hon. members know, is at the moment in Nairobi more serious than usual. The particular houses which the Medical Department wish to demolish are naturally poor houses and those infested with rats. We know that plague is conveyed by rats from house to house, and the position is really becoming absurd in that, although we know these houses harbour rats, we are unable to demolish them, which we should be able to do according to law because suitable accommodation cannot be found for the tenants. I know that hon. members will be able to say with a great deal of reason that it is extremely hard on these poor people who are going to be turned out if we do not find suitable accommodation for them elsewhere. Actually, the numbers will not be great, and I am told by those who know that, when they are forcibly ejected from these houses, they will find somewhere to rest their heads, either with friends or relations, but so long as they have the protection of the law which they now have, they will never make the slightest effort to find somewhere to move to in the event of their house being demolished. It is, I am afraid, a case of the rights or the wishes of a few having to give way to the safety measures regarding the health of the many in this township.

The first amendment, therefore, deals with the provision which makes it incumbent upon landlords to find alternative accommodation for their tenants where the houses are required for the purposes of demolition under an order of the court which has been obtained by the usual local authority.

The second point is to provide relief for a landlord where his tenant has sub-

let without his permission. The attention of Government has been called repeatedly to the position which has arisen in Nairobi and elsewhere of a landlord unable to eject tenant X. Although tenant X is perfectly willing to leaving himself, he says nothing to the landlord about it but merely sub-lets the house, and the first the landlord knows about it is that instead of having tenant X in the house he has tenant Y. Tenant Y, for any reason you may think of, may be an undesirable tenant to the landlord, and you have the position as in Nairobi to-day, as people are clamouring for houses everywhere, that when tenant X leaves the house and sub-lets to Y that because he leaves a few sticks of furniture behind he lets it as a furnished house and obtains a great deal more rent which is not shared by the landlord, who merely gets the original rent that he got on the 3rd September, 1939. It must appeal to every hon. member that it is an injustice that the landlord, who has invested his money in that way, should have a tenant forced on him without his consent and when he probably has worthy tenants waiting on the list to get into the house. As you know, the original idea of the ordinance was to protect tenants being turned out by landlords in order that they could get higher rents. That is as far as anyone really meant the ordinance to go, but by exploitation in this way we see that tenants are managing to make something out of the ordinance which it was never the intention of the ordinance they should have. By making this amendment a landlord is given the right to recover his house when it has been sub-let to a tenant without his permission.

The third point is with regard to the landlord wishing to go into the house himself. I can best explain that by giving you an example. Let us assume that a man of foresight say in Mombasa, it might be anywhere, as he works in Mombasa for a firm or Government or anyone you like to think of, invests his money and builds a house in which he lives. Owing to circumstances over which he has no control he is transferred from Mombasa to Nairobi for a time uncertain. He is ordered to report at Nairobi for duty with his own firm, and he therefore not unnaturally rents his

[Mr. Harragin]

house to someone who requires it in Mombasa. After a few weeks or a month or a year he is re-transferred to Mombasa to carry out the duties of his firm there. He finds himself in this ridiculous position, that although he had the foresight to build a house he has to live in an hotel while the tenant to whom he let it sits in his house in comfort. The amendment is to deal with the case of a landlord who owns a single house, and I say that deliberately because this is not meant to permit people who own several houses and wish to get rid of a tenant to simply say that they want to live in it themselves and step into it, but to confine it to cases where a man has legitimately built a house for himself and wants to live in it, and there is no conceivable reason why he should be made to live in an hotel while the tenant has the advantage of his foresight.

Those are the only three points that this bill deals with, and I think they are points which have at least equity to back them up.

MR. BROWN seconded.

MR. NICOL: Your Excellency, I welcome this bill. I am very glad indeed to see it brought in. There is no doubt about it that advantage of the original ordinance has been taken by various people, and it has meant that the ordinance has applied harshly and in a way which I am certain was never the intention of Government it should apply.

There are just one or two points which I should like the hon. and learned Attorney General to clear up for me.

In clause 2(i), line 35, it says "or in the absence of any such lease, has given the tenant one month's notice to quit." I would like the point of one month's notice clarified. Does that mean a calendar month or 30 days from the date of serving such a notice? I understand that a complementary measure actually to this particular clause is the Conveyancing Act, the Transfer of Property Act, I think it is called, wherein 15 days' notice is the statutory time given. What I want cleared up is whether one month is a calendar month from the 1st to the 30th or 31st, or 30 days from date.

There is another point I have been asked to raise, and that is the question

of the rent allowed by the principal ordinance to be charged which is based, I think, on 5 per cent of the capital expenditure. Here again this seems to cut across the Moneylenders Ordinance, where I think a moneylender is allowed by statute to get 7 or 10 per cent. It is a point which might be gone into in select committee. I am not clear on it myself, but I was asked before I left Mombasa to raise it.

Turning to the "Objects and Reasons," and particularly (c), it says: "To enable a landlord who is the owner of one house only to regain possession of his house which he has let temporarily. It is proposed that this right should only obtain in a case where the landlord has let the house because he has temporarily left the town or municipality in which the house is situate." I want that altered if possible to cover the man, we will say a married man with a family, whose wife and child go away on leave but he himself cannot go away and, in order to save expense he possibly takes a smaller house for himself and lets his own house. It would also apply to people who have let their houses on a month to month tenancy prior to the outbreak of war on 3rd September, 1939.

When this individual's wife and family return, they naturally want to get back to their own house, and I want under this particular bill provision made to enable the man to recover possession of his own property.

COL. MODERA: Your Excellency, when the hon. and learned mover introduced this bill, I understood him to say that these amendments were necessitated because the intention of the principal ordinance was not altogether being carried out. That being so, I would refer to a matter of principle which is not referred to or made mention of in any of the amendments before Council, and I would ask the hon. mover when he replies whether he can give me an answer on this matter.

By proclamation in the Gazette dated 10th June of this year, Nairobi business premises were brought within the purview of the ordinance, and the date from which the ordinance was to be applicable to Nairobi business premises was 31st December, 1940. The intention of the

[Col. Modera] ordinance, as I understood it, and as I think every member of the Council understood it, was that there should be no profiteering of rents from the commencement of the war. The date which was applicable in the case of private houses as opposed to business premises was 3rd September, 1939. It has been represented, and I think perfectly correctly represented, that a number of landlords after the commencement of the war reduced their rents on certain business premises.

The only effect, therefore, of making the ordinance applicable from 31st December, 1940, is to say to a landlord who has reduced his rent: "You cannot put your rent back to what it was at the commencement of the war." I venture to suggest that that was not the intention of the ordinance, and that there is a very real hardship in certain cases. It may be argued that if the date was put back to the 3rd September, 1939, as far as business houses are concerned, other hardships would be inflicted, but I do think that the real point is whether there has been profiteering by rentals having been increased from the time of the commencement of the war.

I would ask the hon. member, if this bill is going to a select committee, that this point may be considered there and an amendment included to that effect.

MR. HARRAGIN: Your Excellency, as the hon. Member for Nairobi South well knows, the point which he has just made has nothing to do with the bill we are now considering. But it is not a subject of which I am completely ignorant, and I would reply to the last point that he made (namely, whether it should be considered by the select committee) in the negative, for this reason. As the ordinance stands at the present moment, Your Excellency in Council fixes the date, and if the hon. member can persuade Your Excellency in Council to vary the date from whatever it was, 31st December, 1940, to 3rd September, 1939, I have no doubt it will be done. I personally think that he has on that score a number of difficulties to get over, particularly the practical difficulty which I merely refer to him for his consideration. That is, assuming you dated this back from 31st December, 1941, to 3rd September, 1939, how on earth would

the adjustments and re-adjustments with regard to rent paid the landlord by the tenant for the last two years be done from a practical standpoint? I suggest that it is quite impossible.

The reason why dwelling houses were fixed at the 3rd September, 1939, is because we were doing it immediately war had started. We were bringing the principal ordinance into force in December, 1939, I think it was, and we naturally fixed upon the date war broke out as the date upon which the application of the ordinance should come into force. But two years later, to suddenly jump up and say that they should make two years adjustments in the case of business premises, is beyond the bounds of practical politics.

The point made by the hon. Member for Mombasa is, of course, one which will receive consideration in select committee of which, I am glad to say, he will be a member. He asked what was meant by a month. Of course it means a calendar month. In other words, you cannot give a man notice to leave on the 13th, he must have notice from the 1st of one month to leave at the end of the next month. The other point the hon. member made was with regard to the Moneylenders Ordinance and is not, I am afraid, quite clear to me either. The rent is fixed as the rent of the house paid at the time it was rented on the 3rd September, 1939; whether that is 5 or 55 per cent I do not think came into the question at all. I rather fancy the hon. member must be thinking of a house built afterwards, and he is considering what a reasonable rent would be; there are extremely few such houses in point of fact, but I will be prepared to go into it with him. He also well realises it is entirely new matter and foreign to this bill before Council.

The question was put and carried.

MR. HARRAGIN moved that the bill be referred to a select committee consisting of himself as chairman; Mr. Mortimer, Mr. Montgomery, Col. Modera, Mr. Nicol, Mr. Cooke and Mr. Shamsud-Deen.

MR. BROWN seconded.

The question was put and carried.

#### ADJOURNMENT

Council adjourned till 10 a.m. on Thursday, 11th December, 1941.

#### Thursday, 11th December, 1941

Council assembled at the Memorial Hall, Nairobi, at 10 a.m. on Thursday, 11th December, 1941. His Excellency the Governor (Sir Henry Moore, K.C.M.G.) presiding.

His Excellency opened the Council with prayer.

#### MINUTES

The minutes of the meeting of Wednesday, 10th December, 1941, were confirmed.

#### PAPERS LAID

The following papers were laid on the table:—

By MR. RENNIE:

Standing Finance Committee Report on Schedule of Additional Provision No. 3 of 1941.

Standing Finance Committee Report on Draft Estimates of Expenditure and Revenue for 1942.

By MR. HARRAGIN:

Select Committee Report on the War Taxation (Income Tax) (Amendment) Bill.

#### NOTICE OF MOTION

MR. HARRAGIN gave notice of the following motion:—

That the Select Committee Report on the War Taxation (Income Tax) (Amendment) Bill be adopted.

#### ORAL ANSWERS TO QUESTIONS

No. 77—USE OF COTTON SEED ON K.U.R. & H.

By MR. KASIM:—

Will the hon. General Manager, K.U.R. & H., please state:—

(a) How many tons of coal were imported during 1940 for the use of locomotives and what it cost the Railways per ton?

(b) Is he aware of the fact that during this year about 100,000 tons of cotton seed have been destroyed in Uganda as no shipping space was available to export it?

(c) Is he aware that many industrialists in Kenya and Uganda who have steam engines burn cotton seed mixed with wood fuel and that the Sudan Railways have made experiments and

found it satisfactory to use cotton seed mixed with coal in their locomotives?

(d) In view of the present necessity to save shipping space as also to stop the waste of local produce, will he arrange to experiment with the use of cotton seed, if not in all locomotives, at least in some of them?

(e) Will he also consider reducing the freight on cotton seed from Uganda to Kenya for use as cattle feed or engine fuel?

MR. RENNIE (in the absence of Mr. Hamp): (a) 103,882 tons of coal were imported by the Railway Administration during the year 1940, at a cost of Sh. 41/49 per ton.

(b) The answer is in the affirmative.

(c) The Railway Administration is aware that some industrialists in Kenya and Uganda use cotton seed mixed with wood fuel as fuel for steam engines but has no information of experiments made by the Sudan Railways concerning the use of cotton seed mixed with coal as fuel for their locomotives. It is known, however, that the Egyptian State Railways obtained satisfactory results from the use of cotton seed cake mixed with coal as fuel for locomotives but were forced to discontinue its use, except for lighting-up purposes and for pump boilers, owing to fires caused by the large quantities of sparks ejected from the chimneys of the locomotives and because a suitable spark arrester could not be devised.

(d) The possibility of utilizing cotton seed cake as fuel for locomotives has not been overlooked by the Administration and exhaustive tests with locomotives have recently been conducted. The results of these tests demonstrated quite clearly that, bearing in mind the length and severity of the grades, cotton seed cake as a fuel for use in locomotives in conjunction with coal is not a practical proposition.

(e) The railrage rates on cotton seed for cattle feed and cotton seed for fuelling purposes are cents 3 per ton mile and cents 4 per ton mile respectively. These reduced rates, which were introduced with the specific purpose of assisting local industries, are considered to be very favourable.

## FOREST BILL

## SELECT COMMITTEE REPORT

MR. GARDNER: Your Excellency, I beg to move that the select committee report on the Forest Bill be adopted.

As hon. members will see, this report is a short one. The most important recommendation of the committee is that an advisory committee should be appointed to advise Government on matters relating to forest policy, and that such committee shall consist of the Conservator of Forests, chairman, and four other members nominated by the Governor. We therefore propose that a new clause to this effect should be inserted as clause 3 and the subsequent clauses renumbered accordingly. The majority of the committee considered that in view of the large interests of the timber trade in the forests of the country, one of the members of the advisory committee should represent that industry. They therefore make that suggestion for Your Excellency's consideration.

In the draft bill it was proposed that the Governor in Council should not declare that a forest area should cease to be a forest area until notice of the intention had been published in the Gazette. The select committee considered it desirable to specify the length of time of such notice, and proposed 28 days. Similarly, in the old clause 4 (4), we propose that before Legislative Council can adopt a motion disforesteing a demarcated forest, 28 days' notice of such motion shall be given.

Under clause 14 (1) (c), where power is given to the Governor in Council to make rules for the protection and management of forests on private land, the committee thought that the term "private land" was rather ambiguous, and therefore propose that the term "alienated crown land" shall be substituted for it. It was also considered unnecessary to bring under control plantations made by land owners themselves on their own land, and therefore the committee propose that the rule-making power shall be confined to indigenous forests on private land. The only other amendments are consequential.

MR. HARRAGIN seconded.

MR. COOKE: Your Excellency, I am afraid that I must oppose this recommendation about the advisory committee, unless I get an assurance, which I am afraid I shall not get, that that committee shall not be composed so far as it possible of people with any timber interests in the country but shall be composed of men and women such as those who are members of the Arbour Society, quite disinterested people with a real love and knowledge of forestry. By that means alone will we avoid in future disastrous mistakes made like that, for instance, over the Uplands alienation.

I do not want to be irrelevant, but I will give the reason why I am opposing. There are lots of people in this country, and I can claim to be pretty well in touch with public opinion in this country, who feel that Your Excellency in choosing committees seems to feel that there are about half a dozen people who have a monopoly of intelligence and knowledge in this country. We therefore find the same names appearing on these very important committees. I do not say that these gentlemen are not very distinguished and very able, but I do say it is quite impossible for them to give sufficient time to these committees and, furthermore, I do suggest that it is wrong that these same gentlemen should bring the same brains to bear on the various committees on the same problem. If people do not see the unwisdom, and I may say the impropriety of such a course, well, no argument of mine will convince them.

There is one small point—I do not want to join issue with my hon. and learned friend the Attorney General, but, as I pointed out the other day, the second part of old clause 3 is not really the King's English as it stands at present and is really meaningless. I will read it out: "Provided that before declaring that any forest area or part of a forest area shall cease to be a forest area the Governor in Council shall cause notice thereof to be published in the Gazette." I do not think it is very good English, and what should have been put there was "to cause notice of the intention thereof" or, better still, "notice of such declaration to be published in the Gazette", because as it stands it is more

Mr. Cooke] or less meaningless. I thought that possibly the hon. Attorney General might amend that.

MR. HARRAGIN: Your Excellency, to deal with the last point first, of course, there are many ways of expressing one's self in the English language, and what is visualized here is that before Your Excellency makes perhaps a declaration you will in fact put in a notice to the effect that you contemplate making such declaration. I think if you consider it from that point of view the wording as it stands is sufficiently clear for all practical purposes.

With regard to the other point raised by the hon. member, I think that members of this Council will agree with me that it is impossible to fetter Your Excellency's discretion in saying who exactly you will or will not put on any particular committee. For instance, it might well be, as was discussed in this committee, that there are various societies, boards and companies interested from various points of view in forestry, and we did consider whether we should make such a recommendation and put in the bill itself that all four of the most important should be represented on this advisory committee. On reflection, we came to the conclusion that it would be unwise to set out in detail who should and who should not be on any particular committee, but that as a suggestion to Your Excellency, we thought that we might mention that the timber industry from the business point of view should be represented.

Why we did that was because, as so often happens when considering matters like this, Your Excellency will perhaps be advised by others that those who love the trees and those whose business it is to make a living out of the trees and those who ought to have a say in the way the trees are grown, should be represented. That is the only recommendation which we make to Your Excellency, that when you are appointing this committee you will, no doubt, consider all those most able to advise, and I have no doubt that the Arbor Society will come high up on that list while also considering at the same time the commercial side.

The question was put and carried.

## THIRD READING

MR. HARRAGIN moved that the Forest Bill be read a third time and passed.

MR. BROWN seconded.

The question was put and carried, and the bill read a third time and passed.

## ESTATE DUTY (CONSOLIDATION) (AMENDMENT) BILL

## SELECT COMMITTEE REPORT

MR. LOCKHART: Your Excellency, I beg to move that the select committee report on the Estate Duty (Consolidation) (Amendment) Bill be adopted.

Hon. members will remember that the bill as originally brought before this Council increased the rates of duty. That proposal was dropped, and in view of other amendments the committee thought it desirable to attach to the report a revised bill which is complete in itself so far as the remissions of duty are concerned in connexion with deaths due to war.

The amendments to the original bill which have been incorporated are set out in paragraph 4 of the report. That includes the very important amendment of extending to civilians the benefits of this bill in the event of death which results from enemy action; it is also proposed to extend the period from the date the injury was received or death occurred from one to three years; and also to extend the benefits of the bill to the brothers and sisters, and their descendants, of the deceased.

I do not propose to go through the clauses of the bill in detail, but it might help if I state clearly what the effect is. The effect is this. The widow, lineal descendants or ancestors, brothers and sisters and their descendants, of any person who loses his life as the result of enemy action and dies within three years of the date of injury, get a remission on the first £7,500 of the value of the estate and receive a reduction of one-half of the duty leviable on the remainder. The bill also provides for the remission of duty in the case of an estate which passes twice as the result of death by enemy action.

[Mr. Lockhart]

It will be seen that the committee were not unanimous on one point, and that was the sum up to which complete exemption is given. There were some members of the committee who felt that the figure should be £10,000. The position is that the figure in the United Kingdom is only £5,000, and bearing in mind also that the rates of estate duty which will be levied on the balance are very much less than in the United Kingdom and are reduced by one-half, they become very modest figures indeed. One part of the committee, that containing the official members, could find no ground and, indeed, I think it not unfair to say that no arguments were really put forward, for extending that figure to £10,000.

MR. HARRAGIN seconded.

MR. NICOL: Your Excellency, as my hon. friend the mover said, the unofficial members of this particular committee considered that total remission should be given to estates under £10,000 as opposed to the £7,500 left in the bill. Our view of that was that in a young growing country like Kenya, to take away capital which, in effect, estate duty does, is not going really to benefit the Colony or the individuals. However, we were evenly divided on it, and for that reason the sum of £7,500 was left. I do not think it is actually right when dealing with a subject like estate duty to draw comparisons as between the United Kingdom and a Crown colony such as this.

I want to place on record that, though I subscribed to this report and the bill, I personally am opposed to the principle of estate duty taxation in a Crown colony and an agricultural colony, and I sincerely trust that after the war is over one of the first things to happen will be the removal of the Estate Duty Ordinance from the statute book of all East African territories.

COL. MODERA: Your Excellency, I am sorry that I was not here when the hon. Financial Secretary was moving the adoption of the report of the select committee. I was one of those on the select committee who stood out for £10,000. I can see no reason at all if

we are going to be logical for making a departure from what was the limit of exemption in the United Kingdom where the sum as we all know was £5,000. But, if we are going to make a departure, I think a sum not less than £10,000 was the proper one. For that reason I stuck out in select committee for £10,000 as opposed to £7,500, which is apparently a compromise.

MR. LOCKHART: Your Excellency, I can only say in regard to the remarks of the hon. Member for Nairobi South that when it comes to the question of logic, if we are going to depart from £5,000 why £10,000 and not £7,500? Of course, if we are going to depart at all we can slip in any figure, up or down, but one thing in favour of the particular figure is one which appears in the expired law of Kenya which this bill is really intended to revive, and we feel that the concession of 50 per cent is an adequate one.

The question was put and carried.

### THIRD READING

MR. HARRAGIN moved that the bill be read the third time and passed.

MR. BROWN seconded.

The question was put and carried.

The bill was read the third time and passed.

### PYRETHRUM (AMENDMENT No. 2) BILL

#### SECOND READING

MR. BLUNT: Your Excellency, I beg to move that the Pyrethrum (Amendment No. 2) Bill be read a second time.

The object of this bill is to reconstitute the Pyrethrum Board on the basis of district representation. This matter has been under discussion by the board and by members of the industry for some time past, and there is, I may say, general agreement by all concerned that it is desirable to alter the present constitution which, as members are aware, is election by a conference of all growers, to the system now proposed, which is to divide the country into a certain number of areas (the number of areas is not specified in the bill), and for each of these areas call a meeting

Mr. Blunt]

of all growers within the area for the purpose of electing their representative to the board.

I wish to point out particularly that in the bill it is not laid down how many areas there should be or what these areas should be. That is left to be specified by the Governor in Council, and it will thus be possible, without amending the law, to alter the number of those areas or the districts which they embrace, at any time if the alteration of the number of pyrethrum growers in a particular area should appear to be that course desirable.

This bill was considered last week at a joint meeting of the Pyrethrum Board with representatives of the Pyrethrum Growers Central Association, and I am very glad to be able to inform Council that at that meeting complete agreement between those two bodies was reached. Two amendments were suggested by the Pyrethrum Growers Central Association, and the board is ready to accept them, and I therefore propose in the select committee to which this bill will be sent, to suggest those amendments.

In the bill it is stated that the elected members should hold office until the next annual election. It is the desire of the Association and of that board that members once elected should hold office normally for three years and retire in rotation. The other amendment which has been suggested, and to which I may say the board also agrees, is that provision shall be inserted that an annual conference of delegates representing the districts should be called to discuss pyrethrum matters annually and that the board should be given powers to make rules for the election of such delegates and for the conduct of the business of the conference.

The opportunity has been taken to make a considerable number of small amendments to the principal ordinance, to which I will just briefly refer.

In clause 2, the definition of the word "conference" is consequential on the new method of the election of members of the board. Pyrethrum has been re-defined. I may say that experts rather disagreed in the past as

to what was the proper name of the plant, but we now have from Kew that the name is as specified in this new definition. Clause 4 increases the number of the quorum at a meeting of the board, because the numbers of the board will be enlarged. Clause 5 provides for the submission of the board's annual report to those district meetings since the annual general meeting will no longer be held.

Clause 6 (a) extends the period during which the board may submit an appeal against a decision of the Director of Agriculture. It was felt that ten days was not a sufficient length of time to consider such a matter and submit their appeal. Clause 6 (b) restores the protection which was given in the original ordinance to people who planted pyrethrum before the date of the original ordinance. This protection was given in another form but it was inadvertently omitted so far as it concerns acreage when licences should be granted by acreage.

Clause 7 is merely a clarification, and it is intended to make it quite clear what growers may deliver to the agency. Clause 8 has been altered to make provision that additional quantities of pyrethrum above what is provided for in the licence may be delivered if a permit to do so is given by the Director on the recommendation of the board. Clause 9 provides for the continuance of the board in office until the first of the district meetings for the election of the board under the new system shall have been held.

MR. BROWN seconded.

The question was put and carried.

MR. BROWN moved that the bill be referred to a select committee consisting of himself as chairman; Mr. Blunt, Dr. Wilson, Lady Sidney Farrar, Mr. Wright, Mr. Bouwer, and Dr. Sheth.

MR. HARRAGIN seconded.

The question was put and carried.

### LEGISLATIVE COUNCIL (WAR PROVISIONS) BILL

#### SECOND READING

MR. HARRAGIN: Your Excellency, I beg to move that the Legislative Council (War Provisions) Bill be read a second time.

[Mr. Harragin]

Doubts have arisen as to whether hon. members on the other side of Council who happen to be rendering war service and receiving remuneration therefor, are entitled so to do under the law in force at the present time. Doubts have not only arisen in this country but in most other countries of the Empire, including Great Britain. Actually, as our ordinance is framed, I consider it would be possible, but in order to set all doubts at rest this bill is introduced with the intention of making provision that you, Sir, can give a certificate, which will be laid on the table of Council, to the effect that you consider certain posts are connected with the prosecution of the war and that remuneration can be received therefor, whereupon it will be beyond doubt that the hon. members on the other side of Council will be entitled to receive remuneration.

The opportunity has also been taken to make provision for extending the life of this Council. Hon. members are aware that Legislative Council is governed by two sets of legislation, so to speak. There is our own Legislative Council Ordinance, and there are also the Royal Instructions of His Majesty. You, Sir, approached His Majesty's Government on this subject, and we have been informed that they have made the necessary amendment at home to permit this Council's life to be extended. The object of clause 3 of the bill is to make similar provision in our Legislative Council Ordinance. The effect will be that this Council will remain in being until dissolved by Your Excellency, and thereafter the ordinary sections which are being suspended by the bill now before us will come into operation, so that the re-election of Council will again be the subject of a four years period.

MR. BROWN seconded.

COL. GROGAN: Sir, will the hon. and learned mover inform us of one matter that arises out of his remarks? He referred specifically to this side of Council, and then he quoted as an analogy the House of Commons in the United Kingdom, or the dis-United Kingdom. In the House of Commons at home both sides of the House are in

the same category. Therefore I can only assume from the remarks of the hon. mover that all the gentlemen on the other side of this Council have been entirely out of order and should never have voted on anything, more especially in connexion with their own salaries, ever since we have had a seat in this Council. If there is anything special which differentiates members on the other side from this side of Council, I trust the hon. mover will take this opportunity of explaining it.

MR. NICOL: Your Excellency, I was not quite clear from the hon. and learned mover's remarks whether the extension of the life of this Council was another four years; I was not quite clear what he said. I was rather under the impression that, if occasion arose where there was a general demand throughout the Colony for a new election, it is with in Your Excellency's power to dissolve the existing Council and order a new election.

MRS. WATKINS: Your Excellency, of course I rise to support this bill, but I do submit it should be made abundantly clear to a constituency that they can if needs be ask for a deputy. We know that if a member goes away for eight months he automatically ceases to be a member of this Council but he may well be away without being actually outside the boundaries of this country. I submit that we are not here on our own, but as representatives of different parts of this country, and if our work takes us away from contact with the district, with the people we represent, then we cannot adequately represent their views, and the constituency itself should have the right to say whether there should be a deputy for the time being or not. In the case of the Member for Uasin Gishu, he is actually I believe right out of the country and he has put in a representative, but I maintain it is possible for him to be just as much away from his district, say in Mombasa on war duty, without being out of the country.

It is a difficult matter for anyone in the constituency to start a demand for a deputy unless this point is made clear, for it looks firstly as if one were penalizing some hon. member for being

[Mr. Watkins]

parabolic, which no one would want to do, and secondly as if any individual making the demand were himself seeking for the place on Council. I have heard that stated in various districts in the country. It seems to me, therefore, that a deputy might be allowed whether or not the member, who was engaged on war work in such a way as to keep him out of his district, were actually within or without the bounds of the country, and that it should be made clear to the constituents in question that this can be done. Otherwise the constituency feels that it is entirely or partially unrepresented because the member is not in the district and can rarely visit it to get the opinion of what is going on and what is wanted.

MR. COOKE: I should like to support that suggestion, Sir.

MR. HARRAGIN: Your Excellency, with regard to the remarks of the hon. Member for Kiambu and supported by the hon. Member for the Coast, that matter, of course, has nothing whatever to do with the bill which we are at present being asked to consider. That is a question for consideration not only in times of war but in times of peace, and it has been the considered policy of this Government and this Council that you should not restrict a member to occupying a seat only where he happens to live. For instance, it is perfectly possible under existing legislation for someone living in Nairobi to be elected for the Coast or for Ukamba, or anywhere else you like to think of. If there is anything in the suggestion made by the hon. members, that should come up at a time when we are considering a new Legislative Council Ordinance altogether.

MR. COOKE: On a point of explanation, that difficulty arises I think only in war time; it does not arise in peace time really. There was no suggestion by the hon. Member for Kiambu or myself that a member should be compelled to live in his constituency. The hon. member's point is that he has not time to attend to duties if he were away from his constituency.

MR. HARRAGIN: The point is really, however one puts it, whether a member who does not attend regularly in his constituency should be allowed to have a deputy. It is a far-reaching principle, and should be considered another time and in another place.

With regard to the remarks of the hon. Member for Mombasa, I am sorry that I did not make myself clear. He is perfectly right in his interpretation of the bill, which is that Your Excellency can dissolve this Council tomorrow if you wish to or you can keep it in being until such time as you see fit to dissolve it. But the moment it is dissolved, the ordinary law comes into force again, and the next Council will be for four years. You do not retain for ever the right to keep the Council in being as long as usual but only during this particular time of war and for this particular Council.

With regard to the point raised by the hon. Member for Ukamba the answer, of course, is that this provision is made in Royal Instructions directing you, Sir, to appoint certain official members to be official members on this side of Council. Therefore, whether they receive remuneration or not has nothing whatever to do with the point because by law, for instance, the Attorney General is bound to be a member of this Council. Under that law the Attorney General sits and votes, and if his vote is questioned he merely produces the Royal Instructions.

The question was put and carried.

## CROWN LANDS (AMENDMENT) BILL

### SECOND READING

MR. MORTIMER: Your Excellency, I beg to move that the Crown Lands (Amendment) Bill be read a second time.

Hon. members will no doubt recollect that at the last session of this Council a resolution was moved with the object of approving of the setting apart of four areas of land, specified in the resolution, as native reserves. The proposal was explained at some length, together with the full details of the need for the provision of these particular

[Mr. Mortimer]

areas to meet specific requirements which had arisen for the native population of this Colony. There was general agreement in all parts of Council as to the necessity for meeting those requirements, but there was considerable difference of opinion as to the method by which those needs should be met.

An amendment of the wording of the resolution was proposed and was debated at some length and, as the debate proceeded, it became more and more apparent that while there was, as I have said, general agreement as to the satisfaction of the need, the difference of opinion as to the method by which that need should be met was more and more marked. The debate was therefore postponed to permit of a conference being held to see if some agreement could be reached as to the method, and it was then decided to carry out the proposal by means of a special ordinance restricted to these settlement areas. With Your Excellency's consent, the resolution was therefore withdrawn, and the present bill was drafted.

This bill has been drafted as an amendment to the Crown Lands Ordinance, which is, in my opinion, the appropriate ordinance, as that is the law governing the administration of Crown land, and what more appropriate ordinance could there be for making the necessary provision for governing these particular areas of Crown land?

There were four areas included in the resolution before Council at the last session, known respectively as Olen-guruone, Gedi, Digo, and Gichuirib. While it was possible to produce an adequate description of those areas for the purposes of the resolution, we broke down on the definition of Gedi when it came to providing an accurate description for inclusion in the ordinance as the survey of Gedi had not then been completed, although it was proceeding. The bill was therefore drafted to cover the three areas only, and provision was made in 57 B (2) and (3) for the addition of Gedi when the time came and also if, in the opinion of Council, in future there was a necessity for setting aside further similar areas the provision would be there for the use of Council.

It has, however, since become possible to provide a description of Gedi. A survey of about three-quarters of it has been completed, and it has been decided to excise a portion of about 1,800 acres from the original area; the remainder can be properly described and included in the schedule to this bill.

It is proposed to transmit this bill to a select committee in order to provide for this and any consequential amendments that may be required and, in select committee, I propose to move for the deletion of those sub-clauses (2) and (3) and for the deletion of the word "three" in the first line of 57B. That will make the bill purely an *ad hoc* measure for dealing with the four areas we had under consideration when the Council last debated this subject.

There is no need, I think, to go into any details now as to the four areas concerned. They were very fully explained during the last debate. I will just say in brief that the Olen-guruone area is at the extreme western end of the Masai native land unit. It has now been excised from the land unit and has become Crown land by resolution of this Council during last session. The area is 37,500 acres, of which 33,500 were provided by exchange and cash compensation and 1,200 acres were added as a free gift from the Masai for the accommodation of certain Kikuyu squatters whom the Masai wished to remove from some other part of their territory. Gichuiru, 745 acres, is required for the settlement of certain claimants of right. Digo: there are four areas which have been relinquished by the East African Estates, Ltd., for the accommodation of natives who were squatting without right on other parts of their estate. The last is the Gedi area, about 10,400 acres, on which an agricultural settlement of considerable interest is now being carried out.

During the previous debate the hon. Member for Ukamba discerned a cloud of mephitic doctrines between his bench and my own which he alleged had emanated from this side of the Council chamber. I know what that phrase means, because I have looked it up in a dictionary. (Laughter.) I am not, of course, as familiar with doctrines of that type as my hon. friend. Therefore, it

[Mr. Mortimer]

is perhaps pardonable that I fail to recognize in anything said on this side of Council any words, to which that description could properly be applied. I assume that the hon. member is attributing to me an opinion which I have never held, and which I certainly never expressed, that it is the duty of Government to provide a piece of land for every native who wants it. There will inevitably be an increasing class of landless Africans. We are not, however, dealing in this bill with the general principles governing the native occupation of land, but with certain specific requirements of certain specific groups of natives whose needs have been recognized and whose rights have to be acknowledged.

That is why this measure is of some urgency. The occupation is now existing and needs to be controlled; it is of the utmost importance that regulations be provided for the proper conservation and use of the land comprised within these areas. This bill purports to give the necessary legal authority for the use and control of these particular areas.

Clause 57 C gives power to Your Excellency, with the consent of the Native Lands Trust Board, to grant permits to occupy the land to any group, family, or individual, subject to prescribed conditions. Clause 57 D will exclude permits issued under the ordinance from the operation of the Registration of Titles Ordinance and the Stamp Ordinance.

Clause 57 E will apply the provisions of certain sections of the Crown Lands (Amendment) Ordinance, 1938, to these settlement areas. These particular sections are applied at present only to native reserves, temporary native reserves, and native leasehold areas. The special provisions included in this clause are, first of all, to authorize Your Excellency to cancel the reservation or reduce the area of the reservation if future requirements are altered. Secondly, to place these settlement areas under the protection of—but not to vest them in the Native Trust Board. The third section will provide for the exclusion from the settlement areas of land that may be required for any pub-

lic purpose, and the fourth will give to the Governor rule-making powers.

MR. HARRAGIN seconded.

MR. COOKE: Your Excellency, I did not intend to speak on this measure until I heard my hon. friend. Nothing that my hon. friend has said has made the atmosphere less mephitic and in addition it is now one of inspissated fog! I cannot quite understand from the hon. member, and he has not explained it to us, why this *ad hoc* bill is necessary. As I said before, I think this land adjustment could be done under the existing ordinance, and it seems to me that the hon. member has been rather weak in giving way on this point, and he is the cause of all this dilly-dally in the movement of the natives. The reason I rise now is because I do not see, and the hon. member has not explained, why it is necessary to have an *ad hoc* bill; a general bill to govern the future movements of natives is what we require.

MAJOR CAVENDISH-BENTINCK: Your Excellency, in view of the assurance given that this bill is now going to be turned into an *ad hoc* bill to deal with four areas only, I shall not oppose it, but it might be just as well to explain why some of us feel so strongly on this particular subject.

The whole question of land and "areas" of land in this country has been one which has exercised us for many years past. There have been various attempts to delineate—and after all we are responsible on this side of Council, those elected members representing European areas, for the "White Highlands" and other portions of land—there have been various attempts made in the past to delineate these boundaries. The original one dates back to 1905, when an attempt was made by Sir Frederick Jackson to deal with various land questions, including the White Highlands and others. Then there was the white paper in 1923; there was some attempt by the Commissioner of Lands in 1924, by His Excellency the then Governor in 1928, and by a special sub-committee of Executive Council in 1928. We hoped in 1926 and 1928 that the extension of native reserve boundaries would settle native land require-

[Major Cavendish-Bentick] ments for many years to come. Those efforts were not successful, and we had the Carter Commission, and their report added 430,000 acres of land, not including the Lerogi and Maarie areas, to the native areas and not including forest land. In other words, this Commission took off 1,087,000 acres of land from what up to then we imagined to be open for settlement. We accepted that, and why? We accepted it to achieve some sort of finality. We were given a definite assurance that the Carter report was to provide the final adjustment necessary both from the point of view of native areas and European areas, and of any further areas of land which might be necessary for any race.

I pointed all this out when this motion came up, and we were told, to quote your own words, sir: "I am prepared at a subsequent meeting of Council to have introduced an ad hoc ordinance to deal with these particular matters." That was, sir, your assurance, because what we had said was that we could not understand why, after all difficulties had been overcome and we had accepted a sacrifice of a very considerable nature, we were suddenly to find in lieu of finality that we were going to have new "native settlement" areas introduced, that the Governor might grant permits and new forms of licence, and that the Governor could from time to time with the approval of Legislative Council even set aside further areas of crown land as "native settlement" areas.

What do we get? We get a bill which is by no means an ad hoc measure. I think that in view of past experience of those who have been out here a long time that if we are to let these sort of measures through this Council without very careful scrutiny, and if we are to approve of a procedure whereby further alienations of land of various sorts of fancy native holdings could be introduced, we should be doing a very grave disservice to those who came after us. We are profoundly suspicious of Government in its dealings with land, especially native and. The whole question of land tenure by natives has never been gone into properly, and Government has rushed from one side to the other. One moment they go for "native areas," the

next moment they go for "freeholding" by natives, or what practically amounts to that, before they had even gone into the elementary questions as to what side the native had got or to what extent he could fragment appeal or land cases to the high court, and all this without any proper survey; before any such elementary work had been done policies have been accepted by Government which, in my opinion, were extremely dangerous. For such reasons we only accept this measure provided we are given an assurance, as we have been, that it is an ad hoc measure to deal with four specific delineated surveyed portions of land, that it will not form a precedent for yet another new thing in the way of native land tenure.

COL. GROGAN: Sir, personally I cannot see why this particular measure should be introduced as an amendment to the Crown Lands Ordinance. It appears to be nothing but a matter between landlord and tenant in respect of certain areas of land which having belonged to Government in the first instance are re-acquired by Government. I would not have had much to say if it had not been that the hon. mover resuscitated a remark of mine made on the last occasion. The debate collapsed suddenly, and the speech made by the hon. mover with his usual engaging manner and clarity led me to suppose that it was based on certain conceptions which I ventured to describe as a cloud of mephitic fallacies. There was nothing offensive in the intention of that, because these conceptions have persisted in the mind of the hon. member ever since my age-old discussions with him, and in a large number of members on the other side of Council. But, in view of the sudden collapse of the debate and my fear that these fallacies might be allowed to continue unchallenged, I took the trouble to make a considerable number of notes so that I should bear in my mind the obvious principles behind the hon. gentleman's mind when he made the speech in support of the measures which were rejected at the time.

What I gather is that he is still the victim of the prevailing belief among many administrative officers, that the only native is a real 100 per cent "bush" native, in due time maturing into a beer-

[Col. Grogan]

drinking elder who has never gone outside the reserve. For a long time the principle has been that when a native leaves the reserve Government loses all interest in him. To Government he ceases to be a native. We, on the other hand, believe that the faster the natives leave the reserves and take up the ordinary everyday work and life of the community, the better for the native and the country.

Another point was that the hon. member seemed to have in his mind was that every native had an unalienable right to land. He can leave the reserve, go on to somebody's farm as a squatter, destroy a proportion of the farm and, finding that it is inhospitable, go and seek a better hole elsewhere. If he cannot find a better hole as regards occupation, I gathered from the remarks of the hon. gentleman that he had an inalienable right to claim another farm in his own right.

But the most fantastic of all his suggestions, if I remember them correctly, was that not only had he a right to claim another estate when he had destroyed one but, he also had the right to claim the estate which suited him. We were told that these particular areas must be alienated to certain of these natives because they would not like alternative areas, they must have areas which suited their own systems. That raises the implication which the hon. member has never contemplated, the necessity of keeping a Debet for natives, so that any gentleman finding himself landless can come along and if he can prove that he is a half-bred Kikuyu-Masai he is thereby entitled not only to a first class bit of agricultural land but also to a herd of cattle, and if he is a Dorobo half-caste with anything you like he is entitled not only to a flock of sheep but a stud of hyrax and a troop of monkeys, so that he may continue life according to the joint traditions of his parents.

I believe that is one of the fallacies which animated my friend on the other side and which should be knocked on the head once and for all. I do not see any particular objection to these trivial transactions, as they are, but I do not see what they have to do with the Crown Lands Ordinance when it is merely a matter between landlord and tenant.

MR. PANDYA: Your Excellency, the position of the Indian members was made clear on the debate on the motion at the last session of Council. I am sorry to find that Government has been drawn from the stand it took at that time, and has now agreed to delete the clauses which gave them power to bring a motion when they found it was necessary. I can appreciate the viewpoint of the hon. member for Nairobi North, but at the same time they are, in my opinion, unnecessarily heated up about what is likely to happen if that clause was allowed to remain. As far as we are concerned, we are in sympathy with the principle that if at any time it is found necessary that natives or Africans should have more land in order to settle an extra number of the population, we in our opinion are content that they should be given that land, whatever may be the results. At the same time, I think it has been agreed by the Secretary of State that wherever the interests of natives conflict with those of non-natives, the interests of the natives should be considered paramount. I think that principle should be borne in mind in these kinds of matters.

MR. HARRAGIN: Your Excellency, there are just two small points which have been raised in the debate on this bill. The first was raised by the hon. Member for Ukamba when he said that in his opinion this should not be an amendment to the Crown Lands Ordinance when it was merely a matter of landlord and tenant. It is because it is really that matter that it is an amendment to the Crown Lands Ordinance, which deals with the tenure of people who hold crown lands. This bill provides for a particular type of tenure which we set out in the ordinance itself.

The other point was made by the hon. Member for the Coast, who wished to know (and there is a lot in his contention) why Government did not stick to its guns and proceed as they did originally, with a motion under section 57(1) of the Crown Lands Ordinance, which makes provision for Government to set aside land for native reserves and temporary native reserves. It is perfectly right that Government did intend to use that section, but it was then pointed out, I think by the hon. Member for Nairobi North who was a member of a com-



[Mr. Harragin] mittee which had sat and considered this Crown Lands Ordinance, that when that section was put in we were not considering individual natives here and there with no resting place or who were trespassing, but that we were considering the economic needs of native tribes, and he suggested that the wording of 57(1) bore that out. On reflection, although I believe the section could be used—stretched perhaps is the better word—to deal with such a case as this, nevertheless it does make in the section itself reference to the economic needs of native tribes. Therefore, as we were not dealing with any native tribe as a whole in any of these settlements, Government accepted that view and agreed that a special ordinance should be passed.

That ordinance was introduced, and I must plead guilty to having been guilty of putting in the specific clause which provides, as I thought, for the future. It was then pointed out that whereas Government had been considering four settlements and four settlements only, and it was on that basis that hon. members on the other side of Council had agreed to a special bill being brought before this Council, we were now taking the opportunity not only for providing for those four under discussion but also for any future settlement which we might have in mind, and they considered that was a breach of faith. In view of the fact that you, sir, have only in contemplation of these particular four settlements and as by amending the bill in the way suggested we were going to get agreement with the other side of Council, I advised Your Excellency, and you accepted my advice, that we should make this an ad hoc bill to deal with these specific settlements which were the subject of discussion at the last session at which, unfortunately, I was not present.

DR. WILSON: Your Excellency, I am sorry that the hon. and learned Attorney General has said that he was guilty of putting in this bill two clauses which I think are highly desirable, but he certainly has given a plausible explanation why Government decided to alter this bill. I am only sorry to see that even with that alteration it does not seem to have met with the unqualified approval of

hon. members on this side of Council. I support the bill, as I supported the original bill without the amendment. I think it would have been better if we had had that instead of an ad hoc measure for the four particular areas at present under consideration. It is quite likely that other areas will be required in future, and I hope Government will not give the impression that this is their last territorial claim.

My real reason for rising and prolonging this debate is to express my great regret at the manner in which the hon. Member for Ukamba tried to confuse and fog the issue. It is he who has accused members of Government of allowing these mephitic vapours to fog the issue. I suggest that he himself has deliberately set about giving an entirely wrong impression of the question of the rights of natives in the land. He talks about landlord and tenant. The hon. and learned Attorney General has agreed that it is more or less a matter of landlord and tenant. It may be more or less, but I suggest it is very much less than more, and that native rights in this country are something quite different from what my hon. friend has tried to represent them to be.

COL. GROGAN: On a point of explanation, I merely gave my understanding of what the hon. mover said on the last occasion.

DR. WILSON: In that case, if the hon. member does not hold those views and is attributing his strange views to the hon. Commissioner for Lands and Settlement, I am perfectly certain that the latter will be able to answer them as adequately as I can.

MR. MORTIMER: Your Excellency, the hon. and learned Attorney General has dealt with principal points that have been raised in the course of the debate: that is, points that had any bearing on the measure now before Council. I have little to add, but I will first of all repeat the assurance that I have already given that in select committee it is proposed to make this an ad hoc measure dealing only with the four settlement areas immediately concerned.

Replying to the hon. member Mr. Pandya, I would say that the position, if the time ever arises when this Council

[Mr. Mortimer] desires to declare further settlement areas will be precisely the same as if this bill had not been introduced; further bills may be introduced and be dealt with by the ordinary procedure of this Council.

I do not intend to pursue the discussion on the general principles of native occupation of land and of native land tenure in this colony, as that question does not arise and should not arise in a discussion of this particular measure. The hon. Member for Ukamba has already been informed that his surmise in attributing to me certain doctrines which he regards as fallacies was incorrect, and I have therefore nothing to say in reply to the statements he has made, and I have nothing more to add.

The question was put and carried.

MR. HARRAGIN moved that the bill be referred to a select committee consisting of himself as chairman: Mr. Mortimer, Mr. Hosking, Mr. Montgomery, Major Cavendish-Bentnick, Col. Madera, Col. Grogan and Mr. Pandya.

MR. BROWN seconded.

The question was put and carried.

#### TRUSTS OF LAND BILL SECOND READING

MR. HARRAGIN: Your Excellency, I beg to move that the Trusts of Land Bill be read a second time.

This, I am afraid, is a dull bill and one in which few members will be particularly interested. It may well be said that this is a strange time in which to introduce a bill of this description and, indeed, if I had set myself the task during the war of amending the trusts of land laws in this country, it would have been a little out of place. But, in point of fact, this bill in some form or another has been on the stocks of the Attorney General's office since the time of my predecessor, and it has been going to and fro between that office and the Law Society. And at this point I should like to pay tribute to the members of the Law Society who worked so hard—as a sub-committee of that society in advising me and, in many cases, preparing many of the lengthy sections of the bill; more particularly I would like to mention Major

Humphrey Slade who, up to a few days ago, took an active interest in it.

Having reached agreement with the Law Society, I then, realizing it was a matter of importance, referred it home to the Secretary of State and more particularly his legal adviser. The bill was there carefully vetted, and it appears now in the form agreed to *in toto* by the Law Society of the Colony and the legal adviser to the Secretary of State. I think I can say therefore with safety that few bills have been so carefully scrutinized by those who should know most about it before they have ever been submitted to this Council.

The object of this bill is to bring the law relating to trusts of land into line with the law in force in England to-day. For almost centuries the law in England on this subject was a matter of discussion and debate in all legal societies and, of course, still more in the courts of law. It has always been admitted to be most unsatisfactory, and it was thanks to Lord Birkenhead in 1925 when he was Lord Chancellor, that the laws relating to this subject were brought up to date. You may wonder what it was that caused the laws to be in such a chaotic condition, and I think it would be true to say, the Britisher's love of his land, of preserving it in the state in which he knew it, that caused the position that arose in England, and might well arise here unless we amend our law in good time, as I trust this bill will do.

It has been found that owners of land, particularly large land owners, attempt to tie up land in such a way that it is quite impossible for their heirs and successors for as long as they are able to in any way dispose of any of that land, with the result that you have large estates tied up with a tenant for life and a life in being. In fact, for a period of almost 100 years a large estate might be incapable of being disposed of even to the advantage of everybody concerned. I will not bore you with details, but the exact time which you can tie up land is for a life in being and 21 years, and a simple process of calculation shows you that if that life is one year old and the child lives to be 80 years of age, and you add 21 years, the testator has been able to

[Mr. Harragin]

tie up that land for 101 years. I do not suggest that it often happens, but even if that period was a normal time it might be to the detriment of the estate, to the detriment of the tenants, and it would be, I suggest, to the detriment of the public generally.

There were various means of tying up land in the way I suggest, but I will only mention two. The first is what is known as strict settlements, where you got this set out: that land be held by X for the period of his life, and then to someone else after that. The result of that is that X has a life interest, he cannot mortgage it or sell a piece of it because it has to go to someone else after his decease. That was one way of tying it up. Another way—and it is quite possible the testator in this case did not even think of the result of his deed—is by creating a number of tenancies in common. I will not go into details, but it means that the land is left to five people, and then to their children, in equal shares. In the course of time twenty people are interested, and before you can deal with the land at all you have got to get the signatures of twenty people who may be scattered all over the world who may not know the conditions or be in a position to judge whether the land should be dealt with as was being suggested, with the eventual result that nothing is ever done with that land.

The whole object of this bill in a nutshell is to provide that there will always be some person, or body of persons (it may be a bank), anyone you like to think of, who will be in a position to deal with the particular land left in trust. You may well ask, "How on earth have they managed to carry on all these years?" Of course, some endeavour has been made, particularly in England, for many, many centuries to deal with this difficulty, and the best that could be evolved was that you were allowed to bring a motion before the court. Hon. members know full well what that means. You have first got to instruct a lawyer, then the case is set down for hearing, and the judge will quite rightly say that everybody who might be interested in the land should

be given an opportunity to be present and, quite apart from the expense, it was protracted over a long period. I think everybody will see that it was a thoroughly unsatisfactory way of dealing with the matter, particularly when you realize that every single acre of a huge estate which you wanted to get rid of had to go through the same procedure if it was not sold as a whole. In addition, you might not appear before the same judge, and one might think it was a good thing this bit of land should be sold and the next judge would take the opposite view, so that again you would be completely stymied. It is for that reason that this bill is being introduced to-day.

Here the same law existed as I have described in the Trustees Ordinance, 1929. In order to overcome that difficulty the testator thought that if he went to a clever enough lawyer and have a big enough deed drawn up he would be able to foresee every difficulty that could possibly arise for the next hundred years. Of course, you realize that in fact that cannot be done. It does not matter how complicated or lengthy it may be, you will always get some set of circumstances arising as a result of a war or anything else which will not be provided for in this deed, with the result that not only have you to expend a great deal in having that deed prepared but you have to spend a great deal more, or your successors in title will, in going to the courts and having that deed interpreted, and it may not be interpreted in the way you think the testator would have desired.

Another interesting position has arisen in this particular country, and that is this. As you know, trustees under certain circumstances may invest trust funds in land. As the law stands at the present time, once having invested in land they cannot sell that land again or mortgage it, with the result that having made a perfectly good investment, when the time comes to sell out that land, probably on a rising market, you are precluded from doing it. This bill will solve that difficulty at once.

I should like to make this point clear. You are in no way by this bill interfering with the rights of the

[Mr. Harragin]

testator with regard to his property. Under the present circumstances I have merely told you about the land and the manner in which he disposed of it. Let us assume that the trustees sell the land, it is converted into money, and the money has then to be invested in the usual trust funds and the income paid in the manner directed by the testator. You can well understand by a simple example. Assume that an estate of 1,000 acres is worth £100,000. If the time comes and the trustees consider it should be sold, for whatever reasons there may be, and it is sold for £100,000, the income is then paid over to the beneficiaries who would have been holding that land and getting the rent, so that you still retain your right of disposing of your property but not of tying up the land itself for an indefinite period.

As I have said, this bill follows the law in England to-day except in Part III, which has been inserted because it is the only part of the Birkenhead Acts which have received criticism by those most capable of criticizing it. For instance, the learned Dr. Cheshire in his treatise on the Birkenhead Acts points out the omission we have now been able to insert in the bill before us in Part III.

There is only one other point that I mention with some regret, that Wakfs on the instructions of the Secretary of State have been excluded from this bill. I do not pretend to know a great deal about the intricacies of wakfs, but shortly it is this. Where land is left in a wakf, you cannot dispose of it except in a certain stated way, and the result is that eventually in time to come you have innumerable tenants in common each of whom will have to consent if you make a wholesale sale of the property, or the wakf may forbid sale. It was the opinion of the Law Society, and certainly my own opinion, that we would be saving a good deal of trouble in the future for these particular people if we were able to bring them within the purview of the bill which we have found necessary for ourselves. But, as pointed out by the Secretary of State, these wakfs are governed by Mohammedan laws and it might be considered

by some of them to be a breach of faith if we altered the effect of what a wakf really was. Therefore with some regret, because I know we are storing up trouble for the future, not in our generation but certainly the next, they have been excluded from the bill.

MR. BROWN seconded.

The question was put and carried.

## REGISTRATION OF TITLES (AMENDMENT) BILL

### SECOND READING

MR. HARRAGIN: Your Excellency, I move that the Registration of Titles (Amendment) Bill be read a second time.

This is complementary to the bill I have just described, and it is only on account of that bill that we are introducing it. Naturally, the moment one amendment takes place we seize the opportunity to set at rest any doubt that might have arisen with regard to various sections of the ordinance during the preceding years.

In the first place, it naturally excludes wakfs for the reasons I have just given. We have also taken the opportunity of clearing up the definition which sets out that a certificate of title is indefeasible. This has been the subject of a great many cases, and we have now adopted a definition that occurs in other countries and on which we have many legal decisions and which, I think, will place the minds of the legal fraternity at rest in knowing exactly how far a certificate of title is indefeasible. There is no new principle involved and only puts more clearly what the original legislators intended.

Clause 8 increases the number of persons before whom you can attest your signature. At present a difficulty is alleged to have arisen. It appears a comprehensive list as it stands, but to this list is added a district commissioner, so that now you will be able to go to the nearest district commissioner to attest your signature when necessary.

Clause 9 corrects an omission which I cannot pretend to explain. This is probably the only bill passed for a great number of years in which the draftsman left out—I am glad to say I am not pleading guilty—the rule-making

[Mr. Harragin] power, and it is therefore inserted in clause 9.

Clause 14 amends the schedule of fees, and that is the only really interesting part of this bill. Some fees have gone up and some have gone down but, on the whole, and I will be perfectly frank, they have gone up, but not to any great extent. You may ask why, and there are several reasons. The first is, and I am not suggesting any one of these reasons will be sufficient, but it is a fact that it brings them into conformity with Uganda and Tanganyika. It also has the very doubtful blessing of having been recommended by the Law Officers Conference some years ago. (Laughter.) When you consider what the fees now are and compare them with places like England, you will find that our fees are really very reasonable. A simple example would be a transfer of £500—in England it would be Sh. 30, here it is only Sh. 10; on a £1,000 in England it would be £3 and here it is Sh. 20. So that it cannot be suggested that our fees are very high. In any event, the fees now proposed are commensurate with the amount of work involved when these registrations take place. We are only dealing with a few shillings in each case, and even the Law Society, the most interested of parties, have not seen fit to protest, and I assume they are reasonable.

MR. BROWN seconded.

The question was put and carried.

#### WAR RISKS INSURANCE (AMENDMENT No. 2) BILL

##### SECOND READING

MR. BROWN: Your Excellency, I beg to move that the War Risks Insurance (Amendment No. 2) Bill be read a second time.

The object of clause 2 is to remove a difficulty of interpretation which has arisen in connexion with the second proviso to section 9 (1) of the principal ordinance. That proviso says that where a person is entitled to sell or supply goods as agent he shall be deemed to be the owner of the goods and as such he is liable to insure them. There are certain firms carrying on business in Kenya and Uganda who act as agents

for their principals in London, and who purchase goods and then ship them either to their principals in London or to the order of their principals to some other destination. They cannot be described as agents who sell, because they do not sell, and they cannot be described as agents who supply goods because they do not fall under the existing definition of suppliers of goods. Clause 2 of this bill therefore amends the definition of "suppliers of goods" to include a person who is in possession of goods as a supplying or forwarding agent.

Clause 3 exempts goods over the value of £1,000 situated in Tanganyika from being compulsorily insured under the ordinance, but they can be insured voluntarily.

MR. HARRAGIN seconded.

The question was put and carried.

#### MATRIMONIAL CAUSES (AMENDMENT) BILL

##### SECOND READING

MR. HARRAGIN: Your Excellency, I beg to move that the Matrimonial Causes (Amendment) Bill be read a second time.

The principal ordinance is being amended in three particulars as a result of representations made by his lordship the Bishop of Mombasa, the Secretary of State, and his honour the Chief Justice. They are small matters, but nevertheless those concerned set great store by them.

The first amendment deals with the deletion from the ordinance of those words which make it either incumbent upon a minister of a church or chapel to celebrate marriage between a person who has been divorced and another person or to lend his church for another minister to do so. That was frankly a mistake which crept into the ordinance, because the measure was based on the English law. It has been pointed out that that section is only applicable to a State-controlled or established church, and that we have no right to say in law that a who has a church of his own shall do this or the other, we have got to leave it to him as to whether he thinks it right and proper that such a

Mr. Harragin] they should be done. I frankly admit that I did not realize this provision only applied to established churches, and so the deletion is made.

The next deletion is with regard to the point raised by the Chief Justice. In drawing up deeds of settlement in England, it is usual, in fact it is the law, that you should refer the deed to a conveyancing counsel in order that it shall be drawn up in proper form and that both sides should have their claims ordered. His honour has pointed out that there are really no conveyancing counsel here, and that it would be well if those words relating to the drawing up of the deed by a conveyancing counsel be deleted.

The last omission which is being amended is regarding the age of children at which a man shall cease to pay maintenance for them. As the law reads at present, theoretically if a man has to pay £5 a month for the support of a child, he has to carry on with it even if the child attains the age of 55. That is a mistake, and we put in an age when contributions will cease to be paid for the support of the child.

MR. BROWN seconded.

The question was put and carried.

#### ARMS AND AMMUNITION BILL (AMENDMENT) BILL

##### SECOND READING

MR. HARRAGIN: Your Excellency, I beg to move that the Arms and Ammunition (Amendment) Bill be read a second time.

This bill is more innocuous than appears at first sight. The short fact is that the police in this country have not got sufficient control over arms which may be in the country at the present time, and all this bill does is to permit a policeman to go into a house—at the moment he cannot—and ask the person therein to produce his arms licence or, having seen the licence, to ask for the production of the arms themselves. It is a provision that exists in most other countries, and has become all the more necessary now that there are a great many arms coming into the country, as we all know, from over the border in Abyssinia.

Clause 2 (3) goes a bit further than that, however, in that we give a police officer the right to arrest where he has reasonable cause to believe that he will not be able to serve a summons. That does not mean that he can arrest any house-holder he thinks is committing an offence against the ordinance but it would certainly give him the right to arrest if in the Northern Frontier District he sees a man walking along with a gun and has reason to suspect that the gun is unlicensed and that if he is not arrested he will not see him again. He will under those circumstances be able to arrest the man and take him before a magistrate.

MR. BROWN seconded.

The question was put and carried.

#### BILLS

##### IN COMMITTEE

MR. HARRAGIN moved that the Council do resolve itself into committee of the whole Council to consider, clause by clause, the following Bills:—

- 1940 Supplementary Appropriation Bill,
- Legislative Council (War Provisions) Bill,
- Trusts of Land Bill,
- Registration of Titles (Amendment) Bill,
- Matrimonial Causes (Amendment) Bill,
- War Risks Insurance (Amendment No. 2) Bill,
- Arms and Ammunition (Amendment) Bill.

MR. BROWN seconded.

Council went into committee.

The Bills were considered clause by clause.

Trusts of Land Bill:

HIS EXCELLENCY: In view of the length of this bill I suggest that we take it by Parts and not clause by clause.

MAJOR CAVENDISH-BENTINCK: I believe that each clause has to be read out.

MR. HARRAGIN: The only Standing Rule and Order on the subject is No. 70, which says: "When a bill is under consideration in committee of the whole Council, the Chairman may call the several clauses in order by reading

[Mr. Harragin] the number of each clause". That is what it says, so that the position is that the Chairman "may call the several clauses in order by reading the number of each clause". I am afraid that I must agree with the hon. Member for Nairobi North that those words "by reading the number of each clause" indicates that they must be taken singly.

**HIS EXCELLENCY:** In view of the ruling of the hon. Attorney General, I will take the bill clause by clause, but I would draw hon. members' attention to the fact that at previous sessions I have adopted the more expeditious method.

**MR. MONTGOMERY:** Is it not possible to read the clauses 1, 2, 3, 4, 5, 6, and so on?

**HIS EXCELLENCY:** I must bow to the opinion of the Attorney General.

**MR. HARRAGIN:** I can usually find a way round, and if somebody would move that Standing Rules and Orders be suspended?

**HIS EXCELLENCY:** If Council is in agreement, will someone move that they be suspended to enable this bill to be read Part by Part?

**MR. NICOL:** On a point of order, can that be done in committee? (Laughter.)

**HIS EXCELLENCY:** In view of the doubts as to the legality of the procedure, I propose to take the bill clause by clause!

The bill was accordingly considered clause by clause.

**MR. HARRAGIN** moved that the bills be reported without amendment. Council resumed its sitting.

**HIS EXCELLENCY** reported the bills accordingly.

#### THIRD READINGS

**MR. HARRAGIN** moved that the bills be read the third time and passed.

**MR. BROWN** seconded. The question was put and carried, and the bills read accordingly.

#### ADJOURNMENT

Council adjourned till Tuesday, 16th December, 1941, at 10 a.m.

**Tuesday, 16th December, 1941**

Council assembled at the Memorial Hall, Nairobi, at 10 a.m. on Tuesday, 16th December, 1941. His Excellency the Governor (Sir Henry Moore, K.C.M.G.) presiding.

His Excellency opened the Council with prayer.

#### COMMUNICATION FROM THE CHAIR

##### DUTIES ON SOUTH AFRICAN WINES

**HIS EXCELLENCY:** Honourable Members of Legislative Council there are two announcements which I should like to make before we proceed to the business on the Order Paper.

The first is in respect of the War Revenue (Customs and Excise Duties) Bill which is down for second reading to-day. Since the order raising a surcharge on certain existing duties on wines, liquors and spirits was made on 18th November, it was brought to my notice that this surcharge, especially on still and sparkling wines, would fall almost exclusively on South African wines at a time when the Union wine industry was going through particularly difficult times. Since I was anxious, as I am sure we all are, that we should take no action which might adversely affect South African interests or be misconstrued in the Union as an ungrateful way of repaying the debt the East African territories owe the South African Forces for their achievements in the military field, I immediately took the matter up with the Union Government. I received on Friday last a personal telegram from the Prime Minister informing me that the Union wine industry has been seriously dislocated owing to the loss of their principal market in the United Kingdom both for table grapes and for wines and liquor products, and that the Union Government therefore attach great importance to the retention of the British East African market. If, therefore, the revocation of these surcharges could be effected by the Governments of the East African territories without causing them serious embarrassment, such action, he went on to say, would be much appreciated.

[**HE the Governor**]

I conveyed this information to the Governor of Uganda and the Acting Governor of Tanganyika with the result that it is now proposed to revoke the surcharges on all liqueurs and still and sparkling wines. The necessary amendments to the schedule of the Bill will be moved at the committee stage, and in view of the desirability of reaching finality in this matter it is proposed to take this Bill through all its stages this morning before proceeding to debate the various on the Order Paper.

##### NATIVE HUT AND POLL TAX

The second announcement is in respect of the Bill to amend the Native Hut and Poll Tax Ordinance which was published in the Gazette of 2nd December. Hon. members may remember that in my communication from the Chair I referred to the report of a committee appointed to consider Local Native Council finance in relationship to Government finance, and expressed the hope that it would be ready for consideration during the present session of Council. Actually it was not laid on the table till 9th December. I should like to make it clear at once that I had hoped to receive the report of this committee, which was appointed several months ago, in sufficient time to permit of its being published well in advance of the Estimates and of its recommendations, if accepted, being incorporated in the Estimates for 1942. But the preparation of the necessary statistics on which the report is based made it necessary for the Secretary to visit some of the districts to obtain the necessary information, which, coupled with the preoccupations of the Financial Secretary on urgent war work, made it impossible for the committee to report earlier. In the event, therefore, the Government itself had had no opportunity of studying the report before it was laid on the table on 9th December, but since it appeared that the most far-reaching of the recommendations involved the substitution of a poll tax for hut and poll tax, a bill to give effect to this recommendation was published in the Gazette so as to insure that Standing Orders had been complied with, were it decided to proceed with this measure during the present session.

The Government has now had time to study the report and is in general agreement with its recommendations, particularly in respect of poll tax. The Chief Native Commissioner and the Provincial Commissioners all assure me that such a change will be welcomed by the natives themselves, despite the alteration in the incidence of individual taxation that it necessarily involves. From my own observation I believe this to be generally the case, since I have had repeated requests for such a change at the numerous barazas which I have held, and indeed it was for this reason that I had been aiming at a time-table which would have made the change possible from the beginning of 1942. I appreciate, however, the dangers of introducing a measure of this nature hurriedly, while it is only proper that Local Native Councils should be given the opportunity of considering proposals which so clearly affect them, before they are actually carried into effect. Further, the administrative machinery of tax collection will require to be re-examined in the light of what is now proposed. In these circumstances it is not proposed to proceed with the published bill this session, but a bill will be introduced next year so as to ensure that the question is fully considered, and the necessary administrative machinery ready for the collection of the new tax in 1943.

#### MINUTES

The minutes of the meeting of Thursday, 11th December, 1941, were confirmed.

#### PAPERS LAID

The following papers were laid on the table:—

**By MR. HARRAGIN:**  
Select committee reports on the Increase of Rent and of Mortgage Interest (Restrictions) (Amendment) Bill, and the Crown Lands (Amendment) Bill.

**By MR. BROWN:**  
Select committee report on the Pyrethrum (Amendment No. 2) Bill.

#### ORAL ANSWERS TO QUESTIONS

**NO. 78—INCOME TAX COLLECTIONS**  
**COL. MODERA:** Arising out of the replies given on the 25th November.

[Col. Modera]

1941, by the Hon. Financial Secretary to Question No. 71, will Government state—

- (1) whether the total income tax collectable for the year 1940 is approximately £543,481?
- (2) whether this amount of £543,481 is not made up as follows:—
  - (a) Collected in 1940 ... £182,481
  - (b) Collected in 1941 ... £240,000
  - (c) Outstanding in November, 1941, approximately ... £71,000
  - (d) Not yet assessed for 1940, approximately £50,000
- (3) why, with a proposed addition to the rates of income tax as visualized in the Income Tax Amendment Ordinance, 1941, the figure disclosed in the current Estimates is only £400,000?
- (4) whether it is anticipated that during the year 1942 the sum of £400,000 will be collected, or whether such sum is the estimated amount collectable for that period in the light of the newly visualized taxation?

MR. LOCKHART:—

- (1) The answer is in the negative.
- (2) and (3) do not therefore arise.
- (4) £400,000 is the amount which it is estimated will be collected in the financial year.

No. 79—INCOME TAX ASSESSMENTS

MR. ISHER DASS: Will Government please state the amount of income tax assessment for 1940 of the following sections of the European community:—

- (a) Civil Service.
- (b) Commerce and Industry, and
- (c) Agriculture.

MR. LOCKHART: The information is not available and cannot be obtained in present circumstances owing to shortage of staff.

#### RESIDENT LABOURERS (AMENDMENT) BILL FIRST READING

On the motion of Mr. Harragin, the Resident Labourers (Amendment) Bill was read a first-time, and notice given to move the subsequent readings at a later stage of the session.

#### WAR REVENUE (CUSTOMS AND EXCISE) BILL

##### SECOND READING

MR. LOCKHART: Your Excellency, I beg to move that the War Revenue (Customs and Excise) Bill be read a second time.

As Your Excellency explained this morning, it is proposed to take this bill through all its stages to-day. The reason for that is two-fold. In the first place, in Uganda they have made the change to which Your Excellency referred exempting South African wines and liquors and it is proposed to do the same thing in Tanganyika to-day. The second reason is that in the Gazette to-day we have withdrawn the standstill order regarding the prices of a number of the articles covered by these increased duties imposed on the 18th November. It follows then that in the case of South African wines and liquors no alteration in price has so far been made and they will carry on as before.

I would just like to say in regard to the standstill order prices, I know that in the budget debate the hon. Member for Trans Nzoia criticized Government's action in having put this standstill order on, and said it was the normal practice to allow all prices to go up immediately by the amount of the increased duties. It is perfectly true that that has been the normal procedure in the past, but I think the consuming public have every reason to be satisfied that there has not been normal procedure on this occasion, and the position in regard to these duties has been held over for no less than a month so that it must have saved the consuming public very many thousands of pounds. In my opinion, the job was extremely well done by the department responsible, the Price Control Office.

One other point in connexion with the South African wines position. We are removing the surcharge on liquors, but liquors at the moment are on the prohibited list. It would serve no useful purpose if we removed the duty and did not allow importation, and such importations will be allowed in future.

Turning to the bill itself, clause 3 deals with increases in excise. (a) and (b) merely reproduce the present excise

Mr. Lockhart]

and (c) and (d) bring in the increase in excise to correspond with the increase in the case of the duties, except the tobacco figure will be slightly more favorable to local production, which we want to encourage, particularly in Uganda.

Turning to the schedule, it will be seen that we have here pursued the method of surcharge on existing duties. It is very convenient when dealing with increased customs duties. The assessment of the duty is made in accordance with the schedule and then some percentage addition has been added. The general principle pursued in these customs surcharges is, as far as possible, to deal only with luxury items or else those which can be replaced by local production. The consumption of luxury articles by all classes was very carefully studied, and I think the proposals can be described as scientific as far as possible to make them in a schedule of this kind.

One item I would refer to is 38, second-hand clothing. The object here really is to discourage the importation of second-hand clothing at all which comes from America for use by our native population and which is as undesirable for that purpose as any sort of garments could possibly be.

I do not propose to go into the details of the schedule. Reference has been made earlier in the session to the effect on some of the more important items.

MR. HARRAGIN seconded.

LORD FRANCIS SCOTT: Sir, I was very pleased to hear your announcement from the chair this morning that the duties on South African importations of wines and liquors are not to be put through. There is only one point on the schedule on which I should like a public announcement. I know the answer, but many people in the country are exercised about it—the increase of duty on power stations. The answer is that farmers and others who get the rebate will get the rebate. If Government would make a public announcement to that effect it would calm the fears of farmers, some of whom have written to me about it.

COL. MODERA: Your Excellency, I support this bill, and for the reasons I gave when we were discussing in this Council the budget I support taxation of this nature, provided that the revenue goes to the prosecution of the war. And as I am on my legs, I would like to take the opportunity of referring to a statement which appears in the paper this morning over an anonymous signature which, referring to myself, says "he is in the position, despite the luxury tax, to purchase his drinks and smokes duty free while those who have to practice the most rigid economy to make both ends meet are called upon to pay Sh. 22/50 for a bottle of whisky which will cost him about Sh. 7". I would like to state that there is absolutely no foundation for that statement whatsoever.

MR. NICOL: Your Excellency, I support this bill. One of its objects is to restrict spending and also to save shipping space and, as I said in the budget debate, I do not think the bill really goes far enough in regard to importations from the United Kingdom. It is the shipping space from the United Kingdom which we want to save, and to put up whisky to Sh. 22/50 a bottle will not act as a really severe deterrent to people purchasing it. Some people have said that Government could prohibit the importation. I do not agree with that, because that is definitely an interference with the liberty of the subject, but I do say why not put up these duties on these non-essentials to make the cost of them such a height that if a person is fool enough to go and pay this increased price it is purely and simply his own affair. I suggest that some consideration might be given to raising the duties on certain articles further.

I, too, am very glad indeed to hear Your Excellency's announcement in regard to South African wines.

Following what the hon. Member for Nairobi South said just now, people do not seem to be aware, particularly from that letter which he quoted, that the privilege of purchasing from N.A.A.F.I. is not applicable to East African officers; it is not applicable to officers whose normal residence is in any of the East African territories. I must say that I think it most unfortunate that such an

[Mr. Nicol] unpleasant letter should be published without first of all ascertaining the true facts. (Hear, hear.)

COL. GROGAN: Sir, I am prepared to support this Bill. My main reason is that it is a complete justification of my contention that there is no justification whatsoever for the increase in direct taxation.

I should also like to say a word in support of what the hon. Member for Nairobi South has just stated, that these privileges, which were introduced in respect of duties for the benefit of troops coming to defend this country, do not apply to the ordinary residents of this territory. I happen myself to have a mess, in which every single member is of local origin, and they enjoy no privileges of any kind or description from the N.A.A.F.I., but pay the full prices for all their smokes and drinks.

MR. LOCKHART: Sir, to deal with the point raised by the noble lord the hon. Member for Rift Valley. It is of course a fact that the full amount of the duty on power kerosene is repayable. It is done under the Kerosene Oil (Repayment of Duty) Ordinance, 1937.

The only other point was, I think, elaborated by the hon. Member for Mombasa, who suggested that the duties on whisky and such like might be even higher. I think it has gone up high enough to satisfy most people for the time being. If the supply position worsens it may be that we will have to reduce consumption by increasing the duty, but I think the present increase will in time lead to a reduction of consumption, and I do not think it is necessary at the moment to do any more than watch the position.

The question was put and carried.

MR. HARRAGIN moved that Council do resolve itself into committee of the whole Council to consider the bill clause by clause.

MR. BROWN seconded.

The question was put and carried. Council went into committee.

The bill was considered clause by clause.

#### Schedule:

MR. LOCKHART moved that the schedule be amended by the deletion of the following tariff items:—27(B) liqueurs, cordials and mixed potable spirits exceeding 3 per cent of proof spirit; 29, wines—(a) vermouth, (b) other still wines (i) imported in bottle, (ii) imported in casks or other containers of five gallons and over (c) sparkling wines—(i) champagne, (ii) other.

The question of the amendment was put and carried.

The question of the schedule as amended was put and carried.

MR. HARRAGIN moved that the bill be reported with amendment.

Council resumed its sitting.

HIS EXCELLENCY reported the bill with amendment.

#### THIRD READING

MR. HARRAGIN moved that the bill be read the third time and passed.

MR. BROWN seconded.

The question was put and carried, and the bill read a third time.

#### SCHEDULE OF ADDITIONAL PROVISION

##### No. 3 of 1941

MR. RENNIE: Your Excellency, I beg to move: That the Standing Finance Committee report on Schedule of Additional Provision No. 3 of 1941 be adopted.

This schedule refers to the third quarter of the year 1941, from 1st July to 30th September, and was examined by the Standing Finance Committee on the 27th November, 1941, in anticipation of the motion of Legislative Council. The committee, after examining the schedule, recommend approval of the expenditure contained in it. Hon. members will see from the note on the first page of the schedule that it covers additional provision to the extent of £120,614 as regards Kenya Joint Services expenditure to the amount of £1,539, and advances pending raising of authorized loans £2,300. As regards the Kenya expenditure, some £3,000 is specifically off set by savings, and it is hoped that

[Mr. Rennie]

some £40,000 will be covered by consequential increased revenue. The net additional provision is therefore some £76,000, of which £1,067 is due to war expenditure.

MR. HARRAGIN seconded.

The question was put and carried.

#### DRAFT ESTIMATES, 1942

##### STANDING FINANCE COMMITTEE REPORT

MR. RENNIE: Your Excellency, I beg to move: That the Standing Finance Committee report on the Draft Estimates of Revenue and Expenditure for 1942 be adopted.

At the outset I would express my appreciation of the fact that this report shows a very large measure of unanimity on the part of members of the Committee. One or two paragraphs indicate that differences of opinion occurred, but the differences of opinion were not, generally speaking, on points that involve very heavy items of expenditure. There are two minority reports. One of them, that of the hon. Member for Ukamba, discloses that he held views peculiarly his own in regard to certain aspects of the Draft Estimates, and the note added by the hon. Member for Mombasa supplies an omission which he thought occurred in the report.

The result of the deliberations of the committee is that the gross revenue estimates are increased, if the recommendations are carried out, by the sum of £128,182, and the gross expenditure estimates by a sum of £139,394. Hon. members will no doubt agree with me that these amendments are very substantial indeed, and I think that they would expect some explanation of these large increases. That explanation has been given in the various paragraphs of the report, but I may in a few cases add here and there a few remarks on certain of the more important items.

As regards the revenue figures, the increase suggested, namely—£128,182, was not arrived at except after the most careful and detailed examination of the estimates. I know that the hon. Member for Ukamba in his minority report gives rather a different impression of the in-

vestigations of the committee, but I think that he is doing neither himself nor the other members of the committee justice when he describes the examination as " cursory".

COL. GROGAN: On a point of explanation, I thought I made it quite clear that it was owing to the short time taken, I am not suggesting that the members had not done everything they possibly could in the time table, but there were so many complicated problems which they had to deal with, involving a change of policy, that the time table available for consideration was quite insufficient.

MR. RENNIE: I will deal with the question of the time table later on in my remarks.

As regards Head 1, Customs and Excise, the committee were informed that the revised estimate for 1941 was one and a half million pounds; that is, £680,000 in excess of the approved Estimates for 1941 and £50,000 more than the figure shown in the Draft Estimates that were presented to hon. members. I may mention at this stage that in their consideration of the revenue estimates hon. members were influenced to a very large extent by the revised estimates for 1941. I will give particulars of some of those revised estimates, since they are not given in the original Draft Estimates.

As regards item 2, spirits, the revised estimate for 1941 is £270,000; the estimate given in the Draft Estimates for 1942 is £165,000. The committee felt that an increase of £15,000 could well be made on that figure of £165,000, even after taking into consideration the probability that imports and consumption would be reduced next year. As regards the next increase, under item 9, oils, fats and resin manufactures, in which the committee recommend an increase from £70,000 to £105,000, the committee had in mind there the fact that a very large part of that item is made up of petrol imports. The revised estimate for 1941 is £110,000, and the recent increase on the petrol tax is estimated to bring in in 1942 £23,000. Adding those two figures together, we arrived at the figure of £133,000, and the committee felt justified

[Mr. Rennie] in raising the original £70,000 figure in the Draft Estimates to £105,000, which is still £28,000 below that total figure of £133,000 which I have just mentioned.

When I mentioned the increase in petrol tax, hon. members will recall that there is a corresponding decrease in the consumption tax on petrol, which appears under Head 2, item 17.

As regards excise duties, the committee were informed that the revised estimate for sugar for 1941 is £55,600 and for tea £17,800, and the committee in these cases also felt justified in recommending an increase from £34,000 to £50,000 in the case of sugar and from £9,000 to £12,000 in the case of tea. As regards the excise duty on tobacco, the revised estimate for 1941 is £50,000 but, in view of the recent increase in duty on tobacco, the committee decided to recommend an increase from £51,000 to £60,000 and to recommend a decrease on the customs figure for tobacco, the estimate for which was £114,000 for 1942 under item 5, by £9,000.

The net result of these alterations under Head 1 is an increase of £69,000.

Turning to Head 2, item 1, native hut and poll tax, the committee saw no adequate reason here for a reduction in the estimate from the sanctioned figure of £533,000 appearing in the 1941 Estimates to £512,000 which appears in the 1942 Draft Estimates. They were informed that the revised estimate for 1941 amounted approximately to £527,000, and considered that in the circumstances £525,000 was a reasonable estimate for 1942. As regards the note which appears in paragraph 6 of this report, on the question of altering the basis of native taxation for 1942, you, Sir, have explained this morning that you have decided that the basis of native taxation shall not be altered until 1943. I am sorry if the hon. members mentioned in paragraph 6 consider that they were not given the information that they should have been given on this subject, and I apologize for any omission that may have occurred in this respect. The fact is that during our consideration of this particular item mention was made of the fact that the committee appointed to consider local native council finances in

relationship to Government finance had recently completed its report but that that report had not yet been considered by Government and was being submitted to Executive Council on the Friday of the week during which the Standing Finance Committee were deliberating. No decision had at the time when the revenue estimates were under consideration been arrived at by Government and, in the circumstances, the new proposals were not laid before the committee, although I admit that, on looking back at the matter now, I think the position might have been made clearer to the members of the committee.

Turning to Head 3, hon. members will observe that a reduction under item 8, veterinary inoculation fees, from £8,000 to £1,000 has been suggested by the committee. I do not propose at this stage to comment on the proposal referred to in paragraph 10 of the report, but if hon. members wish to obtain further information on the matter I am sure that the Director of Veterinary Services will be only too pleased to supply it. I may add that Government will consider at an early date the point raised by the committee.

The increases recommended under Head 4 are explained in paragraphs 12 to 14 of the report, and I need not comment further as regards them. Similarly, as regards the increase recommended under Head 5 in paragraph 15.

As regards the alterations recommended in paragraphs 16 to 21 of the report, I need merely mention Head 14, item 2, reimbursements from the Imperial Government on account of naval expenditure. Hon. members will be aware that a corresponding increase must also be made under the appropriate expenditure head, and I need hardly add that these changes do not affect the amount payable by Kenya Government, which is based on the 1939 expenditure plus 25 per cent.

As regards the revenue estimates generally, hon. members will no doubt realize that the examination of these estimates had been concluded before war broke out in the Far East. I may say, however, that that particular probability had not been lost sight of when the Draft Estimates were prepared in the Secretariat, and I think I am correct in

[Mr. Rennie] saying that it was not absent from the minds of the hon. members of the Standing Finance Committee when they were conducting their examination of the Draft Estimates. It is impossible in unsettled times such as these to discount every possible adverse factor that may arise in 1942, but I think that the Standing Finance Committee can say that the revenue estimates as now amended by them present as accurate a picture of revenue probabilities in 1942 as can be prepared at the present time.

Turning to the expenditure heads. The committee recommend a total increase of £139,294, bringing the Kenya expenditure from a figure of £3,034,661 to £3,173,955. I propose to refer briefly only to some of the more important changes in expenditure recommended by the committee.

In Head 3, the recommendations made in paragraphs 29 and 30 are of importance, and perhaps I may explain them a little more fully than is done in the report. I refer first to the proposal for the appointment of a Liwali for the coast. When the late Sir Ali bin Salim resigned in 1932 from that post, no successor to him was appointed. Recently, the Provincial Commissioner of the Coast has represented that it is very necessary to re-create the post in order to enable the senior Liwali to act as an inspector of Arab officials throughout the Coast Province and to advise on the administration of Arab affairs in general. The Provincial Commissioner felt and Government agreed with him that at the present time close contact with the Arabs is essential, and it is hoped that the re-creation of this post will result in very great benefits in that connexion. The appointment of an assistant Liwali is consequential on the suggested re-creation of the post of Liwali. The assistant Liwali would assist the Liwali generally in the carrying out of his duties and take over a certain area which at the present time is under the direct supervision of the Liwali. The Provincial Commissioner is confident that if these proposals are approved, fuller value will be obtained from the present staff than is possible at the present time in view of the inspections that will be possible under this arrangement.

The next Head to which I shall refer is 10, Education Department. Perhaps I should say a few words about item 80, grants in aid to Indian schools. That item was discussed at considerable length by the committee, and as mentioned in paragraph 42 I promised that Government would give further consideration to the point that had been raised. That further consideration has been given, and perhaps I may set out the position as follows.

In the 1941 Draft Estimates a sum of £9,400 was shown under this item. That amount was less than the amount shown in the 1940 Estimates by £600, and the figure of £10,400 shown in the 1942 Draft Estimates represents an increase of only £400 over the 1940 Sanctioned Estimates. This increase is required to continue the approved policy of Government, namely to pay increased grants in respect of schools which have already been admitted into the grants in aid scheme. Some of those schools have had an increase in the number of their pupils, and the increased amount is required to enable these schools to take in these pupils without financial loss, and such payment is in accordance with the Grants in Aid Rules. In the circumstances, Government feels there is an obligation upon it to continue its policy in respect of such schools already admitted to the grants in aid scheme, and it feels that it is necessary to make such provision for the increased number of pupils at such schools as is indicated in the Draft Estimates.

The next Head to which I shall refer is Head 18A, where hon. members will see that the committee have recommended that the provision of £5,000 should be inserted in the Draft Estimates to implement the policy of settlement proposed in the report of the Settlement Committee.

Although there are several alterations under Head 21, Medical Department, there is only one particular item to which I would refer. That is item 100, medical and surgical stores and equipment. Hon. members will see from paragraph 72 that after considering the recommendations of the Hon. Director of Medical Services the committee recommend that a sum of

[Mr. Rennie]

£5,000 should be provided to obtain and maintain an adequate reserve supply of that most useful product M & B 693.

Under Head 27, Police, I would say a few words about paragraph 80 of the report. Hon. members will no doubt have read that paragraph with interest, since it incorporates various proposals for an improvement in the salary scales of certain grades of police officers. The committee went into this matter at some length, and they felt that they should recommend as an interim measure the adoption of the salary scale changes and other changes set out in paragraph 80. But they also considered that it is essential that a committee should be appointed as soon as possible to examine the whole question of the conditions of service of the Police Force.

From the last sentence of that paragraph hon. members will observe that the Commissioner of Police informed the committee that he considered all ranks of the force—European and Asians and Africans, should be made pensionable, and the committee felt that that recommendation should also be covered in the terms of reference given to the committee that they recommend shall be appointed to deal with the question of European terms of service. It is obvious, therefore, that the committee will require fairly wide terms of reference, and you have authorized me to say, Sir, that it is your intention to appoint a committee to go into this matter as soon as practicable. (Hear, hear.)

The next item to which I would refer very briefly is Head 35A, Veterinary Services Extraordinary, namely community bull scheme, Kitale, referred to in paragraph 92. The outline of that proposal is given in that paragraph, and I do not propose to comment further, but I am confident that my hon. friend the Director of Veterinary Services will be only too happy to give fuller particulars to anyone who should request them.

Now I turn to Head 39, Public Works Extraordinary, under which very important recommendations have been made involving an expenditure of very substantial sums of money. At the outset I would say that these proposals which appear in the report are only the most

urgent of the many proposals that were submitted to the committee, and it was only after very long and careful consideration of the various proposals that the committee decided to make the recommendations that appear under this particular head, I will refer to one or two of the more important of them.

For instance, the parcels office at the General Post Office. This particular item was considered by the committee not only during its deliberations in the week beginning the 1st December but at an earlier meeting of the committee. I think in the previous week. Several members were doubtful whether this expenditure should be incurred at the present time on the basis suggested, and suggestions were made that temporary accommodation might meet the case. I think all members of the committee, or at any rate the majority of them, did satisfy themselves about the need for this particular proposal by visiting the parcels sorting office at the G.P.O., and I think that, as a result of their visit and inspection of the conditions that obtained there when a parcels mail was received, they were satisfied that some steps should be taken to relieve the congestion and expedite the handling of parcels.

The question of temporary accommodation was considered, but there was no suitable site available in the locality and, in any case, it would have meant spending some £3-4,000, the committee were informed, for temporary accommodation that would not last a very long time. Having regard to all these factors, the committee came to the conclusion that they should recommend this particular item and that £10,000 should be provided for it. I may say that since the committee came to that conclusion, the hon. Member for Ukamba has brought to my notice that the military authorities were vacating or had vacated a building near the Post Office which he regarded as suitable for a parcels office. My hon. friend the Postmaster General has inspected that place, and he has assured me that it is a very suitable building and that he is taking steps to rent it, and I hope he has been successful in his endeavours. He has told me that that building, or the part he proposes to rent, will provide all the necessary accom-

[Mr. Rennie] accommodation for the parcels office and, in the circumstances, the Standing Finance Committee will be asked to consider at a later meeting whether in fact this item of £10,000 should be proceeded with in the present circumstances.

The next item to which I would refer briefly is the recommendation that £3,500 should be provided for the completion of the Indian School, Kisumu. This item was very fully discussed by members of the committee. Various views were expressed upon the desirability of this item, and on the question whether it was essential at the present time. The reasons for the final conclusions of the committee are given in paragraph 96 of the report, and I do not think I need add to them at present.

The question of providing Kilifi with a more wholesome water supply was one that also received very full consideration. The committee were informed that this particular item comes right at the top of the list of all the very desirable and, in some cases, very necessary proposals for providing water supplies to townships, and, since it was a matter of ensuring the health of the inhabitants of Kilifi the committee felt they were justified in recommending that provision for this item should be made.

The last item I propose to refer to under this head is the recommendation that a further sum of £45,000 be provided to enable a further part of the road reconstruction programme to be carried out. The committee did not wish to usurp the functions of the Central Roads and Traffic Board and did not, therefore, make any specific proposals as to the stretches of road on which this money should be spent. They did realize that this is a very large amount of money, but they also had in mind the fact that the road reconstruction programme is a very large and necessary one and, in the circumstances, they thought they were justified in recommending expenditure to this amount since they were assured by the Director of Public Works that he could spend this money, that he had the staff to supervise the spending of this money, and that it was probable that he would get the necessary plant during 1942.

Under Head 40, War Expenditure Civil, I will invite attention only to item 17 and to the proposal which is mentioned in the relevant paragraph, that an industrial research laboratory should be established, the cost of which should be borne by the East African Civil Supplies Board. The committee felt that this is very much a step in the right direction and had no hesitation in recommending that the necessary provision should be made.

The recommendation contained in paragraph 109 under Head 42, Customs, items 3 and 4, is also an important one. It deals with the question of establishing a new section which would cover both Kenya and Uganda, and it would be specially designed to supervise the collection of excise duty and enable closer examination to be made. The very large increase in revenue derived from excise duties during the past 10 years is due to the very satisfactory growth in the local production of sugar, tea, tobacco, cigarettes and beer, and that increase in revenue makes it essential that excise control should be tightened up in order to safeguard the revenue which, in Kenya alone, during the first half of 1941, amounted to some £77,000.

Under Head 45, Posts and Telegraphs, provision is recommended of the necessary sum to enable the proposed airgraph service to be introduced in 1942. Hon. members will observe from paragraph 115 of the report that the Kenya share of the proposed expenditure will amount to almost £8,000 and that it is hoped that the expenditure will be covered by additional revenue amounting to the same figure.

Now I come to a very important paragraph of the report, paragraph 120.

In the financial statement which appears on page 6 of the Draft Estimates the 1940 surplus revenue balance is shown as transferred to revenue during 1941 from the suspense account in which it had been placed pending a decision as to its use, and the proposed interest free loan to His Majesty's Government of £500,000 is shown as a charge against expenditure. In the financial statement which appears in paragraph 120 of the report the various items are set out



[Mr. Rennie] differently. The expenditure from the 1940 revenue surplus which was approved in 1941 is shown as a charge specifically against the 1940 surplus and not against the appropriate heads of the 1941 Estimates, and only the balance of the surplus, the figure of £1,996,650, is taken into the estimated surplus revenue balance on the 31st December, 1941. Moreover, the proposed £500,000 loan is not shown as a charge against 1941 expenditure at present.

The result is that in the statement appearing in paragraph 120, the estimated surplus revenue balance as at 31st December, 1941, is shown as 11 million pounds instead of the figure of £700,000 shown in the financial statement on page 6 of these Draft Estimates. As regards 1942, the expenditure to be incurred in that year from the 1940 surplus is shown again as a charge against the surplus and not as a charge against the 1942 expenditure generally. The result is that the 1942 expenditure appears as a total of £3,055,627 instead of as the total of £3,141,577 which is given in the comparative table on page 23 of the Standing Finance Committee report. The consequence is that the statement given in paragraph 120 of the report shows a surplus of £76,152, as the estimated result of the working of 1942, instead of a deficit of £9,798 which would result if the whole of the 1942 expenditure recommended by the Standing Finance Committee were to be charged against the 1942 revenue only. I may add that the statement which appears on page 6 of the Draft Estimates will be amended when the Estimates are finally printed to show the surplus of £76,152 and to show that certain items of the 1942 expenditure are being charged against the 1940 surplus. I think hon. members will agree that when the position is set out in this way, it shows a clearer picture of what we propose to do in 1942.

Paragraphs 121 and 122 of the report are also important. The committee gave very full consideration to the question of ensuring that the Colony should be in a position to provide the finance, or to assume contingent liabilities in regard to the credit, that may be required in connexion with the marketing of export

crops or the establishment of local industries as part of the war effort, and I think they were satisfied, after an examination of the figures presented to them, that the 1942 proposals would not adversely affect this object.

In paragraphs 123 and 124 of the report, hon. members will see that even if the suggested loan to His Majesty's Government were made, the estimated surplus at the end of 1942 would still be £740,000, and £850,000 in cash would remain available to cover that surplus and the present balance of the Excess Profits Tax Fund. That financial position is much stronger, very much stronger, than that which some two years ago hon. members were prepared to see established for the duration of the war, namely that no increase in our surplus balance, which then stood in the region of £400,000, should be made during the war. I think that I am correctly interpreting the views of at least the majority of the members of the Standing Finance Committee when I say that after a very full examination of the questions, members considered that the proposed loan of £500,000 to His Majesty's Government could be made without endangering the success of any efforts that this Colony may be called upon to make locally to further the prosecution of the war.

Paragraph 125 is also important, and indicates that in the committee's view approximately 80 per cent of the proposed Public Works Extraordinary expenditure is in respect of items that might well be met from loan funds. The committee recommend that when a post-war loan is raised for development purposes, the question of transferring these items to a loan schedule with a corresponding credit to the surplus balance should receive consideration. Hon. members will, I think, agree with that proposal.

Now, turning to the minority notes, as I mentioned before, the hon. Member for Ukamba did not do justice either to himself or to the other members of the committee in his reference to the cursory examination which he said was largely futile in respect of one particular head. The reference to the inadequate time table is one, I think, that calls for some explanation. So far as I personally am

[Mr. Rennie] concerned, and I think I can speak for other members of the committee, we were prepared to extend the time table almost indefinitely if the hon. member had so wished. We had got at the back of our minds, certainly, the necessity that we should try to complete our examination of the Draft Estimates that week, but we were not limited as to the number of hours work which we had to do in any day, and I think the hon. member will agree with me that it would have required a very generous and very adequate time table to give him full scope for his examination of the Draft Estimates.

As regards the reference to the unpardonable failure of Government to ensure the presence of the Commissioner of Income Tax, I must apologise to him and to the other members of the committee on this account. The programme of the Commissioner was such that he expected, and I expected, that he would return from Tanganyika in time to appear before the committee during its deliberations. Unfortunately, owing to transport difficulties and delays, his programme and my plans were upset, and I can only express my regret, as I did before, to the hon. Member for Ukamba that we did not have the benefit of the Commissioner's advice during our deliberations.

As regards paragraph 126 of the report, I should like to say how fully I agree with the expression of appreciation of Mr. Armitage's services. (Hear, hear.) I am very fully aware of the pressure to which he has been subjected in recent weeks, and I have not openly to him but mentally to myself, sympathized very fully with him in that respect. He has, as is recorded, discharged his duties with efficiency, with expedition, and with accuracy. (Hear, hear.) I should also like to pay a tribute to the work of the Government Printer. The pressure on the Government Press has been very severe also, and the fact that the Draft Estimates and the Standing Finance Committee report have been turned out with such expedition says much for the efficiency of that Press.

Perhaps I may also be permitted to say a word of appreciation about the

way in which the members of the committee tackled and carried out their very arduous task. Speaking for myself, I know that the days when the Draft Estimates are examined are among the most strenuous days of the year, and since the committee began its deliberations most mornings at 9.30 and concluded at 6 o'clock in the evening and, in one case, at 7.15 p.m., I think other hon. members will realize that they tackled their job of work in a very earnest way, and I should like to express my own appreciation of the way they did so, and of the moderate and well-tempered tone of the discussions throughout. Although opinions differed at times, as differ they must, the tone of the discussion throughout was admirable.

In conclusion, as this is the last occasion in which the Standing Finance Committee will have the benefit of the advice and assistance of our present Financial Secretary, I should like to say on behalf of the members of the committee, how much we have appreciated his help and assistance and how deeply we regret his departure. (Hear, hear.) Perhaps, too, it would be appropriate for me to say on behalf of the official members on this side of Council that we associate ourselves entirely with the tribute that was paid to the Hon. Financial Secretary from the other side of Council. (Hear, hear.) We know only too well the value of his services to Kenya during the past two years, and we who have worked very closely with him realize we are losing a very able, very helpful, and very considerate colleague. We shall miss him.

MR. HARRAGIN seconded.

MR. COOKE: Your Excellency, as I understand that the hon. Chief Secretary is prepared in a written answer to give me the details I asked for, I am withdrawing the amendment which I gave notice to move under Standing Rule and Order No. 52(vi) to the report of the Standing Finance Committee on the Draft Estimates of Revenue and Expenditure for 1942: "With reference to Head 40, sub-head Miscellaneous War Expenditure, Civil, that fuller particulars be given of disbursements relating to Personal Emoluments and Other

[Mr. Cooke]

Charges as requested in my speech on the Draft Estimates". I would just like to say that it would not have been necessary to occupy the time of Council with this had the hon. gentlemen on the other side of Council replied to this rather important point which I brought up, but they were probably so occupied with their regular attack on me that day that they forgot about this particular point. I think I could have reminded them, but Your Excellency once or twice ruled me out of order when I got to my feet, and that, with the greatest respect to the Chair, does not seem to me according to the usage and custom of the House of Commons, where member frequently rise to their feet and remind Government speakers that they have not replied to some point.

I have nothing to say about the Standing Finance Committee report, which I think is a very good one, except to back the suggestion about the appointment of the Liwali at the coast, and also to express the hope that the committee of inquiry into the police terms of service should sit with as little delay as possible if Your Excellency decides there should be a committee.

**LORD FRANCIS SCOTT:** Sir, with regard to the report before us I have a few points I should like to refer to.

With regard to the alteration of the customs and excise revenue, on the first page, I have no comments to make at all, because I know from my own experience in the past on that committee that one has a much better opportunity there of hearing things first hand to confirm one's judgment than one can have when one is not on that committee.

Head 2, native hut and poll tax—when the times comes for the consideration of the report on the local native council finance relationship to Government finance, I should like to point out that the hut and poll tax estimate for 1941, £524,000, should be corrected to £527,000, as we were informed by the hon. Chief Secretary this morning, which in fact makes the proposed alterations in taxation show a loss of £1,000 instead of a gain of £2,000.

On the question whether inoculation should be given free to natives against

rinderpest, I have a very open mind. One thing which is important is that every step should be taken to try and eradicate rinderpest in this country, and if it means an extra £6,000 to do that as recommended here I suggest that it is worth doing.

I have nothing else to say on the revenue side.

The first point I should like to refer to on the expenditure side is on page 5, item 80, grants in aid to Indian schools, I think, as I understood from friends who are members of the Standing Finance Committee, that the point which they raised was that Government have not kept their word which they have given in successive years to appoint a committee to go into this question and make a report. It says here: "The chairman explained that it had not been possible to implement the proposal to appoint a committee in 1940 on account of Italy's entry into the war and the Government's pre-occupation with urgent questions arising therefrom". Frankly, one cannot accept that. We know that a number of committees were appointed for every sort of subject, and that really is not any excuse at all, and when I heard the explanation from the hon. Chief Secretary this morning it is diametrically opposed to what was stated by the then Colonial Secretary in the Standing Finance Committee on the Draft Estimates for 1938, when he said:

"In answer to questions he stated that he was not of the opinion that there was any responsibility on the part of Government to provide education for residents of the Colony, except in so far as the Colony's financial position warranted. It would be impossible for Government to take over responsibility for all Government Indian private schools and the system of grants in aid was the only present means of providing a medium of education to a large portion of the Indian community. He hoped that it might be possible to reduce the provision under this vote in 1939, in consequence of the opening of the new Indian elementary boys school in Nairobi, which would result in certain grants being withdrawn from private schools".

[Lord Francis Scott]

I do not want to oppose the granting of education to young Indian boys, but I do feel rather strongly that when this committee on the Estimates makes a certain recommendation year after year, right back to 1938, Government should abide by what they undertook to do. It is on that constitutional question that I believe the objection was raised in the committee this time, not merely to a matter of £400.

I am very glad that the Game Department have got additional money provided, because it is very essential from the farming point of view that the control of game in certain areas should be undertaken by the Game Department rather than by indiscriminate shooting by other people. I am also very glad to see that it has been decided that the Commissioner for Lands and Settlement should undertake in the future the post of Commissioner for Local Government as well. That, I am sure, is sound, and I also welcome the vote of £5,000 put into the estimates for land and settlement.

The next thing I should like to refer to is on page 7, Medical Department, and I am very pleased to see provision here made for dispensaries at Naivasha and Thomson's Falls. This has been an old bone of contention for many years, and I am very glad to see the provision now in the estimates. I hope that it includes some remuneration for the doctor in the Naivasha district; I believe that is so.

Then we come to the police. I welcome the proposals which are incorporated in this report, and I am very pleased to hear that you, Sir, have agreed to appoint this committee to go into the whole question. When the Commissioner of Police has had time to make his full report, I hope the committee will be formed and that they will report without further delay. I do suggest that that committee might very well at the same time go into the question of the terms of service in the Prisons Department.

Coming to Public Works Extraordinary, with regard to the water supplies scheme, while I see that money has been voted for Killifi water supply I trust that the question of one for Naivasha has not been forgotten. This

has been on the stocks for a great many years. I understand it is possible to find a very good supply for the prisoners of war in camp at Naivasha, and I suggest that the ordinary residents should have an equal right to a proper water supply.

While speaking of water, there is money provided for the subsidisation of unsuccessful boreholes. I do trust that this question of water supplies of the country will always be kept in the forefront of the attention of Government, and that under paragraph 121—where it refers to projects not yet dealt with—the question of improving the water supplies of the country will not be postponed because of the war, wherever it is possible to do anything to improve them, because I consider it is the most important thing in the whole of the country.

I welcome naturally the addition of £45,000 to the road construction programme. We have now started on the scheme of making our roads up to a worthy standard, and I trust that having once started it we shall not stop until we have got the road system of the country up to a better basis and that that will not be hindered for lack of finance. The hon. Chief Secretary did not make any reference to the proposals in the last line of paragraph 100, in which the committee recommend the employment of a road engineer if he could be found. Many years ago, hon. members on this side of Council on the Standing Finance Committee had a great fight to get a road engineer brought into this Colony for this same purpose. We had a gentleman called Moore, and one of the biggest mistakes we made in our economy programme was to let that gentleman leave the Colony. I do trust that that recommendation will be followed and implemented. It is not a reflection on the executive engineers of the Public Works Department; they are all busy men with full time work to do, and if one man with a good knowledge of the work is entirely engaged on the roads it will be of immense value to the whole of the country, apart from which he would be able to help in a supervisory capacity the district council roads and so on.

Another progressive movement is in paragraph 107, the provision of £2,000 for an industrial research laboratory.

[Lord Francis Scott]

Referring to paragraph 108, a contribution to the welfare fund for the African Auxiliary Pioneer Corps, these are Africans who were recruited in this country and were taken out of the country for work in the Middle East. They therefore are not entitled to any share in the Command Welfare Fund but, as they come from Kenya, we have a responsibility to see that they do get a share of welfare. It was agreed by the Kenya War Welfare Fund that that fund would contribute £60 for this purpose, and I am glad to see that Government is contributing a similar amount to make that fund for the Pioneer Corps up to something of some use.

Regarding paragraph 111, Customs, I should like to say that it is a very sound thing to get 20 additional clerks, but I do trust that the first sentence in that paragraph will not be carried into practice, that the existing staff should be allowed to retire during the war period. They must be essential men, and should be kept in an essential industry and not allowed to retire unless completely worn out and of no use.

Personally, I think the method of showing some of the capital expenditure against the suspense account is a perfectly sound and legitimate way of producing these estimates, and really gives a clearer picture of the position than if the suspense account goes into surplus balance and a deficit shown the other side. I am quite prepared to accept that, and I am glad that this report does point out how much capital expenditure is included in it.

But I think that possibly the most important paragraphs of the whole report are 121 and 122. As I said when I was speaking in the original estimates debate, it is absolutely essential that our efforts to help on the war shall not be hindered for lack of finance, and I take it that these two paragraphs do mean that Government are intending to produce money which may be required to help this country in any way it may be called on in its production to send supplies to the Mid East with the great object of saving shipping space. I understand there is nothing definite in the estimates because there were no definite plans

before the committee, but I sincerely trust and do read this to mean that Government intend to produce finance if required for any such purpose.

I am not going to say anything to-day in regard to the proposed loan of half a million pounds to the Imperial Government, because there is a separate motion coming up on that subject. Provided that money is produced to help in any of the war projects which may be brought forward during the course of the year, I consider this report a very sensible one and I support the motion.

MR. BOUWER: Your Excellency, I want to deal with one or two points in this report, or rather, there is one point I want to deal with which I raised in the budget debate concerning locust insurance, and which I am sorry to say is not mentioned. Unfortunately I was not present when the hon. Financial Secretary made his reply, but if he was reported correctly in the paper he stated that I knew perfectly well that Government has been prepared for a long time to bring in a compulsory locust insurance pool. If that is so I regret very much to see that there is nothing mentioned in this report about anything like that. I presume that if anything is brought in and if Government intends to give any assistance to a locust insurance pool, a sum of money will have to be set aside, and I presume that if that is to be done it should have been mentioned in this report.

The next point I want to deal with arises out of paragraph 121. As the hon. Chief Secretary has stated, it is a very very important paragraph indeed. In fact, I think it is more important probably than all the rest put together. I am of the opinion that, if an adequate response is to be made to the appeal from the Middle East for increased production, financial assistance will have to be provided to the producer on very much more generous lines than has been done in the past. Last week, in response to directions which were given by the Deputy Director of Man Power and the hon. Director of Agriculture, a meeting of the Man Power and Production Committee of my district was held, at which the matter was very thoroughly considered in all its aspects and bearings, and the view

[Mr. Bouwer]

was expressed there that, if increased production was to be ensured, cheaper money was an absolute necessity.

If you will allow me, it will shorten what I have to say if I read out the resolutions that were passed in respect of that particular district:

1. This committee (the Uasin Gishu Man Power Committee) is of the opinion that unless cheap money on easier terms is made available the possible increase in acreage of essential crops will not be obtained. 2. It is considered that money should be provided free of interest, or at a cheap rate, in order to finance the increased production required. 3. No farmer should be expected to risk permanently increasing his indebtedness by mortgaging his land in order to meet a specific war time demand. 4. The money should therefore be secured solely on the crop except when money is borrowed for the purpose of additional stock or machinery, and this should be secured by a chattels mortgage. 5. The minimum period of 3 years should be allowed for repayment in order that a sufficient proportion of the crop may be available each year for financing continued farming operations. 6. The rate of interest should not exceed 3 per cent.

That is the considered opinion of a body of farmers.

It is frequently stated, in fact a friend said to me only this morning, that the farmer is on the pig's back. I can tell you that he is not. In my particular district this year wheat has to all intents and purposes, as far as profit is concerned, been a failure. We have had very very heavy losses indeed. To go to the farmer now and ask him to produce larger quantities unless generous finance, either free of interest or at a very low rate of interest, is granted, I believe will not have any success at all. The average farmer who has had losses this year is very very hesitant indeed in incurring further liabilities. In fact, I think even if he wants to, he will be unable to do so in order that he may be able to increase his production, and I want to say that I sincerely trust that Government will consider this matter very carefully

indeed. If added production is required, money must be provided free of interest, and if that cannot be done it should be at a very low rate of interest, and in a more direct and easier method than through the land bank.

COL. GROGAN: Sir, the hon. mover, in picking me out specifically for mention, tried the red herring trick with a tiny sardine, by emphasising my remarks in respect of the time limit. Thereby I suppose he hoped he would deflect attention from the real gravamen of the charge in my minority report on the Standing Finance Committee report. After elaborating his argument, he gave every reason for substantiating my complaint about the time table, because he suggested, I understand, that we might have asked to sit longer. We sat from 9 to 7 on some occasions, and some of us had other tasks to do before 9 and after 7, and he also explained that it was impossible to fit in his programme with the Government programme and thereby get the Commissioner of Income Tax, and other remarks which he made in that connection were an elaboration of my complaint that the time table provided was inadequate for the proper consideration of this most important document. However, that is a small detail. I will turn to the real complaints against this budget as laid which can only be described as a pathetic little hangover from Government's peacetime financial tuppings.

The real complaint of myself and others I represent, and believe me it is quite true, is that this is not a war-time budget at all. It is merely an explanation of how moneys you have secured, and which were gladly supplied to you by the public on the supposition that they were being subscribed for war purposes, have been misapplied to ordinary peacetime loan proposals. Some of my constituents even went so far, when the position was explained, as to suggest that anybody responsible for such a gross misapplication of funds raised on one pretext and applied to others entirely out of conformity should be entitled to share in the benefits enjoyed by the late lamented Ernest Terrall Hoolley; in simple fact, if not protected by the Colonial Office but subject to the ordinary laws of the land they should be interned at His Majesty's expense.

[Col. Grogan]

Even these peace-time proposals are entirely disproportionate and out of tune with the requirements of the day.

The main feature to which I take exception is the sums provided for African Civil Servants housing, amounting to £31,700 on the part of the budget which, read in conjunction with the £30,000 loan of public funds to Nairobi Municipality for a similar purpose is a gigantic sum of money to spend in these times of shortage of materials and personnel, when a great many army requirements in the way of construction are held up for lack of those two requisites. When I looked at this unbelievable proposal to give precedence to this ridiculous expenditure of money, compared with the needs of the day, I wondered what was the cause. It called to my mind, sir, a statement of yours as reported in the Press, if I remember rightly, to the effect that your first duty was to the Civil Servants of the country. There of course we join issue. You are, of course, no longer a Civil Servant . . .

THIS EXCELLENCY: I do not wish to interrupt the hon. member, but my remark, or the substance of my remark, was that Government's first duty was to set its own house in order.

COL. GROGAN: I imagine that that is exactly the same thing which I said. In other words, your first duty was to see that Government servants were adequately housed. Dealing with the colony as a whole, I think I can safely say that that is not the first duty of a Governor. The first duty of a Governor quite obviously is to the Empire and, secondly, to any colony which is merely a crown colony, and he has no first duty to any section as above other sections of the community. I imagine that this sudden enthusiasm for the housing of African servants in Nairobi and elsewhere was, I also gather from another reference of yours, due to some inspiration you derived from a symbolic jaunt to the Belgian Congo. Symbolic jaunts to any place do not give anybody much time for close observation of what is going on in that territory, accompanied as they usually are by all kinds of flag waving, drums playing, wining, dining, and so on which is all right and proper on those occasions.

But I do suggest there may be wider, more beneficial, and more alternative inspirations to be derived from the Congo, and they are: one, the Governor-General of the Congo, whose responsibility, of course, is very much greater than that of the Governor of Kenya, in that he has an infinitely bigger territory and wider powers of decision. The first thing I noticed when I went to the Governor General was that this vast responsibility is housed in a small home hardly distinguishable from those occupied by his leading civil servants, with an absence of vice-regal pretensions and carried out in an economic way as far as the community is concerned. The next thing I noticed was that the native troops of the Congo, from one end of the Congo to the other, are adequately housed in proper barracks and their welfare is thoroughly looked after and most serious attention paid by the Governor General to their needs and requirements. Another point I noticed was that their native policy is quite a different one to ours, because it is confined to a general application of the uplift of the people as a whole as distinguished from those little bits of whitewash in places to please members of Parliament at home who ask awkward questions of the Colonial Office. In the Congo, the whole native population is being gradually improved in education, yet, at the same time, they are compelled to play their proper part in the general production of the country.

Another point you may have noticed, sir, if you had the time, was that the policy of the Government of the Congo is to encourage agriculture on a very large scale, and secondly, to encourage secondary industries, in which respect they have been extremely successful. You may possibly have had time to see the large textile factory areas and the number of industrial efforts in Leopoldville. In conclusion, you would find the general atmosphere one of simplicity coupled with serious provision of economy and a real generalised effort throughout the territory. Those are inspirations which, if you had had the time, you might have absorbed.

But, since the last opportunity we had of making a few observations on the question of this budget, a new

[Col. Grogan]

position has arisen which, of course, has added to an incredible extent to the dangers and problems of this country. Once again we have been thrown into the active zone of war, and the whole picture as far as we are concerned is darkened beyond all belief. When you, Sir, made that announcement to us the other day, one did expect from certain observations that we should have a clear indication from you of what this portentous change meant in respect of Government policy and intention. I expected personally an announcement by yourself, Sir, more or less on the following principle: I thought that you would have said "This unfortunate Government House in which I endeavour to have my being is totally unnecessary for the ordinary habitation of two or three people and should be handed over for the housing (and there is a great shortage of housing) of the innumerable women and children evacuees who may have to be brought to us from the battle zones of the Far East". I thought we should be told that the hon. Financial Secretary, who has got all the threads of our affairs at his fingers' ends and who has gained to quite an exceptional extent the confidence of the people of the country, would be retained in this country, and that the Colonial Office would be reminded of the fact that these are no days for the silly little game of musical chairs. It has been suggested that the Financial Secretary is going to the West Coast in order to introduce there a system of price and other controls which he has been instrumental in introducing into this country. If that in fact was the reason, could there be any more damning indictment of the Colonial Office methods if, in two years of war, they have not yet started the systems of controls there that are in operation in this country?

I should have thought also that you, Sir, would have said that this miserable document, this budget, has no war-time meaning and should be thrown into the wastepaper-basket where it properly belongs, and that you would immediately appoint in lieu of this fantastic pantomime which wastes time in the hearing of trivial matters a War Council

representative of all the elements of this community in order to conduct the war, that War Council to be in lieu of this entirely unsatisfactory and inadequate body of the Legislative Council. I am not throwing a brick of any kind or description against the Executive Council. All I know is that of the two unofficial members who sit on it one of them is absolutely weighed down not only with that work but with war work, and another is entrusted with tremendous tasks in the economic sense of carrying on with the war and re-organization of this country on some sort of agricultural basis. It is utterly impossible, in view of the fact that one is so often away, for those two men, plus the official members (whose names I do not even know) to sit on a small body of that size to deal with the manifold problems of the war and advise you how to lead and give some signs of the purpose of this Colony's part in the campaign.

I thought that you then would have decided to come down from that majestic centre in which governors normally have their being and where presumably, like "The Mikado" you spend your time in communing with the spirits of your predecessors, that galaxy of supermen whose oleographs adorn the walls of your banqueting room, and commune with us common folk.

I also thought that you would cease from further abuse of the censorship which was introduced and gladly agreed to, for military purposes, knowing as you must that there was never any intention nor is there any real justification for using the censorship powers in a country like this to protect the Government from legitimate and proper criticism. I say without the slightest hesitation that those powers have been used in that sense and that they are grossly abused.

What, in fact, instead of these sort of reactions which we might have expected, what were the actual reactions? You told us that we must redouble our efforts. That expression, Sir, if it has any meaning at all, is a dreadful indictment of your regime, because if we have already striven to our capacity how can we redouble our efforts? I

[Col. Grogan] think it is generally recognized that a vast proportion of the European population—more especially the people on the land—and many others have been working to the limit of their capacity in making every conceivable sacrifice they could to perform their share in the war. How can they redouble their efforts? The only way this Colony's efforts can be redoubled is by some effective leadership from headquarters. You alone can co-ordinate the goodwill and intention of the Colony into a more direct channel that leads to a proper participation in the war effort.

Your other reaction was the appointment of another committee. You, Sir, have lived in the midst of committees for many long years, and I have hopped about on the fringe of them. A committee in a Crown colony is like the leaf of a prickly pear: you lay it on the ground and before you know it has rooted itself, and so the thing goes on to infinity, and finally you find yourself surrounded by an interminable and impenetrable waste of vegetation. I suggest to you, Sir, that that is a vegetable analogy of the position in which this Colony finds itself to-day. I have no idea myself of the ramifications of the committees and sub-committees which infest every corner of this country, but I am still waiting to hear that something really worth talking about has emanated from any single one of them.

In conclusion, I do earnestly appeal to you, Sir, on behalf of a great many people of the country, of common people like myself who do not hobnob with the great, that the tide to which I referred the other day is ebbing very fast. We all know, or some of us know, that you personally have made the same personal sacrifices, financial sacrifices, to the last penny that you have asked us to make. (Hear, hear.) We know that, and also I think it a pity that you are too proud to let it be known. That is all very good and proper, but I think it a pity that the people as a whole should not be aware of the fact. But personal sacrifice is not enough. It is essential that you, Sir, should do something to dispel the atmosphere of frustration and impotence that pervades the

whole country. Never in all my experience has the feeling of the country been one of such helplessness and frustration, which I maintain is due to Government's indecision, a feeling which may easily develop into hate. War time is not a time for party politics. In war time, no one can lead the country except one individual endowed with the necessary authority derived from the Crown.

And you, Sir, have a great opportunity for many reasons. First, because you have still a large measure of personal affection, both for yourself and your lady, that is derived from your long residence with us on a previous occasion. That is a great asset with which one may start. You have also 99 per cent of a loyal and determined European bodyguard prepared to go to the ends of the earth with you if only you will tell them where to go. You have unlimited funds at your disposal. You also have a definite purpose found for you by the Minister of State now in the Middle East. This is a great occasion for Kenya, because if you look at the many difficulties besetting us you will see, I think, that we can rightly say—with Mombasa as perhaps the only 99 per cent secure naval base—that we are facing a new great field of war operations with an important function of our own.

It must inevitably happen, because we will take a great many knocks before the tide turns, that this country will be called on to play a bigger and bigger part from day to day, not only in providing material and food supplies for the fighting front but also as a home for the evacuee women and children who will have to go somewhere to be cared for in a safe place. No place may be really safe with the possible exception of this country, which has all the advantages of a great sea base backed up by an unattackable hinterland capable of serving practically all the needs of the community.

The tide in your affairs, as I say, is ebbing fast, and it is not yet too late for you, Sir, to save yourself from the humiliation of spending the autumn of your days in pensioned security far away watching the shallows and the

[Col. Grogan] miseries which, by neglecting to take this lead you will impose on this country. It may be that you will be stabbed in the back as other positive Governors have been by the Colonial Office but, even if you are, you will have the satisfaction of knowing at least you died in action!

MRS. WATKINS: Your Excellency, I am afraid that after the very interesting talk by the hon. Member for Ukamba it will be very dull coming back to the small details of the schedules in front of us on which I want to ask one or two questions.

On page 2, Head 4 Posts and Telegraphs, I see an expansion of the telephone is noted. I want to ask whether we are going to have priority for schools in this country. We heard the other day that a house occupied by a school temporarily at Naivasha was not conceded a telephone, it was said that it was not possible to put one in, but that the very day the house was vacated by the school and it was taken for a private person, the telephone was put in. Perhaps I should say that I am personally interested in the matter of schools and telephones, because one member of our family is working in a school which has no telephone, and she speaks of the strain of being in charge of young children when there was no possibility of getting a doctor in the district, and so I ask that telephones should be given to schools first. We are not asking for an impossibility owing to lack of materials, but for priority and that might be considered.

On page 3, Head 13, there is one thing which strikes me as wrong, and that is making this loan to the British Government before we know whether it might not be more usefully loaned through production. It seems to me, perhaps, to be another example of Victorian hypocrisy to suggest giving the home Government £500,000 and at the same time we are accepting smaller sums from the Colonial Development Fund. I do suggest that we should pay for these things first and then give what is over, not give with the one hand and take with the other.

Page 4, Head 10, Education Department—I have been assured by the Standing Finance Committee that the feeding of school children was discussed although it is not actually mentioned here. I should like to say of that paragraph that while we fully realize the difficulties under which the hon. Director of Education has been labouring, through the evacuation of various schools into unsuitable buildings up-country, yet through these difficulties some points have arisen which need adjustment not only while in these temporary buildings but permanently. There have been criticisms of the feeding, perhaps due to insufficient kitchen, perhaps unwarranted altogether, perhaps right in various particulars, but during the discussion that arose, it came out that no master or mistress had their meals, either breakfast or the midday dinner, with the children. Your Excellency and I expect many of you here, remember in your own school-days the long tables for school meals with a house-master or junior master at the head of each. If after centuries of unique experience in great public schools that has been found advisable in England, I submit that it is much more necessary here. The mere fact of the master eating the same food at the same tables as the boys disarms criticism, and keeps the kitchen staff up to the mark. Parents feel reassured by the fact that masters are for the midday meal at least eating the same food as the boys, and exaggerated criticism of the food can be discounted.

I asked whether masters here had their food with the boys, and was told by a friend of the headmaster that if masters fed with the boys they would have to pay for the meal. This seems incredible, and I asked for a reply in writing on this point. I got the answer back that if the master were placed there on duty he would not have to pay. I submit that it is not a question of "if the master is placed on duty" but that one or two of the masters should always have their midday meals with the boys as a matter of course. Also in the girls' schools a mistress or two should have theirs with the girls. I maintain this is more necessary out here with a native kitchen staff than

[Mrs. Watkins] it is in England with English servants in the kitchen.

Page 6, Head 17, Labour Commissioner—I have been waiting for this augmentation of staff, because when we were given the card system I was definitely informed by the Labour Department that by going on to the card system we should be able to sack a redundant staff. Another man who knew the routine well prophesied that within two years we should be back where we were before in the matter of staff. Those clerks were in fact I believe dismissed, and here the increase is again beginning, showing that the saving was probably but a temporary one. I believe economy was the only thing said for the card system, that it was supposed to save several thousands a year, which is most important nowadays, but I do maintain that when we sent in our labour returns to Government in some years gone by, Government had then a valuable record of the employer's amount of labour, and had a basis for many statistics, which it has forfeited under the card system. This information was very useful for Government and for statistics, and really the only thing to be said for the card system replacing that of the monthly labour returns was speed and economy. Economy does not seem to be lasting, for in place of those dismissed more must now be taken on.

Page 6, Head 18a—We have just heard the hon. Member for Ukamba say how essential it is to make some effort immediately towards the increased white settlement to come post war or even before. I submit that it is seriously jeopardizing not only the future white settlement but the settlement that already exists to encourage it to expand before we have any kind of labour policy, or any adjustment for the present terrible shortage of farm labour. It is a most undesirable thing to bring men out here to settle when they are unaware of the labour difficulties. It is no use putting the cart before the horse when we supply money for settlement without in any way considering the labour. Churchill said "Never have so many owed so much to so few", and I say it is cheating these men to bring them out after all they have done to

conditions as they are permitted to be here.\*

Page 7, Head 21, Medical Department, item 57—as the Member for Kiambu I am very glad indeed to see we are going to be able to get in touch with the Kiambu doctor at his house. Up till now we could not get in touch with him for 14 hours out of the 24; and for the other eight or nine hours he spent much in the theatre so it was extremely difficult to get in touch by telephone at all.

Page 10, Secretariat—I would like to see Hansard strengthened. I think it is important that this should be done. It is certainly not meant as a reflection on the present man that he cannot take down our speeches verbatim all the morning and sometimes a day, and type them out at night, or worse still weeks later when everybody has gone away and he tries to get his notes quite accurate. I believe that in London nobody takes down for more than 20 minutes at a time. I do not think that that is possible here, but I do maintain that it should never be called Hansard. Call it Legislative Council reporting or anything you like, but not Hansard, which has come to mean a specialized form of accurate reporting in the English language. That it is not Hansard can be noted by the number of members who hand in the speeches at the end of a morning's session; that is, the written speech or what they hoped they were going to say, and perhaps did not. The service at present is no more Hansard than Miranda is Reuter. It is easy to attach too much importance to what folk say in Council, but still one may want to look things up afterwards, and it has happened that just the opposite to what has been said has appeared in the report.

At the beginning of this session I heard that help had been procured and was very glad to hear it. The next day it was said that the help had been refused. I could scarcely credit it. I went and asked a point blank and probably inconvenient "Why?" and was given the classic reply that one could not expect a man reporter to work with a woman. Well, Your Excellency, I glanced at the calendar to make sure it was 1941 and not 1870, and I

[Mrs. Watkins] scanned the newspaper to make sure there was a war on, and finally I looked at this desk in front of me and saw my own name, and having reassured myself on all these points it struck me that it might be reasonable to expect a man to work alongside a woman. I rather sympathize with him, women are the very devil, but here we are, and here we seem likely to remain, and Your Excellency has had to accept it as part of the British constitution. I refer more particularly to the latest addition to Council, the last person you would have chosen, one who creates uncertainty as to what may happen next, yet Your Excellency has accepted it with your usual grace, and I see no reason why a senior clerk in the Government service should not do the same. It may help if he regards it as one of the major misfortunes of a war which has hit other people even more severely. I extend to him my sympathy, but suggest we should supplement him with a really good woman if one is obtainable.

MR. PANDYA: Your Excellency, I would like to refer briefly to one or two points made in the debate.

First, the noble lord the hon. Member for Rift Valley referred to the question of grants in aid for Indian schools. I am very sorry indeed that this question has been brought up again for discussion in this Council. From what the hon. Member for Ukamba said the members on the Government benches had not learnt anything in changed circumstances from peace to war conditions, but if the hon. gentlemen on the other side of Council do not learn anything from peace time to war time in my opinion it equally applies to this side of Council. It should be remembered that the application of the principles enunciated in 1938 do not any more apply in 1941, that the financial circumstances of the country which we were facing in 1938 are not the same in 1941. We had not then got a surplus of over one million pounds, and the small sum of £400 should be the last thing which should engage the attention of responsible members of this Council. The hon. Member for Ukamba preached a pretty good sermon, and most of the remarks which he made did not arise on the discussion on this report.

This is not the budget debate, but Your Excellency has extended the courtesy and latitude which you always give to hon. members. I am not going to criticize him, because with many things he said I agree, but what I cannot understand is that when he blames the Governor and blames the situation which is created by the expenditure on Government House and so many other things in this country, he hardly realizes that that is the responsibility of the unofficial members of Council; in fact, I should like to remind hon. members that that expenditure on Government House was particularly supported by the unofficial European members, so that I cannot understand why there should be any objection to its tenure by Your Excellency or to anyone who occupies it.

The other thing I could not understand, and I have not heard it anywhere, is the implication that in this country there is a feeling against Government which may result in hate. I should like to assure you, Sir, that as far as the Indian community is concerned we have not reached that stage nor are we likely to reach the stage contained in the expression which the hon. member used. It is hardly realized that it is very easy to criticize, but at the same time it is very difficult to put things into practice. I should like to say that from my own experience and knowledge that the power and influence exercised by the unofficial European elected members on the policy of Government is very great indeed. It is much greater than I would myself wish them to have but, that being the position, I cannot possibly understand the criticism which the hon. member has delivered against the Governor. In my opinion, if there was any opportunity, if the constitution allowed it, I should very much like to see how he would shoulder the responsibility which he wishes now to put on the shoulders of others.

Your Excellency, I have digressed from the point of education on which I was speaking, and I suggest, particularly in view of the fact that we have before us in the order of the day a motion in the name of the hon. Director of Education regarding the introduction of compulsory education into this country—and I am very happy to see that in that to a certain extent Indian education will be

[Mr. Pandya] included—that at this juncture, when that is the policy of Government, a small question like this of grants in aid to Indian schools should not have been raised in the way it has been raised by the European members. I will not enlarge on this question except to say that we Indian members have never accepted any limitation to the expenditure on grants in aid, and it is not possible for us to accept that position. The mere fact that the grants in aid apply to a large number of Indian schools in the country proves conclusively that the Indian community is sharing the expenditure on education which should be borne by Government.

There is only one other point I should like to make. That is in connexion with the police estimates and the recommendation of the Standing Finance Committee to the effect that a committee of inquiry should be appointed to look into the terms of service of the police staff. I very much regret to note that the Asian staff has not been included, and would suggest that when his inquiry is held the Asian sub-inspectors and others engaged in the police service should also have their terms of service inquired into.

I should like to refer to paragraph 11F regarding the Customs tariff. I am in full agreement with what the noble lord said, that senior clerks should not be allowed to retire during the war unless of no further use. The report suggests the engagement of about 20 Asian clerks who are likely to take the place of the senior clerks. In my opinion, the terms of the learners grade for these clerks who are going to perform responsible duties are not adequate, and I would suggest that the hon. Commissioner of Customs should engage clerks at a higher rate, more responsible clerks, who will be more useful to him when properly trained.

In conclusion, I express my gratitude to the hon. mover for what he said about Government policy in connexion with the grants in aid for Indian schools and Indian education generally.

The debate was adjourned.

#### ADJOURNMENT

Council adjourned to Wednesday, 17th December, 1941, at 10 a.m.

### Wednesday, 17th December, 1941

Council assembled at the Memorial Hall, Nairobi, at 10 a.m. on Wednesday, 17th December, 1941. His Excellency the Governor (Sir Henry Moore, K.C.M.G.) presiding.

His Excellency opened the Council with prayer.

#### MINUTES

The minutes of the meeting of 16th December, 1941, were confirmed.

#### PAPERS LAID

The following paper was laid on the table:—

By Mr. Brown:

Select Committee Report on the Control of Grass Fires Bill, the Kenya and Uganda Railway (Amendment) Bill, the Local Government (District Councils) (Amendment) Bill, and the Local Government (Municipalities) (Amendment No. 2) Bill.

#### NOTICE OF MOTION

Notice of the following motion was given by Mr. Brown:—

"That the Select Committee Report on the Control of Grass Fires Bill, the Kenya and Uganda Railway (Amendment) Bill, the Local Government (District Councils) (Amendment) Bill, and the Local Government (Municipalities) (Amendment No. 2) Bill be adopted."

#### ORAL ANSWERS TO QUESTIONS

No. 65—K.U.R. & H. PENSIONS SCHEMES

MR. ISHER DASS asked:—

1. Will the hon. General Manager, K.U.R. & H., please state if the European Widows and Orphans Pensions Fund under the Superannuation Fund Scheme is being subsidized by the Railway Administration, and, if so, to what extent?

2. If the reply is in the affirmative, from what source is this subsidy being met?

3. Is the Asian Widows and Orphans Pension Fund under the same Superannuation Scheme being subsidized in the same manner? If the reply is in the negative, will he state the reasons therefor?

[Mr. Isher Dass]

2. Will the hon. General Manager please state how many pensions have so far been granted from the Asian Widows and Orphans Pension Fund, and what is the monthly rate of pension in each case?

MR. HAMP: 1. The European Widows and Orphans Pension Section of the Superannuation Fund is similar in its operation to the East African European Officers Widows and Orphans Pension Scheme, under which all contributions are paid into revenue and pensions met from the same source. Whether the contributions paid will suffice to meet the pensions awarded, only time can tell. The answer to the first part of the question is therefore that it is not known whether European widows' and orphans' pensions will eventually involve a subsidy by the Administration or not. The pension tables allow for an interest rate of 6 per cent.

2. In view of the answer to the first part of the question, the second part cannot be answered definitely. A Reserve Fund is being created to cover any future liability, but this Fund remains at the disposal of the Administration and is not part of the Superannuation Fund accounts.

3. The Asian Widows and Orphans Pension Fund is a separate and distinct fund in the proper sense of the term; that is to say, all contributions are paid into the Fund and all pensions are met from the Fund. The reason that different procedures have been adopted in the cases of Europeans and Asians is that it was considered desirable to follow the practice of the East African Governments in this respect.

4. Two pensions have been granted from the Asian Widows and Orphans Section of the Superannuation Fund, the monthly rate of the pension in each case being (a) Sh. 58/36, (b) Sh. 23/95.

MR. ISHER DASS: Arising out of that answer, does the hon. General Manager think that Sh. 58 and Sh. 23 are reasonable amounts on which a family can live?

MR. HAMP: I cannot answer that, as I do not know the individual cases.

No. 66—K.U.R. & H. STAFF REMITTANCES

MR. ISHER DASS asked:—

1. Will the hon. General Manager, K.U.R. & H., please state what total amount is being remitted in the shape of home remittances on behalf of the European staff and what rate of commission is being paid to the Crown Agents in this respect?

2. Will he state if similar arrangements can be made with the Railway Agents in India with regard to the Asian staff?

3. If his reply is in the negative, will he state the reasons therefor?

MR. HAMP: 1. The present monthly disbursement in respect of home remittances of European staff to the United Kingdom is £1,750. No commission is paid to the Crown Agents in this respect.

2 & 3. The matter is under consideration in consultation with the Government of Kenya.

No. 75—KENYA SUPPLY BOARD

MRS. WATKINS asked:—

1. What is the present personnel of the Kenya Supply Board?

2. What members of the Supply Board are engaged in commerce or commercial undertakings in the Colony?

3. Is it not a fact that the majority of the members of the Board are interested parties as sellers of goods and are therefore adjudicating upon these matters affecting their own interests?

4. Will Government consider reconstituting the Supply Board to ensure that 75 per cent of the Supply Board are not engaged in commerce?

MR. LOCKHART: 1. The Financial Secretary (Chairman), the Commissioner of Customs, the Hon. Members for Nairobi North and Ukamba, The Hon. J. B. Pandya, C.B.E., Col. G. C. Griffiths, C.M.G., C.B.E., S. H. Sayer, Esq. The Hon. Member for Ukamba does not now attend meetings of the Board.

2. All the unofficial members of the Board are engaged in commerce or have some interest in commercial undertakings in the Colony.

[Mr. Lockhart]

3. While the majority of the members of the Board are interested in varying degrees in the sale of goods in some form they are not all interested in the same type of commerce and the Board is rarely called upon to deal with cases in which individual interests are concerned as such. If such a case occurred in regard to the individual interests of any member of the Board he would be required to withdraw from the discussion in accordance with the usual practice.

4. The answer to the fourth part of the question is in the negative. The varied matters on which the advice of the Board is required cannot be handled efficiently except with the assistance of persons whose training and experience has been obtained in commercial life. The Government has no reason to believe that the public interest suffers in any way from the present composition of the Board. (Applause.)

MR. COOKE: Arising out of that answer, was not the Coffee Supply Board represented by a member interested in the coffee trade, and was he absent from the meetings which concerned the disposal or marketing of coffee?

MR. LOCKHART: The original question refers to the Kenya Supply Board and not to the Coffee Control Subcommittee.

#### RESIDENT LABOURERS (AMENDMENT) BILL

##### SECOND READING

MR. MORTIMER: Your Excellency, I beg to move that the Resident Labourers (Amendment) Bill be read a second time.

This Bill deals with no matters of major principle, but is intended to remove some small difficulties that have come to light since the principal Ordinance was applied to the whole Colony on the 2nd August, 1940.

\* By section 21 of the principal Ordinance, the option is given to local authorities to make orders, in the first place, for limiting the number of resident labourers that may be employed on any farm or group of farms within their area; secondly, for regulating the number and kinds of stock that may be kept by

natives or Somalis on farms; thirdly, for prescribing the minimum number of days for which a resident labourer shall work and receive wages. Some district councils, namely Trans Nzoia, Uasin Gishu, and Naivasha speedily got to work, and, after making all necessary investigations, made orders under these provisions. On examination by the Legal Department, however, these orders were all found to be *ultra vires* in some respects.

Three main difficulties have been experienced. Section 21 (1) (b) of the Ordinance gives power to prohibit the keeping of stock by natives or Somalis on any farm either generally or in respect of any particular stock, and to limit the number of any specified kind of stock which may be kept by resident labourers. The local authorities, in making their orders, not unnaturally assumed that a resident labourer was a particular class of native, and they therefore passed orders prohibiting the keeping of goats by resident labourers. Without doubt it was the intention of this Council when the principal Ordinance was passed to give powers of prohibiting the keeping of stock generally or stock of a particular kind owned by Somalis or natives, whether they were resident labourers or not, and further powers in respect of resident labourers' stock to limit specific kinds of stock where total prohibition was not desired. The record of the debate on the original Bill makes quite clear the intention of this Council.

The legal interpretation of the section, however, is that the order can only limit and not prohibit resident labourers' stock either generally or of a specific kind and can only prohibit the keeping of stock by natives or Somalis who are resident labourers. Clause 4 of the Bill is intended to place the amended law beyond doubt by giving power to local authorities to prohibit or limit the keeping on farms of stock either generally or in respect of a specific kind of stock owned by natives and Somalis, whether resident labourers or not.

The second difficulty was in connexion with the power to restrict the number of resident labourers that might be employed on any farm or group of farms. The law provides that in making such

[Mr. Mortimer]

order the local authority shall have regard (a) to the wishes of the occupiers of the farms, (b) to the reasonable labour requirements of farms, and (c) to the nature of the farming operations conducted thereon. From this proviso it is obvious that an order would have to be made for each individual farm, having due regard to all its qualifications, or alternatively, the order would have to contain a schedule specifying every farm within the area and setting against each one the number of resident labourers allotted to that farm at that particular date. The needs of the farm might, however, change almost from month to month.

It will take about eight months before an order is finally promulgated after having been through all the various safeguards, and so the result might very easily occur that long before the order was actually promulgated the needs of a particular farm would have changed and an amending order would be required. One local authority sought to get over the difficulty by including in its order a standard schedule indicating the number of resident labourers allowed by that particular authority for each individual unit of farming operations. For example, in their schedule they specified one resident labourer for 3 acres of coffee, one for 3 acres of fruit trees, one for 2 acres of pyrethrum, one for 10 acres of cultivated land not under permanent crops, and so on. Each farm was to be assessed in accordance with its farming operations at the time, and a permit would be issued stating the number of resident labourers allowed. The permit was to be endorsed by the attesting officer every time a resident labourer was attested, and it would therefore be possible to see at a glance whether an individual farmer had reached the limit of his allowance granted by the local authority. It would also be possible when the farming activities changed or increased to alter the allotment for the individual farm without having to go through all the process of amending the order.

Unfortunately, however, this simple system of control was found to be *ultra vires*, and no other effective method of ensuring that orders were carried out was

apparent. Clause 4 (2) of the Bill has been framed to give powers to local authorities to include within any order provision for a permit system and for prescribing the necessary details to make that permit system effective.

The third difficulty was that an order requiring the removal of stock from any farm or farms could not prescribe a gradual removal but must be immediately operative after three months' notice. In some districts it was desired to make the removal a gradual one, not only for the convenience of the resident labourers concerned but also for the convenience of the administration in the areas to which the stock was to be removed, as the absorptive capacity of those areas would have to be gradually tested out. Clause 4 (1) of the Bill will give power to make an order for the gradual removal of the surplus stock if such is desired by a local authority.

Those are the major amendments covered by the Bill. The opportunity has, however, been taken to include a few other small amendments recommended at a recent meeting of representatives of district councils and also to correct a few small errors discovered in the original Ordinance. I will now briefly refer to the more important of these.

Clause 2 of the Bill is intended to check a tendency observable in some quarters to permit labourers not attested as resident labourers to cultivate considerable areas of land on a farm. This clause prohibits any labourer being allowed to cultivate more than two acres unless he is signed on as a resident labourer.

Clause 3 (a) will make the illicit grazing of cattle on farms an offence cognizable to the police, who are given power of arrest without a warrant. It is quite evident that this particular class of offender, if not arrested at the time when the offence is discovered, will not readily be found afterwards, if a summons has to be taken out and a warrant for arrest obtained. The district councils conference made suggestions that two other offences described under the Ordinance should be made cognizable to the police, but these have not been included in the Bill. They may, however, be considered in select committee.



MR. COOKE: On a point of order, is the hon. Director of Medical Services in order in reading a newspaper while the proceedings are on?

HIS EXCELLENCY: He is quite in order.

MR. COOKE: On a point of order, the Manual of the House of Commons procedure, which is on the table, with all due respect to you, Sir, says it is out of order, and the usage of the House of Commons, where there is nothing in our Standing Rules and Orders, prevails.

MR. MORTIMER: If I may be allowed to resume, Sir? (Laughter.)

Clause 3 (b) of the Bill is intended to make it quite clear that the offence of keeping on a farm stock in excess of the number allowed shall apply to natives or Somalis whether they are resident labourers or not.

The principal Ordinance at present provides that, after an order has been made by a local authority, an occupier whose existing contracts do not comply with the requirements of that order, must give three months notice of the termination of such contracts. Clause 5 of the Bill gives power to vary contracts or to terminate them as it may be desired. Obviously it is quite unnecessary to terminate a contract if a variation is all that is required.

Finally, turning to clause 7, this has been framed to remove a possible cause of hardship from the existing law. Section 27 of the principal Ordinance rightly makes the occupier of a farm responsible for providing a resident labourer who is seriously ill with medical attendance or with hospital treatment, but he may only send the resident labourer to hospital if the labourer consents. Circumstances may arise when an ignorant or fearful native may refuse to go to hospital, although he may be seriously ill, and the employer is then legally bound to provide for him, possibly at considerable and protracted expense, medical attendance. By deleting the words "if the resident labourer consents" it is proposed to limit the employer's liability.

MR. HARRAGIN seconded.

LORD FRANCIS SCOTT: Sir, I rise to support the Bill. All the points which have been covered are both necessary and advisable. There is one point, however, which I should like to ask the hon. mover about. That is, in clause 2 (b), where it says, "any area of land exceeding 2 acres in extent". My constituency asked me to raise the point that at the conference referred to the recommendation was half an acre, and not two acres, and they wonder why it was altered. The reason of this amendment is that it has become a habit among a certain number of farmers in the country to keep labour on their farms and let them cultivate land without signing them on as resident labourers to be available at certain seasons of the year for special work. It is considered that that is detrimental to the general labour situation of the Colony and should not be permitted. I understand that the recommendation of the district councils concerned was that the limit should be half an acre and not two. In reply, perhaps the hon. mover will explain why it was altered.

MR. COOKE: Your Excellency, the frequency with which these amendments come before Council appears to me to show there are some farmers in this country who are like the Irishman who does not know what he wants and won't be happy till he gets it! As a matter of fact, I have had experience as an administrative officer, and I think "resident labourer" is a complete misnomer. I do not think he is half-way between an ordinary labourer and a squatter. In the old days, as the hon. mover pointed out, people enticed or got labour to come on to their farms by giving them stock. That is being controlled, and there is further control in this Bill, and now they are being given land which is to be the *quid pro quo*. I agree with what the hon. Member for Rift Valley said, that half an acre should be the limit, and I would go further and say there should be a limit of land allowed on any farm; otherwise you will have a certain number of farmers, not the majority of course, giving 10 or 20 acres of land, and you will have going on in the best land of the country soil erosion and all the other concomitants of squatter occupation. I therefore suggest that in select committee

[Mr. Cooke]

there should be inserted a limit to this amount of land to which a squatter is entitled.

I feel very strongly that the majority of farmers are trying to carry out this Ordinance but that there is a minority who are not, and they are entering—I speak quite plainly—into a tacit conspiracy with the natives to evade the law. It is only by the Administration administering this law firmly and fearlessly that we will be able to stop the abuses that are taking place. As the poet says, "For forms of government let fools contest, Whatever is best administered is best."

MR. BOUWER: Your Excellency, my hon. friend on my right has got it all wrong—a farmer knows exactly what he wants and is happy as soon as he gets it! I am in support of this Bill. If it does what I hope it will, it will have the effect of making a system which has many advantages if controlled and made workable, but which if uncontrolled can be an unmitigated curse. The Bill before Council is the result of exhaustive discussion by various districts and bodies concerned and I have very little indeed to add to what the hon. mover said in explaining the Bill, except that I just want to ask him why certain things that we agreed to at the conference to which he has referred have not been included in the Bill.

My main point is in the case of section 16 of the principal Ordinance. By the amendments proposed in this Bill it seems to me the effect will be that a native or Somali will commit an offence by grazing unless he is signed on as a resident labourer and that such an offence will be cognizable to the police. I think we ought to go further, and, speaking as a farmer with practical experience, I think that what should also be included is to make it a cognizable offence to the police if natives move more cattle on to the farm of an employer than is provided for in the contract. This was agreed to at the district councils' conference, and I understand that in select committee it will be included.

The main reason for the amendment which has been asked for to section 21 is, as the hon. mover said, that some

district councils got busy straight away and found that as the section stood, although it intended to control the resident labourers in a district and give local authorities power to do so, the rules once made were *ultra vires*. Therefore these amendments are now proposed. The position in my district at any rate is this, that we want first of all to control the number of cattle which any resident labourer may be allowed to have; secondly, we want to control the number of resident labourers any farmer is allowed to have, which would be limited by the amount of work he has on his farm for them to do; the third is, we want to limit the number of cattle which any number of squatters have on any one farm by the grazing available. It seems to me that by the amendments proposed now local authorities will be able to have that control over resident labourers, and I support the Bill.

COL. KIRKWOOD: Your Excellency, I am rising to support the Bill, and I would congratulate the hon. mover on the clear way in which he has expounded the conditions of it. I also agree with him that there are no new principles embodied but only a clarifying of the existing Ordinance which pretended to do what this Bill will do.

I disagree with the hon. Member for the Coast in everything he has said. (Laughter.) He stated that farmers did not know what they wanted, and tried to get something, or words to that effect.

The Bill will help the natives; it will be a big help to them. At the present moment there is probably a great deal of unrest because the present Ordinance cannot be applied in the manner in which it was intended. In the different districts it took time to apply the Ordinance, and even then it was impossible; hence we have brought in this amending Bill, which I agree. As I understand it, it is going to a select committee; I will not go into any particular clause, beyond that I support the noble lord in the necessity of limiting the acreage of a resident labourer who has no cattle to something under two acres. I think two acres is too much. This Bill will also help to regulate the labour supply. The old Ordinance tended to encourage what we called squatter farms, that have many

[Col. Kirkwood]

boys in excess of what was wanted and who are not pulling their weight. That is not going to help the war effort on the labour side of agriculture, but this Bill will rectify it to a certain extent, and it is not only as a justice to the employer but also to the native that it should be passed.

I should just like to quote one or two instances which I do not think are provided for, I am speaking from experience. A native under the old Resident Native Labourers Ordinance had permission for 20 head of cattle but brought 40 on to the farm. It was reported, the police took action, and the boy was fined. So far as I know, there is no way of dealing with that offence under the present Ordinance, and I doubt if it is in this Bill. The only way you could deal with him is to give him three months' notice to remove himself and his cattle; you cannot order him to move his 20 head. In this particular case the 40 head are still on the farm. That is a point I would ask the hon. and learned Attorney General to consider. The other point provides that three months notice should be given in writing both to the district commissioner concerned or the labour officer. My experience with one boy is that it took me eight months to have him removed, because my notice was given to the district commissioner and it was eight months before the boy was removed. It was due to ignorance in a measure of the labour officer, who interpreted the Ordinance incorrectly.

The other point I should like to raise has already been raised, and is one that is not generally understood in the existing Ordinance, under which it is permissible to sign on a herd boy for 365 days a year. I know there is a section which provides that a resident labourer shall be given sufficient time in which to do his own cultivation. It is obvious that if you sign a herd boy on for 365 days he gets time off at his employer's expense, but it does not prohibit signing a boy on for that time, and with a herd boy it is necessary. I hope these points will be considered and that the Bill will be passed.

DR. WILSON: Your Excellency, I was rather looking forward to the intro-

duction of this Bill. I was interested to see how Government would explain the necessity for this amending Bill, and I was interested to see what the reaction of hon. members on this side of Council would be. Government is to be congratulated on choosing the hon. mover, who skated over very thin ice with his usual cleverness, but I must say that I am surprised that so far nothing has been said as to the surprising need for, and the history of, this amending Bill.

The hon. mover did refer to the principal Ordinance and its history, but if I may go into that a little more fully and quote, from Hansard, 1937, when that Ordinance was introduced; the then mover, the Acting Attorney General, said: "In 1933 a committee was appointed by the Governor to review the working of that 1925 Ordinance; and to make a report. That committee was largely composed of unofficial members, and was representative of the whole of the Colony. . . its report was presented to Government in February, 1935. Attached to that report was a draft Bill, which was approved unanimously by that committee. . . That draft Bill was forwarded to the Secretary of State. . . very carefully considered by the Secretary of State, and . . . returned by him in due course with a few minor amendments." The Acting Attorney General at the opening of the debate in 1937 said that "This Bill was published for criticism in the Gazette in March of this year, and for introduction to this Council on the 1st July of this year."

So this Bill had been considered by a committee for the best part of two years. It was considered by the Secretary of State for two years. It was then debated in this Council in what must have been one of the longest debates in the history of the Council, because the report runs to 120 columns. It was considered by a select committee of Council, and the debate on the report of the select committee was almost as long as that before the select committee. The Ordinance then went home to the Secretary of State, who presumably considered it for three years before it was finally allowed to be put into operation in 1940. What happened then?

[Dr. Wilson]

Some local authorities who had been waiting to get this power thought they now at last had a chance to control the pest of squatter goats, and so they got busy. Take the case of Naivasha District Council, with which I am acquainted. They communicated with every farmer in the district to get as well informed an opinion as possible on the public opinion of the district. They communicated more than once with some farmers, which is not unusual when dealing with Kenya farmers, and the result was a great majority in favour of the total prohibition of goats with the allowance of sheep. Rules were drawn up, published according to the Ordinance in the Gazette and in the newspaper, and a month was given for all objections to be raised. Objections were then considered. The rules as drafted were proposed to be put into force, when the Council received an incredible communication from the Commissioner of Local Government to say that nothing could be done because the rules were *ultra vires* and the Ordinance was wrong.

This particular section 21 has carried the same wording throughout the history of the original Bill and the principal Ordinance. It was drafted by this committee which sat in 1933 to 1935, and, with the alteration of the words "resident labourer" for "squatter", that was the Bill which went to the Secretary of State. The wording of this section 21, as it now is, was the wording of the section as it was discussed in this Council in 1937, and, if I may quote again from what the Acting Attorney General said at that time, "a local authority can . . . prohibit and limit the number of stock which may be kept on any farm or group of farms by resident labourers." I suggest that that section reads as meaning exactly what it says; that is, that you can prohibit the goats and stock of any native or Somali, and a resident labourer is defined as a native or Somali. It goes on to say that in the case of a special class of native, a resident labourer, if it is desired you can limit as well as prohibit the keeping of stock.

It is now said that this section does not mean what it says, and this has led to the necessity of this amending Bill.

This has wasted an incredible amount of work on the part of the local authorities who tried to get an order. I agree with the hon. Member for Uasin Gishu but not with the hon. Member for the Coast, that it was not the fault of the farmers but of Government. I suggest that this sort of thing is really making law-making a farce, and it is not at all surprising that the opinion is now being expressed that Government had no intention of allowing this Ordinance ever to come into operation.

To go back to this section 21 again, clause 4 (2) of this Bill says, "the local authority may . . . prescribe in any order . . . that no resident labourer shall continue to reside on any farm except in accordance with the terms of a permit . . . issued to the occupier by the local authority." And there is one other detail in this amending clause, that a local authority may prohibit the employment of resident labour altogether. That was included in the original Bill, the prohibition of resident labourers. It was taken out in select committee, presumably as a result of reasonable representations made by members of the committee. I should like to know why Government is actually putting back into the Ordinance that particular provision which was cut out in select committee in 1937. What would happen now if this Bill does contain that provision for the prohibition of resident labourers and those conditions by which a local authority can define the conditions under which a resident labourer may be employed? In fact, as it reads, it reads as if a local authority would have to sign on individual labourers as required. What will happen will be that this Bill will have to go to the Secretary of State, and I presume it will remain there for two or three years, and will eventually come back and possibly require further amendment before anything can be done.

I do not suppose this is the time to go into a full disquisition on the merits or demerits of the system of resident or squatter labour. Council would not stand for it, and I will not try, but the future of this modern form of feudalism requires very serious thought. We have a large class or a large number of natives, because they can scarcely be called a class,

(Dr. Wilson) living under peculiar conditions, losing their tribal traditions, without restraint or discipline, living very often under extraordinarily bad conditions of housing and not too good conditions of feeding. They are missing the opportunity of sharing in the social progress of their fellow tribesmen in the native reserves. And incidentally, quite by the way, I think they are a serious factor in this supposed shortage or difficulty at the moment in obtaining labour. I think, Your Excellency, that it is most regrettable that legislation intended to control this large number of natives should prove to be so singularly ineffective, and that is using a very mild word.

MRS. WATKINS: Your Excellency, I rise to support this Bill on behalf of my constituency. I should like to thank the hon. mover for the clearness with which he has stated the case, and I should like to support what the hon. Member for Uasin Gishu said. I am in entire agreement; in fact, he spoke for me. I should also like to support what the hon. member for native interests said, that this situation has got to be reviewed. I agree. I think that when the labour situation comes up generally before the committee the whole system of resident labour should come under review and be incorporated in some new system if possible. It seems to me that a great deal of labour is taken by people who can afford to pay and keep it idle.

MR. HARRAGIN: Your Excellency, there are only two legal points with which I have to deal. The first was raised by the hon. Member for Uasin Gishu with regard to cognizable offences which, he rightly said, would be considered in select committee. The point about cognizable offences is this. It means the right to arrest without a warrant, and the right to arrest without a warrant, is in general principle given in very serious crimes and when the accused person is likely to run away. In the particular case mentioned by the hon. member, I think he said that a man had more stock than he should on a farm. It must be perfectly obvious that if a man has 40 cattle instead of 20 he will not run away and leave when a summons is

served, so that I can easily distinguish the reason why it is only necessary in that case to issue summons or a warrant and not to arrest him on the spot and haul him off to the police station.

MR. BOUWER: Would the hon. and learned Attorney General tell us what the procedure would be if it is not made a cognizable offence?

MR. HARRAGIN: The procedure would be that information would be laid before the magistrate in the usual way by the complainant, that the man had more cattle on the farm than he should, and the magistrate would then, if he thought it necessary and you swore to your information, issue a warrant and have the man arrested. When you make the offence cognizable to the police, they can arrest him on the spot and take him off to court to be tried. There are, however, other offences where it is quite possible it might be difficult to get the offender before the court under this Ordinance, and personally I am quite prepared to go into them again when we are in select committee.

The hon. Member Dr. Wilson raised various points as to what happened in 1937. Actually, I was not here then. But it is perfectly true what he says, that this matter has been considered by some committee or other or by the Secretary of State over a great number of years. The fact that we took so long over it in committee before ever it was submitted to this Council only shows what a difficult problem it is. I personally make no apology for supporting an amendment in 1941 to a Bill of this size which was introduced in 1937, if as a result district councils—because it is on account of their representations that this amendment is being made—find that the manner in which certain sections are being interpreted by the court is not practical. The short fact is this, that if the courts, rightly or wrongly—we must always assume rightly—put certain interpretations on sections of the Ordinance which are not what we intended in this Council, it is my duty to come before you with an amendment making it clear to the courts that what we wish shall be done. That is the reason why the amendment to section 21 is being asked for to-day. It is a

(Mr. Harragin) technical point, necessitated by the interpretation placed on the section by the courts, their difficulty being that whereas in section 21 (1) (a) and (c) the words used are "resident labourers", in section 21 (1) (b) the words used are "natives or Somalis," and the court have held that in view of this distinction (b) can only refer to natives and Somalis who are not resident labourers. It is a perfectly legitimate interpretation, but not one that was intended by this Council when it passed the Ordinance.

I do not think there is any other point for consideration, but if there is I have made a note of them and they will be considered in select committee.

MR. MONTGOMERY: Your Excellency, the points I wanted to speak about have been dealt with except one, and that is in clause 4. I doubt the wisdom of giving a local authority power to prohibit the employment of resident labourers. I agree they should have the power to limit the number, and of course power to prohibit the keeping of stock or any kind of stock, but to prohibit the employment of resident labour is not wise because, after all, a farmer does want resident labour. I shall deal with that point in select committee.

MR. HOSKING: Your Excellency, there is just one point I wish to deal with and that is the question of two acres which appears in this Bill against the advice of the district councils, who recommended only half an acre. This Bill was referred to the provincial commissioners for their advice, and they advised that two acres should be the limit, and for a specific reason: that not all employees on a farm necessarily fall within the category of resident labourers. Those required for 365 days a year, or houseboys and syces or fundis, it is strongly desirable that they should have a garden to supplement their rations or to keep their womenfolk out of mischief. The provincial commissioners' opinion was that half an acre was unreasonably small and that a limit of two acres was a more reasonable interpretation. I mention this point because it will obviously arise in select committee, and I wish hon. mem-

bers to know why it was that that figure of two acres appeared in the Bill.

MR. FAZAN (Provincial Commissioner, Nyanza Province): Your Excellency, I should like to add one word to that. Among other reasons, and additional to the reasons mentioned by the hon. Chief Native Commissioner, was the fact that at the time there was and is considerable labour difficulty. Certain farmers had undoubtedly allowed natives who were not registered as resident labourers to cultivate very considerable areas of land in excess of what was reasonable unless they had them registered. It was therefore necessary to cut them down and to bring what was unreasonable within the limit of what was reasonable. Therefore it was not so much what is the normal amount of land which one lays down a native should be allowed to cultivate with the help of his wife, but what is the maximum amount which it is reasonable to allow unless he is registered as a resident labourer. In the case of employers who had been exceeding a reasonable limit, it would undoubtedly, if stringently reduced, have affected their labour position. We considered that we should advise, both on the grounds the hon. Chief Native Commissioner has suggested, that two acres was the absolute minimum we considered reasonable that a man and his wife could cultivate, and recommended that those people who were being unreasonable should be brought into that limit. To go below it we thought might cause difficulty, and farmers would suffer in regard to their labour position.

MR. MORTIMER: Your Excellency, I have little to add to what has already been said from this side of Council, particularly in view of the gratifying unanimity which has been shown by hon. members in supporting the Bill.

The hon. Member for Uasin Gishu asks why all the recommendations of district council representatives have not been embodied in the amending Bill. It is a fact that they have not been so embodied. The district council representatives asked that three particular offences should be made cognizable to the police, one only has been included in the Bill for reasons which the hon. and learned Attorney General explained. The district

[Mr. Mortimer]

councils also asked that provision should be made for penalizing any owner or occupier who knowingly permitted resident labour to have more stock on his farm than was allowed by contract. On closer investigation of the principal Ordinance we found that this was already covered by section 16 (8), so that there was no necessity to include it again as an offence.

The hon. member Dr. Wilson has expressed some doubt as to the intention of Government of ever making this particular Ordinance effective. Surely, the fact that this Bill is before Council to-day is sufficient evidence of Government's desire to remove any stumbling-blocks towards making the Ordinance an effective measure. The hon. member Mr. Montgomery referred to the power to prohibit the employment of resident labourers; that will be considered in select committee in the light of the history of that particular clause.

The question was put and carried.

MR. HARRAGIN moved that the Bill be referred to a select committee consisting of himself as chairman, Mr. Hosking, Mr. Mortimer, Lord Francis Scott, Col. Kirkwood, Lady Sidney Farrier, Mr. Montgomery, and Mr. Isher Dass.

MR. BROWN seconded.

The question was put and carried.

#### DRAFT ESTIMATES, 1942

##### STANDING FINANCE COMMITTEE REPORT

The debate was resumed.

COL. KIRKWOOD: Your Excellency, I am rising to support the motion for the adoption of the report of the Standing Finance Committee, with certain reservations.

Paragraph 99, page 11, "Water boring, subsidization of unsuccessful bore-holes." I agree, but I am sorry that the committee have not suggested that this should be made retrospective, because there have been isolated instances where several hundreds of pounds have been spent on bore-holes by farmers without getting any supply of water, and they will not come under this provision. I also regret

that the committee have failed to make any recommendation about subsidizing the building of dams.

Paragraph 100—I also appreciate that the committee have agreed with the principle of engaging a road engineer, if a first-class man can be found and engaged. I maintain that if the will is there he can be found, and he can be found if we pay him. I hope that one will be engaged at a very early date, for I think it most important. We are now embarked on a large amount of expenditure on our roads, and I think it will be a big saving to the Colony if we have an experienced practical man who has been educated in road-building in different parts of the Empire.

I would like to deal now with paragraph 121, page 14. I must say that I welcome the committee's suggestion: "The Committee gave careful consideration to the obligations which it may be necessary for Government to assume for the provision of finance, or the assumption of contingent liabilities in regard to credit, required in connexion with the marketing of export crops and for the establishment or extension of local industries as a part of the war effort." I did suggest that in my speech on the budget, and I am very pleased to see the committee have dealt with it in a practical way. I hope it will be given effect to, and it should be dealt with, and dealt with fairly quickly.

In paragraph 122 I also agree with what the committee say: "Excess provision for these purposes (that is referring to paragraph 121) has not been inserted in the Estimates only because the committee had no definite proposals before them. They consider that the finances of the Colony should be so arranged as to hold balances available to meet requirements of this nature as and when they arise. This recommendation covers both the surplus revenue balance and the Excess Profits Tax Fund." I quite agree with that paragraph, but I spoke at considerable length on the main situation in the Colony, and these are the two paragraphs, 121 and 122. I presume under which Government propose to deal with such questions.

I do want to insist that time is the essence of the contract, and if Govern-

[Col. Kirkwood]

ment, which, I hope they will, find a market for the different cereals, including maize, I hope they will quickly come to a decision as to what is going to be the guaranteed price to growers and for what period. To be perfectly honest, I want to go back to my district and be able to give them that information about maize. As I say, time is of the essence of the contract. The old crop is still being harvested and cultivation has still to be done, and the maize must be planted before the 1st April if we want a good crop. Thousands of acres of land have gone back, but they will come back if Government will give a firm and reasonable price for labour and the crop. I maintain that this is one way we can help to win the war, and that should be our war effort. At the moment there are many things we can do, but the most effective is on the production side.

Since Council met, Japan has come into the war and has altered the picture again, and made it more necessary than ever that every acre of land should be under cultivation for growing foodstuffs for the Empire, and especially for export to the Middle East. It is going to be difficult, this question of man power. I am not asking for exemptions from the Army. In my own district something like 60 per cent of the men are away, but we have what is known as group farm management production. That will not give the results that individual management would give, that is quite obvious. You are dependent on your native labour and native labour without supervision is not anything like more than 60 per cent efficient, if it is that.

But I do hope that before I go back, I shall be able to have an announcement, either in this Council or in some other form, of what it is proposed to do on that one item. I am interested in all, but more so in maize. My district is gradually going out of it, and the farmers were determined to go out of maize in the coming year. They have bankrupted themselves by growing maize, and it is impossible to ask them to continue the war effort, it is a financial impossibility. But if we know that prices are going to be reasonable and will give them some-

thing for their labour, I will do my best to bring the whole district back as quickly as possible into production. I think that is the best way I can help Government in their aim to produce the food requirements they are looking for.

MR. WRIGHT: Your Excellency, I am very glad to support the hon. Member for Trans Nzoia in his charges in respect of the need for decisions being made now regarding production generally, and also for his recognition, I think the first during this session, of the fact that Japan's entry into the war has materially altered the whole picture of production so far as this country is concerned. It is clear that now a very vast and very important production area is in the war zone, and we have got in this Colony to revise our opinion in respect of production in ways these Estimates have ignored, necessarily so, since the report was made before Japan came in. But it is such an urgent matter that I want to touch on one or two aspects other than maize or other crops which the hon. Member for Trans Nzoia remarked on.

First and most notably I would point out that in this new war zone we rely on wheat from Australia, we rely on Malaya and the East Indies for tea, sugar, sisal. We know that in this country we can grow sisal which has hitherto been subjected to a quaint form of restriction. We also know that tea restriction has been carried to the point of absurdity in this country. We know beyond doubt that the supply of tea is likely to prove insufficient, and a grave shortage of tea is imminent. The hon. Director of Agriculture is also aware that the local consumption has reached in tea two million pounds per annum, and that in the Sudan and the neighbouring countries a further two millions are required, that now the Tea Controller would be glad to get 100 per cent of the former quota. We are also aware that considerable consignments from Java and Sumatra came in here last year, and the tea restriction policy according to the international agreement cannot be revised until 1943.

That would be a difficult arrangement in war-time, when it requires urgent revision. A friend of mine wrote to me

[Mr. Wright] the other day that a vast proportion of the tea-producing areas were now actually in the war zone, and it is surprising, in fact, criminal if there should be any longer a restriction on tea-planting here. My hon. friend the Director of Agriculture will know that from time to time since the war began there have been requests, not from myself alone, but this country is eminently well placed, as is also Tanganyika, and, perhaps to a certain extent, Uganda, to get extra facilities for war purposes in extending the areas for tea production. We know that Portuguese East Africa, on the very border of Nyasaland, has been planting up vastly increased tea areas and that they are excluded from the operation of the international tea restrictions. It is perhaps fair to comment on the fact that that territory held by our oldest allies is known to be harbouring some of our worst enemies to-day. Similarly, we know that in the Belgian Congo the tea area has been spreading.

From the report on the revenue side of the Estimates it will be seen that the tea revenue is considerable in this budget, and yet during war-time we go on suffering a condition of affairs that shows that shortage exists, yet knows the shortage is obvious, and that there is very grave danger of unrestricted production of tea in neighbouring countries. The penalties under this scheme of tea restriction are serious. Meanwhile, we have been told that we have got to produce all we can. I want to know if Government in such circumstances are going to apply the penalties under the tea restriction law originated by people in the city of London, whose worship is confined to Mammon and who could not foresee these difficulties—are they going to be imposed? If we are told to get on with the job, why cannot we do so? Some of the small growers, who have allotments, owing to war conditions are unable to carry them out. Seed has not been available. There surely is a case where Government should take action and encourage such people. Others with additional land and young seedling stocks are not allowed to plant. Meantime we know that the scarcity is becoming greater and greater.

We also know that in Java and Sumatra there are difficulties accruing in respect of delivery of tea to markets where it is wanted. We similarly know that in Assam, the back-door to the Burma Road, difficulties may seriously increase, and everybody knows that the chief ports of exit for tea from India—Calcutta and Chittagong—are highly vulnerable to-day, or will be, from Japanese bombing. How in such conditions can a wise Government allow tea restrictions to continue, even until 1943? Had they been removed as was suggested at the outbreak of war, further areas of tea in Kenya, Uganda and Tanganyika would be coming into production next year. As it is, the war may last longer than we think, and I do urge Government to take steps to revise a fatuous state of affairs, especially when a Cabinet Minister is telling us to produce all we can when we are not allowed to.

One other point, which I will not take long about, that I want to refer to in the Estimates is the question of wastage as affecting live stock in this country, notably from measles. Earlier estimates made provision for some measles immunity research, and I know that the Director of Veterinary Services is very keen that such research work should be inaugurated with all speed. But we know that the military requirements take precedence and that he cannot get the staff now to go with that work, which is a long-term job in any case. Hon. members are all aware of the enormous sum and number of cattle involved in losses by measles. The sum of £40,000 was the approximate value last written off by condemnments last year; a recent figure was 1,400 head of cattle condemned in one month.

It seems to me stupid that control should be so tightened up during war-time, when everybody knows that the meat condemned is perfectly nutritious, perfectly wholesome so long as it is properly cooked, and, in fact, for many years until recent controls were tightened up we were all eating meat, as many still do up-country, that had no form of inspection whatever, and a vast proportion of the European population, I suggest, have never been the worse. I now ask the hon. Director of Medical Services

[Mr. Wright] in his considerable experience the incidence of measles in the European population has been at all appreciable? I ask this because two doctors in this town, asked the same question—one with very long experience in the Colony—reported in one case, the junior doctor, that he had never seen a case in a European in this country, and in the other that after very many years he had known of only three cases in the white population.

Those are figures that seem to cancel out the wisdom of this rigid control of inspection of meat, because we all know that otherwise what would be classed as prime steers—because with the appearance of one or two cysts the carcasses are still regarded as eminently suitable for human consumption—are rejected. Surely in war-time such wastage cannot longer be tolerated? We know that prime cuts of beef go to prisoners of war camps, and that Italians are not great meat eaters. We also hear of a demand for 10,000 to 11,000 head of cattle per month to keep our troops nourished in other theatres of war; yet 1,400 steers can be thrown down the drain every month. Truly Edgar Allan Poe anticipated conditions many years ago when he said, "For the play is the tragedy, man; And the hero the conqueror, worm."

MR. MONTGOMERY: Your Excellency, there is only one point in the report to which I wish to refer, and that is the appointment of the Liwali of the Coast mentioned on page 4. This post was first created a good many years ago, and it was never used as a supervisory appointment. The late Sir Ali bin Salim was appointed some time after the death of his father, and I recollect that the post was created in honour of an Arab official who had done such wonderful work in the Protectorate for a great many years. As far as I know, Sir Ali never inspected the work of the other Liwalis; it was a courtesy title which everybody agreed was well justified.

Now, after what appears to me to be very short consideration—the appointment is not mentioned in the Draft Estimates, it only appears in this report—we see that the post has been re-created.

If one reads paragraphs 29 and 30 together, it is obvious who is going to be appointed. I submit that the appointment of a young man to inspect Liwalis would upset older men in other parts of the Protectorate. I should like an assurance that it has been fully considered and that people who know about the subject have been consulted. I am very sorry that I did not know that it was coming up or I would have asked to appear before the Standing Finance Committee.

Another thing, as far as I know the functions of the Liwali at the coast have never been laid down. It is not a supervisory post, and it has never been suggested, and I had considerable experience in that part of the world, that the Liwali should inspect the work of others. It may be that an unfortunate incident recently caused the provincial commissioner to put up what I can only describe as a hurried recommendation. The court records are kept in Arabic and can be supervised by the Supreme Court. The cash registers in the Liwalis' offices which collect hut and poll tax and deal with a lot of money, are kept in English by clerks. District commissioners should do the supervision of the Arab staff as in the past. I fail to see why there is any need to change that system now. In fact, I feel certain that although some people think it a good thing, it will really cause trouble on the coast which could be avoided.

MR. NICOL: Your Excellency, I was somewhat surprised to hear from the hon. mover that the extension to the General Post Office was now being considered by Government to be withdrawn from this schedule on page 15—

MR. RENNIE: On a point of information, I did not say so. I said the matter would come before the Standing Finance Committee at a later date in view of the altered circumstances that had arisen since the committee considered the report.

MR. NICOL: I accept that. The point I want to make is that I went and had a look at the General Post Office the other day. The Deputy Postmaster General was most emphatic on the necessity of having under the one roof the

[Mr. Nicol]

control of his parcels, and I should like to know whether the Postmaster General has changed his mind now, that the alternative accommodation which has been found is in every respect satisfactory for the handling of these very valuable parcels?

The noble lord the hon. Member for Rift Valley dealt with the subject of the grants-in-aid to Indian schools; I should like to endorse what he said. The whole point is that there is a principle involved, and we cannot go on putting money aside on an increasing scale for social services for all races in this Colony when our finances are not of an unlimited nature. We must call a halt some time or the other, and I do hope that not only this education question but that of other social services will be examined much more fully during the coming year to get a properly organized plan of development.

We are going to need a large sum of money for the police, as far as I can see, particularly for police buildings, and while on the subject of buildings, this question of African housing was dealt with yesterday, and I do suggest that there is a certain amount of unnecessary expense being incurred by complying with certain municipal regulations. I suggest that while it is desirable indeed to improve the conditions of Africans, it can be done equally satisfactorily from a hygienic point of view at considerably less cost. I should like to know whether Government, either by Defence Regulations or some other means, can bring to the notice of municipalities the absolute necessity of conserving building materials. I do not mind a bit what they are, whether of ordinary wood and iron, and nails and cement, or anything like that, but it strikes me that some of these people have not yet realized that the *maridadi* schemes they set out to accomplish in times of peace cannot be fulfilled in time of war, and it is absolutely necessary that any buildings they put up should conform with the science of hygiene and that no wasteful expenditure should be incurred in making them look pretty.

I want to stress also paragraph 103 of the report, the absolute necessity of getting a first-class road engineer.

On the subject of roads, paragraph 11 of the Moyne despatch urges colonial governments as far as possible to get away from the use of the Colonial Development Fund. I was told the other day that the provision for the Tanga road was one of the roads which the Secretary of State said could, in his opinion, go against that fund. I do not think we ought to ask the home Government to give us funds. We have sufficient in our surplus balance to deal with roads, and I suggest that the Tanga road should be part of the general scheme of the Colony and that we should not go with our hat in hand to ask for money to be sent out for that purpose.

I should like to touch for one moment on the remarks of the hon. member for native interests, Mr. Montgomery. With all due deference to him, and he has a very wide knowledge and experience of the coast and is very well qualified to express an opinion on coastal matters, I am afraid that I cannot agree with the remarks he made in regard to the appointment of the Liwali for the coast. The fact that when the late Captain the Hon. Sir Ali bin Salim was created Liwali for the coast, that at that time he did not have a supervisory job, is beside the point at the moment, and I think, particularly in time of war, it is very necessary indeed to have a supervisory Liwali at the coast, one who can travel around and keep close contact with the other liwalis, and thus form a very valuable liaison between the provincial commissioner and the other liwalis. He does not necessarily inspect cash boxes, but there was an unfortunate incident a short time ago, and I have no doubt that was one of the matters which influenced the provincial commissioner in putting up his recommendation, which I do not think can really be classified as a hurried recommendation. The provincial commissioner, I know, considered the matter very carefully, and he consulted me and the hon. Member for the Coast as well, and I do feel that this is a very good move on the part of Government to get closer contact with the outlying districts and Arab thought generally at the coast.

[Mr. Nicol]

Yesterday the hon. Member for Uasin Gishu told us or read a resolution regarding the provision of cheap money for farmers, and he said that it was the opinion of the farmers that they should be provided with cheap money in order to develop their land. I entirely agree with him, and I should like to support that plea which has been put up from the Casin Gishu area.

It is just over four weeks since the hon. Member for Nairobi North returned from the Mid East bringing with him an appeal from the Secretary of State stationed in the Mid East, and that was duly published, and also it was indicated when published that the Secretary of State for the Colonies thoroughly endorsed the appeal. Three weeks ago we urged here that the Colony had got to develop to the utmost and that Government must tell the farmer what he has to plant. I do hope there is not going to be any more delay in this matter, because it is absolutely urgent and necessary that not only should the farmer know what he has to produce but the people of the Colony generally what they have got to do. We have not only to supply food for ourselves and a very large population of prisoners, but we have got to supply food to the Mid East area, and we have to provide maize, as far as I can make out, possibly for Southern Rhodesia as well.

This is a very serious matter and it will mean, of course, that many men will have to be applied for from the Army. The production of food is an absolute necessity in carrying on the war, and in the Moyne despatch, in paragraph 19, Lord Moyne writes as follows: "I wish it to be understood that where you are satisfied that the work of planning and development which would otherwise be practicable is seriously impeded by the inadequacy of staffs, I should be prepared to consider making representations for the release of key men from the Forces." I suggest that those farmers who are individual planters are very much key men.

Coming back for one moment to the question of cheap money, if the farmer has to break new land for development it is not fair to tell him what he has got

to do and say, "Now go to the bank and run an overdraft at a high rate of interest." I consider that in accordance with paragraph 121 of this report Government would be absolutely justified in loan advances to farmers for the purpose of getting their land properly under cultivation.

**SHEIKH ABDULLA BIN SALIM:** Your Excellency, I rise to support this motion. I also take the opportunity of expressing my deep appreciation of Government's attitude in promoting the Liwali of Mombasa to the post of Liwali of the coast. Regarding the remarks of the hon. member Mr. Montgomery, the answer has already been given by the hon. Member for Mombasa, and I do not think any further answer is needed because of the complete answer by that hon. member.

**MR. LACEY:** Your Excellency, I should like to reply briefly to a few points concerning education raised during the course of the present debate.

The noble lord the hon. Member for Rift Valley, referring to paragraph 42 of the report of the Standing Finance Committee, dealt with grants-in-aid to Indian schools, and suggested that Government had not kept its word in view of the fact that a committee had not been appointed to go into this matter. The hon. Chief Secretary stated that the committee had not been appointed because of the outbreak of war with Italy. I frankly confess that, when he took my advice on the subject at the time, I insisted that I did not think the time an opportune one as it was very uncertain what was going to happen and the attendance at the Indian schools dropped, and I did not contemplate taking any further action until we were morally certain that the East African campaign was going to be brought to a successful conclusion.

I have not taken any further action or given any further advice to Government since then because, at the meetings in April, the Advisory Councils on Indian and African Education appointed two sub-committees to go into the question. It is not simple but complicated. Various committees have reported on it from time to time, not only here but in England, including the Colonial Office Advisory

[Mr. Lacey]  
Council on Education in the Colonies. These two sub-committees have a great deal more work than we estimated. I do not think that their recommendations and final report will be available until the councils meet next year in June. If an *ad hoc* committee is appointed to consider the whole basis of financing education, not only Indian but European, Arab and African, the reports of the two sub-committees will be of the greatest value. I understand, Your Excellency, that if the unofficial members of the Standing Finance Committee consider that the committee should be appointed before then that you will agree.

I must express complete sympathy with the remarks of the hon. Member Mr. Pandya. It appears to be inevitable that expenditure on education will increase as the population increases. I admit it is possible to limit the number of schools which receive grants-in-aid, but Government are complying with the principle that no grants-in-aid schools should be established unless they are absolutely essential. That practice is followed by the Board of Education at home, and before opening a new public school notice must be given and the local education authorities may appeal to the Board on the ground that the school is not required. But I fail to see how, if the number of children increases, the cost of education will not increase.

I should like to point out that in actual practice in the draft estimates on education in 1930, £214,000 were provided, which is more than is contained in the draft estimates for 1942. During that time there has been an increase of 40 per cent in the European child population, with 100 per cent of children in the Government board schools. The increase in the Indian child population is over 100 per cent, and the increase in the African elementary schools 75 per cent, and the primary board schools have increased by 100 per cent. Expenses have been kept down only by exercising the most strict economy, and, as I say, I think it inevitable that as the number of children increases the cost of education will increase. I would suggest that education cannot be criticized as a service which is not of immediate importance in

this our war effort. Unless it is from our schools, I do not know where any new recruits to our man and woman power are coming from. I suggest that to ensure that these recruits are well educated and healthy in mind and body is one of the best war efforts we can make in this country. (Hear, hear.)

Turning to the speech of the hon. Member for Kiambu, she raised one or two minor points, the first of which was a priority of telephone services for European schools. I am sure the hon. member realizes that when the schools were evacuated from Nairobi, Kenya was actually being invaded, and that it was essential that the military should have all the telephones they required. It is perfectly true that in the particular school to which she referred I pressed very hard at first to have the telephone installed, but it was not done later, because we knew that within a short time the school would be returned to its normal building in Nairobi, and I did not think the expenditure would be justified.

The other minor point was the question of feeding. I suppose I may say that there has never been a school in which somebody did not grouse about the food. I have had complaints about two schools. One was brought me by the hon. member. She admitted she came to me to report rumours she had heard. She was given the fullest facts and an opportunity of investigating; she was asked to visit the school, and, if she could not, to send someone, but she did not do so. I have had complaints about one other school, and there may be good reason for it, but I took immediate drastic action so that it does not occur again.

I do not resent criticism at all. Shortly after I came to this country I said I would never refuse to see a European parent, and have never done so. But it is much simpler and better for public relations if, instead of spreading rumours and making statements without foundation, people who believe there may be some cause of complaint came to me and got the correct information first. (Hear, hear.)

**MAJOR CAVENDISH-BENTINCK:**  
Your Excellency, as one of the signatories of the report, there are naturally

[Major Cavendish-Bentinck]  
only one or two points on which I wish to touch and which have been raised since I signed that report..

The first I would touch on, referred to on page 1, is the question of oils, fats and resin manufactures, and the fact that under this head increased revenue estimates by £35,000. I know that that particular vote is contingent on that of the petrol consumption tax, and I need not go into that, but what has astonished me is that we should not have been informed that Government had decided to bring in the very drastic petrol restriction which appeared this morning. The Standing Finance Committee discussed the question of reducing petrol consumption during its deliberations, but no warning was given to me. Yet I was told during the last two or three days—once by a foreign national, once by the owner of an Indian store—that in this morning's paper we should have a notice informing us that throughout the country petrol rations would be reduced by half. In the same way I was told by the proprietor of an Indian store not merely in general terms but in absolutely precise terms what alterations in the customs duties were going to be made. But, as a member of your Executive Council, as an elected member, as chairman of the Production Board and a member of the Supply Board, I had not the faintest idea that you were going to do anything about petrol until this morning, and I think the elected members have a right at least to be told before Government brings such measures in. (Hear, hear.)

I submit that the wording of that notice is extremely foolish, or that our state of unpreparedness must be worse than that which led to the unfortunate incident of Pearl Harbour. It begins by saying that stocks are low and that obviously, owing to the entry of Japan into the war, we must do something. All I can say is that if stocks are low Government must have foreseen the advent of Japan into the war and should have brought the restrictions in gradually, and not frightened producers throughout the country or forced people to go many miles to consult the petrol officer in order to obtain sufficient to carry on with. While on the subject of

petrol, I think the public now have a right to ask that Government should approach the military and ask them to do something about the wastage of petrol incurred by their people. (Hear, hear.) I do not think it is right to ask people to cut down their very small petrol rations by half while roadhouses and drinking booths some distance from town are allowed to flourish during a period of war. (Hear, hear.)

Another point I wish to make is in reply to the hon. Director of Education on this question of grants in aid to Indian schools. It is up to me to reply, because no individual's name appears in the particular paragraph to which he has just referred. We have made a recommendation that there should be a reduction of £400 not, of course, because we want to deprive the Indian community of £400 in the year 1942, but merely in order definitely to draw Government's attention to the fact that Government has not, as promised year after year, gone into this subject and appointed the committee which they promised. It is all very well for the hon. member to say that sub-committees are in existence and that the question of arriving at a suitable basis of financing education could be more properly examined when those sub-committees have reported. It is not the basis of financing education that we want to discuss, but the policy of on which financing Indian, Arab and African education is to be based that we want brought to some sort of finality, and that has not happened yet. I hope that in replying the hon. Chief Secretary will again reiterate that we are not going to have to wait until June, July or August but that this inquiry is going to take place forthwith.

It is not without interest to mention that the present expenditure on education is roughly £80,000 on Africans, and taking into account reimbursements from parents in respect of education and boarding about £41,000 on Indian and boarding about £41,000 on European education. It is all very well to say that in 1930 the same sum was spent. In 1930, as you remember, very large sums were being spent by various Government departments, with the result that if we had not done something drastic about it then this country would now be in a very sorry state.

[Major Cavendish-Bentinck]

The only other matter I wish to touch on is paragraph 121, which has already been discussed, you may say *ad nauseam*. Well, Sir, I would by way of excuse repeat a story that was told me by my hon. friend the Financial Secretary last night, which is an extremely good story. When the late Marshall Hall was asked why he made all his points four times in addressing a jury, he said that it was because on the first occasion they did not realize that anyone was speaking, on the second occasion they began to hear something, on the third occasion they began to wake up, and on the fourth and subsequent occasions they realized what he was talking about. It is for similar reasons that on this side of Council elected members during debates get up and repeat points they wish to make.

This morning we had an elected members' meeting, and all members are anxious that something more categorical and some more definite statement should be made by the hon. Chief Secretary in answering this debate. What they want is his assurance that, where it is necessary for Government to take risks by advancing money or in any other way to assist production, if satisfied it is wanted for the war effort, they are prepared to do so. Several speakers have this morning referred to the difficulties of farming. I do not want to go into details here, this is not the right moment to do so, but there are more difficulties in solving increased production than merely stating that "We will pay you so much for your produce". That is one very big step forward, but there is more to it than that. You have to remember that farming by and large is a gamble, that farmers may have four or five consecutive years in which they make losses or just carry on. Then they have a good year, and thus by and large over long periods of time farming averages out, affords a pleasant livelihood, and the farmer carries on. But that is so long as farmers are allowed to operate on, if you like to call it a gamble, within the limits set on them by their financial resources.

Now if we suddenly call on farmers within the space of one or two years, a small era of time, to largely increase production and to put up capital expendi-

ture, it must be remembered that they may have a very poor return in crops, and you are therefore asking them to take a risk which is rather different from that taken by a factory or secondary industry asked to produce more of some things it can sell, because in this case production is assured. This year we find that quite a number of farmers have invested a good deal of money to produce more wheat but, owing to the rainy season at harvest time, they may come out rather badly. It will be hard to persuade them unless there is some form of Government assistance to increase production still further next year.

I mention this and advocate that Government should take certain risks, because I do not think that there is any alternative to taking some temporary risks over and above guaranteeing prices, and we therefore want to hear that Government is definitely prepared to do so. I have therefore been asked, at the risks of repetition, on behalf of my colleagues to make that point clear, and to intimate that the attitude of elected members towards the proposed loan which it is suggested should be made to His Majesty's Government in the United Kingdom, will be considerably influenced by Your Excellency's Government's reply: (Hear, hear.)

**COL. MODERA:** Your Excellency, I do not propose to take much time longer to detain Council, but I should like to say this: When I spoke on the budget I made four points, and in particular, in regard to further control of imports, further control of licensing hours and consideration of the extension of working hours. The hon. Financial Secretary did me the honour of explaining in this Council the difficulties in regard to increased import control, but I have heard nothing as to whether Government are prepared to consider further restrictions of licensing hours or whether they have considered the possibility of an extension of working hours.

I also think, though I believed that I should be taken as being earnest, that I have not been seriously taken at all in my reference to games of skill which I ventured to state were nothing more or less than gambling. I have been told

[Col. Modera]

since that date, and can inform Council, if they do not know it already, that some of these machines represent a capital investment of £500 which brings in an income of £200 a year, and others an investment of £1,200 bring in a clear profit of £900. Your Excellency, I should be glad if, when the reply is made to this debate, I may hear something on these three matters.

The only two matters to which I wish to make special reference in the report of the committee are to be found (1) on page 11, already referred to, and I would urge, and other members have urged, that the road engineer should be procured, and procured as early as possible; (2), on page 12, with reference to item 11, paragraph 106, Information Office. I do think that if we are paying the amount we are for this office it should be particularly careful to be accurate. I think we can lay all the responsibility on it for photographs which could not be considered in the least as good propaganda and which recently appeared in the Press, photographs of prisoners of war, the caption at the bottom stating "Prisoners of war engaged on the production of munitions". I think that that was a most unfortunate occurrence and I hope such a thing will not occur again.

**MR. SHAMSUD-DEEN:** Your Excellency, it does not matter how firmly one resolves to remain taciturn, on an occasion like this certain provocative and disgusting speeches are made which make one given expression to one's feelings. I was very sorry indeed to find to what has been said regarding the policy of Indian education. The policy is perfectly clear. Unless some people advocate that Indians, who in this Colony enjoy the full status of British subjects, should have their children brought up as thieves, bandits, wasters or that they should be divested of the rights of British subjects, there can be no other policy but that the State must educate the children of its subjects.

The fact that the Indian community contribute a large quota towards the education of their own children, merely a portion of the finances being found by Government in the form of grants in aid

is, I think, a very great compliment to the Indian community. Your Excellency, I maintain that the fact that the Indian population of school-going population is 100 per cent, as the hon. Director of Education said, is a very big compliment to them and an advertisement for the over-population of this Colony, and unless somebody has the audacity to suggest seriously some form of sterilization of the Indian community altogether this population will go on increasing. There is no other way out of it unless, as I say, they must be left untaught and irresponsible citizens of the towns.

I am very sorry to hear those remarks made here. We Indians in this Colony are quite accustomed to these frequent gratuitous insults levelled against us, but at the present juncture it upsets the procedure of the Council as well, and the repercussions in India are not very helpful, especially in the war effort we have all been called on to make.

The only thing which appears to me objectionable in this report is the galling expression which is made throughout the report of Europeans, Asians and Africans. I have never been able to understand what a British colony or the British Empire has to do with Europeans or Asians. I pray that the Almighty may save us from Europeans and Asians of a certain type who are out to devastate the world, and I would propose that wherever the words European or Asian occur they be deleted and British and British-Indian be substituted therefor. Otherwise this report has my fullest support. After all, it has gone through the scrutiny of the very select body of members of this Council who were elected by solemn resolution of this Council, and every item has been gone into.

I have had some experience of this work, and I think we would have been wise in adopting the same method as is done in the case of the Railway budget. On occasions I criticize the Railway budget for going through too quickly and the Colony's budget taking such a long time through the Finance Committee as well as two ordeals in this Council, but I think in the present juncture if we adopt the same methods as in the case of the Railway estimates it would save valuable time.



[Mr. Shamsud-Deen]

I do not wish to take up the time of Council, but there are one or two points I want to allude to. One is the police. It is true that a good deal has been done by Government to ameliorate the hardships of the Indian sub-inspectors who hold very responsible positions, and it is necessary to have a contented staff, but the question still remains that in this branch of the police service, notwithstanding the improvements made, their conditions of service still remain unfavourable as compared with the Indian clerks employed in this Colony. This is a subject which I think should be properly investigated or be made by the inquiry suggested into the question of the European police officers. I wholeheartedly support the views expressed by the Commissioner of Police that all ranks should be on a pensionable basis, and I do hope this proposed inquiry will not be rendered incomplete by the Indian officers being left out of its scope.

The only other item I wish to refer to is the item of overtime introduced as a new item under Head 45, Posts and Telegraphs. I heard in debate the hon. Member for Mombasa remark that customers have to wait a very long time at the post office. I wonder if he knows or realizes that the staff, both Indian and British, in the post office are overworked? They work overtime and have not been paid for any overtime for the past two or three years, and I think the sum of £50 is totally inadequate to treat postal employees fairly and justly. It is totally inadequate.

Your Excellency, I think to say more would be wasting the time of Council, having entrusted the budget to the Finance Committee, if we go over all the items, unless there is something radically wrong, and therefore I think the best course will be to support wholeheartedly its report.

LADY SIDNEY FARRAR: Your Excellency, I should like to put a certain question to Government which I trust they will find it possible to answer, and before doing so I would like to say that the country as a whole, if it is published, will welcome the one bit of meat that really exists in the Finance Committee's report before us now, paragraph 121,

which I hope will do something to assist us to make up our minds directly on the motion coming before us, the question of the £500,000 loan. To make that clarification simpler, it is still necessary that Government should give us replies to certain direct questions that are being asked throughout the whole country.

The first one we would like to put is, will Government tell us whether it is shortage of money or unobtainable machinery that is holding up the construction and repair of main roads of the Colony at the present time, or is it the result of a considered policy based on war time expenditure? In this respect I should like to say that I appreciated very much the remarks of the hon. Member for Nairobi North as regards the bombshell which burst on the country this morning and this Council also, entirely by the medium of the newspaper, this question of petrol rationing. I feel particularly strongly on the matter, because I spent yesterday afternoon as a member of the Central Roads and Traffic Board discussing the question of a policy where the roads are concerned, and one question which we should have been able to consider was this question of the greater tightening of the petrol rationing, which presumably will result in a restriction of motor traffic.

I would like in this respect to put one question to Government: Whether they are prepared to give us an assurance that farmers will not suffer from this increased petrol rationing? Already I know of cases where they are finding it difficult indeed on their present petrol ration to get their produce to the station, and also to run their tractors, and any further reductions to the producing farmer undoubtedly will slow up production very appreciably.

I should like to ask Government whether they would tell us if it is a question of shortage of money, money being allocated in this budget for this purpose, or shortage of man power, that has slowed down the anti-soil erosion methods or is it the result of a considered policy based on war time expenditure?

A question I would liked to have asked the hon. Director of Education and one that is worrying the country as a whole very considerably is: Whether Govern-

[Lady Sidney Farrar]

ment can give us a direct assurance that at the present time there is no European child over the age of seven years who is being refused or is having its entrance seriously delayed into any of the Government schools of the country owing to lack of accommodation? and whether Government are satisfied that we are justified in doing so very little at the present time towards increasing the accommodation to enable us to assist neighbouring territories where European education is concerned?

The last question I wish to put is merely a reiteration which you might say has been answered in this paragraph 121, a reiteration that the hon. Member for Nairobi North asked for but which is a particularly outstanding query throughout the country where the only means of information on any of these points are the very inadequate, and very often misleading, reports which the up-country folk get in the daily and weekly newspapers of statements made in this Council. Once again it is a question: Will Government give a direct assurance that primary production and secondary industries of value to the war effort are in every case only restricted for lack of man power or unobtainable machinery and not through lack of finance?

Lastly, I should like to refer to the question I asked last week, but which has not yet been answered, in the budget debate, and that was the possibility of introducing some simpler form of saving for the man who can only save one shilling a week, on the lines of the kodi stamps? Judging by the Moyne report, saving at the present time is not a question of making money from the Government point of view and actually accumulating money. It is both to ensure that no money is wasted on unnecessary luxuries and is also what might be termed a moral gesture to the war effort. But I suggest we are doing nothing to assist the small man, whether he is European, African or Asian to easily and readily give his quota of shillings to war savings at the present time.

DR. WILSON: Your Excellency, I only rise because I think that every member of the Standing Finance Committee except myself had spoken before

my hon. friend Mr. Shamsud-Deen made his remarks, I would only say that in my opinion and the opinion of most members of this Council, there is nothing disgusting or provocative in suggesting the reduction of a particular vote by a certain amount in order to call attention to premises made by Government as to a statement of its policy on education.

MR. HEBDEN: Your Excellency, the only point I have to reply to is the question asked by the hon. Member for Mombasa, as to whether the new parcels office it is proposed to occupy in Delamere Avenue will in every respect be suitable for handling parcels. I can give the hon. member that assurance, that part of the building will in every respect be suitable for handling parcels when certain alterations have been made. This, however, will not be as convenient to the public or the Department, and all mails will be transported from the Railway siding right down Delamere Avenue. I am bound to say that it will involve Government in a good deal of extra expenditure. I still hope that this change in plans will be regarded as a temporary expedient until such time as it is found possible to deal with the parcel office cheek by jowl with the General Post Office.

MR. LOCKHART: Your Excellency, when moving the motion to refer the Estimates to the Standing Finance Committee, I ventured to express the hope that they would return from that committee in as sound a financial condition from the financial point of view as when they went there. Of course, they have not, and I never expected they would! Paragraph 3 of the report says: "As a result of its deliberations the committee recommend that the gross revenue estimates be increased by £128,182 and the gross expenditure estimates by £139,394", and the increase in the revenue estimates was made without the suggestion of any other source of revenue than was included in the budget estimates.

I do not say that that estimate as it has now emerged is not a sound one. It is obvious that the probability of reaching the estimate must be lessened to the extent of £128,000, but that does not

[Mr. Lockhart] than 1939. That in itself the Standing Finance Committee thought was making a rather generous concession.

The hon. member again referred to the production of maize as a war effort and the conditions under which it is being done. I think it is not unreasonable to point out from this side of Council—and I think I am in a position to do so, because I have had some direct responsibility in regard to production—that the war effort of this country was concentrated at the outset on freeing as much man power as we possibly could to go into the Army, and our outlook at that time as far as production was concerned to a considerable extent was that we thought we should be doing very well if by a group farm management scheme we succeeded in keeping farms in production at all and, what I think is called, ticking over. In fact, the group farm management scheme worked far better than most of us ever expected. I am quite aware of the difficulties, but on the whole it has done remarkably well.

As the hon. member said, 60 per cent of the man power from his district has gone into the Army, and that was the policy of Government at the time, supported from every quarter of this Council. To say that having pursued that policy we are now to be criticized two years later because we have not granaries bursting with grain—much of which, incidentally, would be lost by weevils...

MAJOR CAVENDISH-BENTINCK: May I ask who passed criticism on those lines?

MR. LOCKHART: The hon. Member for Ukamba, who implied that great chances were lost because we did not anticipate the German invasion of the Russian Caucasus and the demand for food supplies.

MAJOR CAVENDISH-BENTINCK: That happened a long time after the Italians left this country.

COL. GROGAN: On a point of explanation, I never suggested anything of the kind. What I tried to suggest was that no decision was ever taken at any time in respect of any single matter con-

cerning this country under the old regime.

MR. LOCKHART: I do not know when this decision ought to have been taken, and I know that as recently as July we were very carefully considering how we ought to dispose of maize which had been produced in the country. You cannot switch over in a short time, and cannot get the policy of the military authorities to be changed in a short time, on a matter of man power to restore 60 per cent of men taken mainly from the area represented by the hon. Member for Trans Nzoia. I think the hon. member will agree with me that to restore to pre-war level and to expand the production of his area cannot be done unless the man power position is dealt with.

COL. KIRKWOOD: On a point of explanation, I definitely stated that I was not asking for the release of men from the Army. I did not ask for that, but I did point out that under the group farm management scheme even 60 per cent were out of the district. I will do my best to get the district to do its best, but I pointed out that this indicates that there is a limitation to what we can do.

MR. LOCKHART: I agree with the hon. member, and pay tribute to what has been done. When you consider how the man power disappeared they have done remarkably well, and I am not aware up to this point what further assistance Government could have given. That is the point I was leading up to, and to make clear that we are now faced with a new situation.

I now come to the speech of the hon. Member for Nairobi North, and he claimed in his speech, a matter on which he is rather sensitive, that the Standing Finance Committee were not informed of the reduction of the petrol ration introduced or announced to-day. Of course, the hon. member might equally claim that he was not warned that a Japanese attack had been made on American ships in Pearl Harbour, because the whole thing arose from the same cause. At the time the Standing Finance Committee was sitting I for one had not the slightest idea that it would be necessary to introduce petrol

[Mr. Lockhart] rationing on this drastic scale. The hon. member says the position might have been anticipated and might have been introduced gradually. In point of fact, we have been pressing, and the hon. and learned Attorney General is responsible I know for continually trying, to tighten up on this petrol ration question, and indeed we arrived at a situation in which it was necessary to bring people up with something of a jerk. But it is all very well to say that the position should have been anticipated or greater reserves built up and so forth. The fact is that the position throughout has been watched, but we depended on the petrol we could get which is allocated to the country. Hon. members might have heard on the wireless that New Zealand had to take the same steps we are proposing to take now. Possibly later the position may improve, but we do not know, and it is a very prudent step, I suggest, to take drastic action now in order to ensure that we do not, because one tanker is diverted and possibly another is sunk, or something of the kind, find ourselves in the position of having no petrol at all.

It is from that point of view that action has been taken, and it had to be taken quickly, because we did not wish merely on the news of Japan coming into the war to introduce these panic measures. By making certain inquiries the answer, I think, was arrived at on Saturday, and the notice came out in the newspaper to-day. This is a matter in which those in charge of supplies have to take executive responsibility, and I cannot see that even after consultation with Executive Council, the Standing Finance Committee, or the Supply Board we could possibly have arrived at any other conclusion than we did, or that that conclusion would in any way be criticized. It is proposed to make adequate provision for essential industries, of course. That, indeed, is supposed to have been the basis on which we have largely functioned so far. The hon. Attorney General has, I know, been making certain allowances for social purposes, and it is a matter of common observation that very large numbers of people make very little economy indeed.

But, in regard to the point made by the hon. Member for Nyanza, in regard to farmers, so far as essential industry is concerned, they will receive the minimum ration required for their purposes. But we cannot foresee the future, and I do not think that anyone who is interested in production in the country can think that we can do other than take the most stringent steps possible to conserve the reserves we have now.

LADY SIDNEY FARRAR: On a point of explanation, will the hon. member say how he expects a farmer in the middle of his harvest to be able to get to the district officer 40 or 60 miles away without petrol, to get additional petrol and to run his tractors as well?

MR. LOCKHART: The farmer will, of course, be in possession of certain petrol and coupons, and those coupons will have to be renewed in any case, so that his renewal or re-assessment will not differ under the new scheme from the old, and it can be done by correspondence. Personal attendance is not necessary.

MAJOR CAVENDISH-BENTINCK: I gather that Government will not in future inform us at all but that we shall read it in the newspaper? That is Government's policy?

MR. LOCKHART: The hon. member is perfectly well aware that he cannot make any such inference. (MAJOR CAVENDISH-BENTINCK: You have just said so.) Nothing of the kind. I said it was necessary to take early action, and that was done. The responsibility for the original petrol rationing was not discussed in this Council, and we must in an emergency take prompt action. A scheme was worked out by those responsible, and if there is any criticism let us hear it, but I do not think that those who work on the Transport Licensing Board must bring every decision before this Council, or they would not get on with the job at all.

The debate was adjourned.

ADJOURNMENT

Council adjourned till 10 a.m. on Thursday, 18th December, 1941.

**Thursday, 18th December, 1941**

Council assembled in the Memorial Hall, Nairobi, at 10 a.m. on Thursday, 18th December, 1941. His Excellency the Governor (Sir Henry Moore, K.C.M.G.) presiding.

His Excellency opened the Council with prayer.

**MINUTES**

The Minutes of the meeting of 17th December, 1941, were confirmed.

**PAPERS LAID**

The following paper was laid on the table:

By MR. HARRAGIN:

Select Committee Report on Resident Labourers (Amendment) Bill.

**NOTICES OF MOTION**

The following notices of motion were given:

By MR. HARRAGIN:

That the Select Committee Report on the Resident Labourers (Amendment) Bill be adopted.

By LORD FRANCIS SCOTT:

This Council expresses its deep appreciation to the Union of South Africa for the great assistance rendered to Kenya by the Land and Air Forces of South Africa in the recent campaign in Eastern Africa.

**DRAFT ESTIMATES, 1942**

**STANDING FINANCE COMMITTEE REPORT**  
The debate was resumed.

MR. BLUNT: Your Excellency, there are only two points which have arisen in the course of this debate to which I would like to refer briefly.

The first of these is the point raised by the hon. Member for Aberdare regarding the tea restriction scheme. The hon. member fully realizes, I am sure, that the scheme of restriction which is applied in this country is one agreed to by various groups of the British Empire with the Dutch East Indies and that this country, which is only a member of of the smallest of the Empire groups, has agreed to the scheme and cannot very well on its own go back on that scheme. While that is so, and while there was perhaps a good deal of point in the original agreement being arrived at, I am entirely in agreement with his remarks as to the need for the revision of that agreement now.

He suggested in his speech, I think, that I or somebody should give an undertaking that the penalties imposed under the Tea Ordinance as it stands should not be brought into force against anybody who broke the conditions of the law. He will appreciate that I cannot give him any assurance of that kind, and the proper method would be for the ordinance to be revoked. But I should like to assure him that I personally would support any attempt to have that law revoked now under the conditions which have recently come into play.

I would like to take the opportunity of saying something about the allocation of tea acreage in this country. It will be appreciated that the last allocation given to this country, a special allocation, was given to deal with certain areas which in the past produced other crops but on which, for one reason or another, those crops failed, and where it was thought tea could suitably be grown. The allocation was divided up among farmers in those areas in comparatively small quantities to each farmer, but a number of farmers were supposed to form a group which, when tea was planted and came to maturity, provided enough acreage of tea to warrant the establishment and erection of a tea factory. It was unfortunate that before much of these plantings had been done by these smaller farmers war broke out. Many of those farmers joined up, others found the financial resources on which they had relied were not available to them under war conditions, and many were unable to plant.

The question of these plantings has been under constant review, and it seems only reasonable to adopt the principle that where one man for any reason was unable to plant, that allocation of acreage given to him should be recalled and given to somebody else in that area who could plant. Otherwise, the position would have arisen in some of these areas that one or two persons who had been allocated say 30 or 40 acres each would have got a little block of 70 or 80 acres planted and no other tea would have been planted in that district for some years to come. That

[Mr. Blunt]  
would have left those two or three farmers in a most unhappy position, for the factory to deal with the tea that came into bearing would have been uneconomical.

For that reason, in spite of the hardship inflicted on those unable to plant owing to causes beyond their control, these allocations have been withdrawn and re-issued within that area.

The other point on which I would like to touch was raised by the hon. Member for Nyanza in connexion with funds provided for the soil conservation service. She asked whether the sum that was provided was so small because money was not available or for any other reason. I have already previously stated that, as far as I am concerned, in soil conservation work staff is the great difficulty at the moment. I am finding the greatest difficulty in securing the necessary staff to carry out the work for which money has been provided, but I should like to assure the hon. member that if I was able to find a sufficient quantity of staff to extend the soil conservation measures and the money was not adequate to employ that staff, I should ask for further money, and I trust that I would receive every support if I did.

MR. HARRAGIN: Your Excellency, during the debate yesterday the hon. Member for Nairobi North saw fit to criticize the action I had taken with regard to the new petrol restrictions which are being imposed as from Monday next. It must be perfectly obvious to all thinking people both in this Council and outside, that with the entry of Japan into the war there was at least the possibility, if not the probability, that something of this sort would have to happen in the near future. With that object in view, the Petrol Control Officer in Nairobi had in fact drawn up a similar scheme to put into operation if and when it became necessary.

The history of the last few days in regard to petrol as indicated by my hon. friend the Financial Secretary yesterday is as follows. Last Saturday, about 12 o'clock, the chairman of the Supply Board and the head of one of the petrol

companies in this Colony came to my office and informed me that the petrol position had changed, and that it would be necessary to take steps to control the position in the Colony as soon as possible. I immediately summoned a meeting of the responsible officers in Nairobi, together with the chairman of the Supply Board, and we met at my office on Monday at 8.30 a.m. We there discussed the various ways and means of bringing into operation restrictions. Having arrived at a decision, it was then necessary to bring into the picture the public in Nairobi, and when I say Nairobi it applies to the whole country, but it must be realized that Nairobi is the principal distributing centre and is therefore the most important. I summoned a meeting of that advisory board which is also the appeal board for Nairobi, at 4.30 on Monday afternoon. At that meeting, the whole scheme was discussed, their reactions to the proposals noted, and their suggestions accepted, and we broke up at 6 p.m., and I found on my table on Tuesday morning the results of the meeting from the secretary. During Tuesday afternoon the communiqué was drafted, and on Wednesday morning it appeared in the Press. Naturally I have not mentioned the reference I, of course, had to make to Your Excellency and the hon. Chief Secretary regarding the matter. They were kept fully advised of what was happening.

It was realized at once that the co-operation of the military in any restriction of this sort was essential, and I took immediate steps to get in touch with the authorities. I can say that although the D.A. and O.M.G. is away and therefore final instructions have not been issued yet, I can say that everyone I have spoken to on the subject has offered and assured me the co-operation in every way of the military authorities, and in the near future no doubt they will take the necessary steps to carry out what they think right in this matter. I know that a great many of us think when we go to any place of amusement and see the number of military cars outside, that of course there is an example of the military wastage of petrol. But it must be realized there are large numbers of military officers in this

[Mr. Harragin] country at the present time and comparatively few have vehicles at their disposal. Also it is most fair to point to the difficulties of transport in Nairobi, if you are not the owner of a car (which you can hardly expect every officer to be), so that when one sees these cars, military cars, it must not be assumed that on every occasion the same person is using up petrol for his own amusement; those cars are allotted to each officer in turn not more than once or twice a week in order that he may have recreation which I think we all agree they deserve. So that although I am not cavilling at any criticism regarding the military position, I can only say this: I do not believe it is as bad as people who do not know the facts might be led to believe at a cursory glance; secondly, that the military are hand in glove with us in this movement to restrict petrol and their co-operation is assured for the future.

So much for the military position, and I think there is little else I can say. I have told you the history why it was necessary for action to be taken immediately. You have seen in the paper what has been done. I am also speaking on the wireless to-morrow night when I hope to explain the details which it would be out of place to explain in this Council of how we shall carry out the scheme throughout the country.

When the hon. Member for Nairobi North rose to speak on this petrol subject yesterday, as a brother Controller I thought "Well, at least I will have some co-operation and support from that source", instead of which he proceeded to assume the mantle of the *maestro* and proceeded to speak to me as if I was some boy in the third form and had written a bad essay. I think the words he used were that the communiqué was a very foolish one. The hon. member may be a very good judge of what is foolish and what is not, but I would remind him of this, that instead of criticism I had hoped some generous gesture would have come forward, such as he himself was prepared to be rationed like the rest of the public, that he himself would hand back the book of petrol permits which he has

at his disposal always, and submit himself to rationing like other members of the public. But no, that was not the attitude. His attitude was . . .

**MAJOR CAVENDISH-BENTINCK:** I would ask for some substantiation of the fact that I have wasted petrol permits or given any away or have used as much as you. I never play any games nor have I been to any road-house since the war began. I resent this sort of thing!

**COL. KIRKWOOD:** On a point of order, is the hon. Attorney General correct in being personal?

**HIS EXCELLENCY:** As hon. members are aware, it is contrary to Standing Rules and Orders to indulge in personalities. (Hear, hear.) (A MEMBER: He started it!)

**MR. HARRAGIN:** I am not suggesting for one moment that the hon. member has wasted one single permit to go to one of those houses or anywhere else, but my suggestion was that if he wished to help in this matter, if he wished to assist me in the very difficult task of rationing people who must have a certain amount of petrol, it would have been a generous gesture to have said "I have such confidence in the rationing of petrol in this country that I am prepared to forego my rights and give up this book and stand by what is allowed me by the Controller". But that was not so, and I will say this in conclusion, that the hon. member is himself the Controller of a large industry. It is necessary for him from time to time to issue communiqués. The communiqués may or may not be very foolish. I may think so or I may not. But I can assure him of this: that if I am ever guilty of standing up and telling him in public that his communiqué is very foolish, I hope he will forgive me and realize it is due to the war strain.

**MR. RENNIE:** Your Excellency, although there are a number of points to which I have to refer, perhaps the most important in the eyes of Council is the question of what Government is going to do to help increased agricultural production. I therefore propose to deal with it at the outset.

[Mr. Rennie]

The importance which Government attaches to increased agricultural production has been stressed by you, Sir, on many occasions, and also in official communiqués, and I need hardly add that, now that the Colony has been called upon to produce to the fullest extent possible to meet not only the Middle East but Imperial requirements, Government intends to do all that it properly can to stimulate increased production. Steps have already been taken, as many hon. members are aware. A communiqué was issued on the 2nd December in which reference was made to the necessity of Government, in consultation with the military authorities, reviewing the existing European man power position, and the Deputy Director of Man Power and the hon. Director of Agriculture have already taken steps and sent a circular letter to the chairmen of all man power sub-committees asking them to review the position in their districts and to put forward before the middle of December a considered list of the individuals who they think should be released from the army. It has been pointed out in that circular that regard should be had only to production, and not necessarily to requests from individuals. It has also been made very clear in that circular that in considering the requirements in respect of man power in each district, consideration should be given to making the best possible use of the land available.

That deals with the action by the Director of Agriculture and the Deputy Director of Man Power. You yourself, Sir, have taken up the matter with the new General Officer Commanding in Chief, and you have authorized me to say that you are satisfied that the new General Officer Commanding in Chief appreciates the importance that this Government attaches to stimulating local production and that you have no doubt that he will give sympathetic consideration to applications for releases where well-substantiated cases are put forward. The object of the circular to which I have just referred is to ensure that well-substantiated cases are put forward, and now that the middle of the month has passed I think we may assume that the Deputy Director of

Man Power is in possession of a number of applications which he will forthwith consider and take up with the military authorities.

That is one side of the picture. The other is this question of finance to which a considerable amount of attention has been given. The hon. Member for Nairobi North yesterday asked for an assurance that, where it is necessary for the Government to take risks in order to provide the necessary finance for increased production, Government will do so. The hon. member knows as well as I do that Government has already expressed and shown its willingness to take risks in this connexion. As far back as July, if I remember rightly, the hon. member produced a very comprehensive document showing the assistance that Government was prepared to give in respect of a variety of agricultural products. The willingness to take risks in this connexion that was made clear in that most useful document still exists, and I think, in view of recent developments, in a stronger form than ever.

At that time, as the hon. Financial Secretary has pointed out, there was no question of a guaranteed price for maize, a subject which has been mentioned a good deal in the course of this debate, and the problem then and until as recently as October was how were we going to dispose of the maize surplus. I think it is not out of place for me to disclose at this stage that the fact that we were able to find a market for our surplus maize was very largely due to Your Excellency's rapid seizure of an opportunity which presented itself. In December, 1941, the position is now different. We have been told that the Middle East can take all the maize as well as other products that we can produce, but the Government realizes that European farmers are not likely and cannot be expected to produce maize at an uneconomical price. Government therefore proposes to help the farmer and to stimulate maize production in the following manner. The disposal of the 1942-1943 maize crop will necessarily involve complicated and protracted negotiations. Apart from the question of export, there is also the local market to consider, and the fact

[Mr. Rennie] that only about one-third of the total crop likely to be available is grown by European producers. Government is fully alive to the necessity of assuring European producers, as to the returns which they will receive if increased production is to be obtained and also as to the urgency of the matter. The object of Government will be so to arrange the marketing of the 1942-1943 crop as to obtain for European-grown maize a payment of Sh. 9 per bag f.o.r., but should this object not be achieved Government undertakes to invite this Council to vote as a subsidy from public funds such amount as may be necessary to provide a guaranteed minimum payout of Sh. 8/50 per bag. This undertaking is given because Government is satisfied that such action is immediately necessary as a war requirement.

In this connexion I would invite reference to section 5 of Ordinance 17 of 1931, which is called The Maize (Subsidy Repayment) Ordinance, and I would point out that it may be necessary, if the arrangement which I have just indicated is actually brought into force, for you, Sir, to suspend the operation of this ordinance for a period. Otherwise the maize grower would have to refund to Government a certain proportion of his return over Sh. 7/25.

There is one further point in this connexion to which I would refer. The hon. Financial Secretary has already made it clear that cheap finance is not a method of assistance which commends itself to Government in this connexion. But I may say that Government is quite prepared, in consultation with the Settlement and Production Board, to consider alternative methods of affording financial assistance for the breaking up of new land. (Hear, hear.)

I think that since that is the subject that has been uppermost in the minds of most hon. members in this debate, I can now, having dealt with it, proceed to some of the other points raised.

Just a word in reply to the noble lord, the hon. Member for Rift Valley, in respect of his remarks about grants-in-aid to Indian schools. If I understood him correctly, he said there was some departure in my remarks from the statement made by the Chief Secretary in

1938, and he quoted a certain paragraph, I think from Hansard of 1938-1939.

**LORD FRANCIS SCOTT:** From the Standing Finance Committee's Report on the Draft Estimates of Revenue and Expenditure for 1938.

**MR. RENNIE:** Perhaps I should refer to what the then Chief Secretary said in the debate on the Standing Finance Committee Report of 1939. He stated: "There is a certain obligation on Government to continue the system of grants-in-aid to schools already admitted to the scheme", and that was the whole substance of my argument when I made my remarks. So far as the 1938 debate on the 1939 Standing Finance Committee Report is concerned, the arguments then used were very similar to those I used myself.

The question of the appointment of a committee has been raised and you, Sir, have authorized me to say that you propose to appoint a committee to go into the financial aspect of education as soon as is practicable in 1942. Hon. members will realize that this is a matter with which the hon. Financial Secretary will be concerned, and I think it is only fair to say that the new Financial Secretary should be allowed a little time to settle down before coming to the task of dealing with this particular matter.

The noble lord also referred to the question of a road engineer. That has already received some consideration, and I will take up the matter further with the hon. Director of Public Works.

The question of not allowing Customs clerks to retire unless they are worn out and beyond their very best work was also referred to by the noble lord. It is the practice in the Customs Department to make every endeavour to delay the retirement of useful and fit clerks who have reached the normal retiring age, and whenever any question of retirement of Europeans or Asians comes before me at the present time I always make inquiries to make sure that we are not losing an officer who is still in a position to render very useful work.

As regards the remarks of the hon. Member for Ukamba, I would merely refer to one or two points there. He

[Mr. Rennie] has been consistent in his opposition to African housing but, as I have explained to him on more than one occasion . . .

**COL. GROGAN:** On a point of explanation, that is not strictly correct. My only opposition to native housing is that it is disproportionate to the needs of the time. It is incorrect to say that I am hostile. I am trying hard to do it myself.

**MR. RENNIE:** I accept the explanation but, as I have explained on more than one occasion, Government in this connexion is endeavouring to carry out its legal obligations. Under section 31 of the Employment of Servants Ordinance, there is an obligation on Government to provide housing for its employees—**COL. GROGAN:** Or housing allowance—**MR. RENNIE:** or housing allowance, and in view of the great shortage of houses in Mombasa and in Nairobi Government felt that before putting pressure on employers of labour generally to build more houses for their employees it should, to use a phrase somewhat common in the recent debate, put its own house in order by providing housing accommodation for a number of Africans who are not housed at the present time by Government. **(COL. GROGAN:** What about the K.A.R.?)

His reference to the abuse of censorship powers was not understood by me, and perhaps on another occasion the hon. member will enlighten me on the particular point to which he referred. He said, if I remember rightly, that he objected to censorship powers being used to protect Government from proper criticism. I am not aware that censorship powers have been used in that way, and from the amount of criticism of Government that does appear in the local Press I should imagine that the abuse of such powers is more conspicuous by its absence than by its presence.

There is only one final point as regards his speech that I would refer to in case it gives anyone a wrong impression, and that is as regards accommodation for evacuees from elsewhere. The question of providing accommodation for evacuees from other countries

is a matter which has received a good deal of consideration, not only by Government but by an organization with which the hon. Member for Nairobi North has a good deal to do. We have offered accommodation to the various governments in the Middle East and we have also offered accommodation to Malaya, and we have been assured by those who have taken a survey of the existing accommodation in Kenya that there is ample accommodation for many hundreds of people in some of our out stations, in some of the hotels there. So far as Malaya is concerned, and I think the hon. member referred to Malaya to some extent at any rate, we have offered Malaya accommodation, but the reply has been received that, for the present, any evacuees will go to regions nearer to Malaya.

There is one point to which I would refer in the remarks of the hon. Member for Kiambu, and there again merely because her remarks might have given a wrong impression. She stated, or inferred if she did not state, that the recent reorganization of the Labour Department has been shown up as a premature and quite unnecessary step by the fact that provision has been made in the 1942 Estimates for three additional clerks. She gave me the impression, certainly, that the addition of three more than offset the number of clerks she stated had been discharged from the department. The number of clerks whose services were discontinued at that time was well over 40, and very careful steps were taken before the services of those officers were discontinued to arrange with the military authorities that they should be used to meet a very urgent demand that then existed for clerks and other employees of that type in the army. I am happy to say that I have been assured that all, or at any rate the greater majority, of the clerks did go into the army and, as regards the three additional clerks to whom she has referred, they have nothing to do with the reorganization. They are required for the finger print section. When the reorganization took place no clerks were actually discontinued from that section but during the past year the work in that section has increased to

[Mr. Rennie]

such an extent that three additional clerks are required. Hence the provision in the Estimates for them.

MRS. WATKINS: On a point of explanation, we were warned that within five years these 40 clerks would have to be put back; that is what the feeling was at the time.

MR. RENNIE: As regards the remarks of the hon. member about the reporting in this Council, there is only one thing I would say: I listened with considerable care to her speech yesterday, and I must admit that if I had been an expert shorthand reporter I would have had the greatest difficulty in taking down accurately more than 60 per cent of it. I would therefore ask that she should show some sympathy towards the Reporter who is doing his best in very difficult circumstances indeed. (Hear, hear.) Shorthand reporting, and especially shorthand reporting of the type required here, is not at the disposal of every person who has taken a three months' course in shorthand and typewriting, and although I have made inquiries more than once as regards the possibility of finding among some of our own quite expert stenographers persons who could assist the Official Reporter, I have not yet been assured that such a person is forthcoming.

MRS. WATKINS: On a point of explanation, I express my full sympathy, but it is not possible for a single individual man to do the work. He refused help not because it was not skilled but because it was a member of my sex, and it was that to which I took exception.

MR. RENNIE: I will take the hon. member's word for it that that was the reason; I have not yet been able to assure myself by actually going to the source.

The hon. member Mr. Pandya referred to the question of the Customs staff and suggested that higher-paid clerks should be employed. The hon. Commissioner of Customs has assured me that as far as they are obtainable more highly paid clerks will be appointed.

Coming to the speech of the hon. Member for Nairobi North, there is

only one point to which I think in fairness to myself and to the other members of the Standing Finance Committee I should refer, the question of petrol.

The hon. member took exception to the fact that he and other members of that committee were not informed during their deliberations. I do not think that he has done justice either to myself or the hon. Financial Secretary in thinking that when we were discussing the question of increasing the petrol item by £35,000 we should have withheld from him and other members of the committee such important information as has now been forthcoming. I myself heard about this on Monday of this week, which is just a fortnight after the Standing Finance Committee was considering this particular matter.

As regards the remarks of the hon. Member for Nairobi South, I do not propose at this stage to say very much about extra working hours. It is a matter that he and I have discussed before. He knows that he has my full sympathy with his views. I would, however, say a word about his remarks on the question of those Information Office photographs. My information is, and the hon. member will no doubt correct me if I am wrong, that the Information Office was in this connexion used as a distributing centre only, that these photographs were sent to it by Command Headquarters, and on the back of each of the photographs was printed or written "Passed by the military censor". The caption was not the caption of the Information Office. It was the caption attached to the photographs when they came from Command Headquarters.

COL. MODERA: On a point of explanation, I say the responsibility must rest with that office.

MR. RENNIE: The hon. Member for Nyanza asked a number of questions, and I am sorry that she is not here today to receive the replies to some of them. Actually, she is in a position, as a member of the Central Roads and Traffic Board, to give a reply to the first question she asked: Is it a shortage of money or of material or shortage of man power that is holding up the reconstruction of the main roads of the

[Mr. Rennie]

Colony? Incidentally, I take it that she would read with some amusement, I hope, in this morning's paper that instead of referring to main roads there she had referred to mail boat. (Laughter.) The answer to her question is that the road reconstruction policy is proceeding according to such resources in man power, money and material as we have at the present time, and at the meeting of the Central Roads and Traffic Board the other day stages of the road reconstruction programme were discussed and certain lines of action were decided upon. The mere fact that a sum of £80,000, if I remember rightly, appears in the Draft Estimates for 1942, indicates that Government is doing what it can in this connexion.

Her question about soil conservation measures, which was somewhat similarly worded, was dealt with by the hon. Director of Agriculture.

She also asked whether any European child over the age of seven years was being kept out of school because of lack of accommodation. The answer is that when a temporary building which is now being constructed at the Prince of Wales School in Nairobi has been completed and when the permanent building in course of construction at Nakuru has been completed, there should be room for every European child over the age of seven years.

The hon. member also raised the question of our assisting neighbouring territories in this question of accommodation in schools. As you know, Sir, we are in correspondence with them on that question at the present time, and we hope to be able to come to an arrangement satisfactory to them and to ourselves.

LORD FRANCIS SCOTT: The hon. member also asked about the small savers—can you answer that?

MR. RENNIE: Well, on that point, I thought the hon. Financial Secretary had already spoken, since he indicated, if I remember rightly, in the course of the budget debate that he had put up proposals to the War Savings Committee that some form of stamps should be brought into use.

MR. LOCKHART: On a point of explanation, it is being introduced.

MR. RENNIE: And I take it that that particular arrangement will have much the same effect as the simpler form of saving that the hon. Member for Nyanza advocated.

I think I have covered all the points that are outstanding in the course of the debate, and I trust that hon. members will be satisfied with the statements I have made as regards the matters which exercised their minds, particularly the question of Government's encouragement of increased production.

The question was put and carried.

#### LOAN TO H.M. GOVERNMENT £500,000 FREE OF INTEREST

MR. LOCKHART: Your Excellency, I beg to move: "That this Council approves of the transfer of a sum of £500,000 from the surplus revenue balance of the Colony and Protectorate of Kenya to a reserve fund, and the lending of a sum of £500,000 to His Majesty's Government in the United Kingdom free of interest". Hon. members will see that the resolution really takes two parts: the first is the formation of a reserve fund, and the second a loan of an equivalent amount which will, of course, appear on the other side of the balance sheet.

In regard to the merits and demerits of the reserve fund, it must be obvious that after the war there may be some delay in raising a colonial loan, and there may be some urgency in proceeding with the post-war development of the Colony, and a reserve fund set on one side for that purpose all hon. members will agree will be invaluable. If in fact money can be cheaply raised, it might be prudent to retain the reserve fund, because it does in ordinary times prove a most stabilizing factor in colonial finance and avoids hasty measures, which usually prove very uneconomic in the long run, to deal with any periodical recession of revenue.

To deal with the second part of the proposal, which is the loan of £500,000 free of interest to His Majesty's Government, as hon. members know, when the war first broke out free gifts and loans to the Government at home were made by many parts of the colonial Empire and from the Dominions. We

[Mr. Lockhart]

in Kenya at the beginning of the war had our own war preparations to make, and at that time our finances did not permit of any gifts of that sort. But after 1939, in 1940 it became apparent that our finances were improved, and it was indeed decided that any surplus made that year should be given as a free gift to the Government at home. That policy was subsequently modified. Indeed, it was a modification of policy which His Majesty's Government themselves made, and they put forward the proposal that such gifts from the colonies should not in future continue as free gifts, that the money should be set on one side for necessary post-war development which we all contemplated, and that an interest-free loan of such sums as could be spared from the requirements of the finances of the Colony itself could be made to the Government at home.

The position now is that in the opinion of this Government the finances of our Colony do permit of a free loan of the sum of £500,000, while leaving a surplus balance that is adequate for all requirements that can now be foreseen. That is not to say that we can necessarily foresee every possible contingency which might arise, but I presume there is no hon. member present who will suggest we should take up the attitude that we are perfectly prepared to help in the war effort in the Empire as long as we are satisfied it cannot involve any further sacrifice on our part. There are possible objections, and I think it is well that I should try to anticipate them, though I hope that in fact they will not be raised.

It may be suggested first of all that to make this loan has no practical value or is of very small practical consequence. We heard the other day on the wireless from the Chancellor of the Exchequer that expenditure in the United Kingdom now amounts to eleven million pounds a day of which nine millions are spent on the war, and I should like to make it perfectly clear that the fact that expenditure has reached that colossal figure is no argument against making a loan or to say that this money will only pay for the war for three-quarters of an hour. It

is the strongest possible argument for making every kind of loan we can and, indeed, if that argument is persisted in it is backed up by the Chancellor of the Exchequer himself. Alone, £500,000 is of much value to the war effort as is shown by the appeal for savings and sacrifices of that kind called for from the people of the United Kingdom.

Another argument which I hope even more strongly will not be advanced, because I am compelled to say it is rather an old one, is that as the purchasing power of money may decline after the war it behoves us to convert every penny we can into material things within the Colony itself. There may or may not be any force in the contention. I do not think myself that it is by any means certain that the purchasing power of money in the immediate post-war years in terms of material will be any less than, in fact, it would be to-day. But whether it is so or not, and leaving on one side what is probably the physical impossibility of obtaining the materials required, I say we have no right to make a demand upon materials for construction and development of this Colony at the present time beyond the programme, and it is a very liberal programme, contemplated in the budget which has just been passed here.

The third argument, and it was one which was mentioned by the noble lord, the hon. Member for Rift Valley, was that we should wait before arriving at this decision in order to be satisfied the money could not, I think he said, be more usefully spent in our own local war effort. I should like to make it clear that I do not think that is an argument at all, and I think, moreover, the heading which appeared following the hon. member's speech in a leading newspaper did the hon. member less than justice. Also, I think the comments in another organ of public opinion did the same. Indeed, the noble lord felt it necessary to issue a public disclaimer in the Press. I would venture to say that if any considerable number of hon. members opposite saw fit to vote against this motion to-day, whatever their motives may be, a good many other disclaimers in my view will have to appear in the Press both of this country and outside.

[Mr. Lockhart]

On that argument, as I have said, in Government's view there is an adequate reserve, and adequate financial reserves, because while my own view, for what it is worth, is that we have reached almost, if not entirely, the taxable limits of the country in present circumstances, none the less I do think that on the expenditure side there are sacrifices which in an emergency might be made. As I have said, so far as one can see in relation to the availability and importance of materials concerned, we see nothing that could fairly be characterized as any financial risk in making this loan.

I would say in conclusion that I have heard it said, not in this Council, and I hope I shall not hear it here, that this sort of loan is merely a gesture and is a matter of sentiment. If it is, I believe it is the sentiment of the people of this country, and that is the sort of sentiment that wins wars. Hon. members may have noticed that only the other week Edinburgh raised the sum of £12,250,000 to help in replacing the battleships *Prince of Wales* and *Renown*. I have no doubt, Sir, that there are citizens in Edinburgh who could point to things in Edinburgh that needed to be put in order, but their first concern was to put in order the fighting mechanism and equipment of the Empire to win the war, and it is in that spirit that I advocate this resolution to-day.

MR. HARRAGIN seconded.

LORD FRANCIS SCOTT: Sir, I think there is no division of opinion among the members of this Council in regard to the fact that we all want to do whatever is the best to help on in the war effort. The difference of opinion arises among members as to what is the best method by which we can do that. When the Estimates were introduced and I spoke on the subject, I did hold out a word of caution, as the hon. mover has just said, because I felt that we should be quite certain that we had sufficient funds left in this country to enable us to make the maximum effort possible from our reserves for the prosecution of the war. Since then, the Estimates have been considered by the Standing Finance Committee and have

just been approved by this Council. That shows that, apart from this half-a-million proposed to be lent to the Home Government, there is a balance of £850,000 available. From my past experience I should imagine that by the time the accounts are finally made up in March, that amount will probably be considerably over £900,000, possibly going up towards the million.

We have heard to-day a definite statement by the hon. Chief Secretary on behalf of Government that it is Government's intention to do all it can to help production in the country during the coming year. I made a note of a few of his statements: "Government intends to do all it possibly can to stimulate increased production. It means to see that the best possible use of land available is made. Government has shown a willingness to take risks financially." We then heard that it has realized the necessity for giving some guarantee with regard to the price of maize so as to enable farmers to increase their production in that line. I think, Sir, we must accept that as a statement of Government policy.

Now, there may not be a large amount of money required to implement these intentions. On the other hand, from the Government statements we can take it that if the money is required it will be forthcoming.

But I would like to go a little further than these immediate proposals, because I think that since Japan entered the war we have got to take some longer view of what has got to be done. Japan moves rather rapidly over the oceans, and has declared her intention of getting control of the Indian Ocean as well as some of the others, and we may find ourselves in due course in a more embarrassing position than we are to-day. For these reasons, we have got to think rather further than just the immediate production of crops of maize or wheat or whatever it may be and see that we do, in the words of the hon. Chief Secretary, see that the best possible use of the land available is made. In other words, that money spent on soil conservation is definitely a part of the war effort which we have got to undertake. Similarly, the conservation of our water resources and the import-

[Lord Francis Scott] ance of them is also part of that effort. Further, we have got to see that our roads are in good order, and that any movements which may be necessitated can be carried out in the best possible way.

For those reasons I do not agree with people who say that money spent on these sort of projects has nothing whatever to do with the war. They very definitely have. We have seen how Japan has caused a surprise and caught people unprepared. Let us see that in this country we shall do everything in our power to see we are prepared so far as it is possible for us to do, and that we are prepared to produce to the utmost that is possible, and that we have everything got ready so that we can move our produce at the quickest moment, and that we must always keep in the forefront the saving of shipping.

I mentioned the necessity of increased storage when I spoke before. I know one of the great difficulties about building storage is lack of building material, and I do suggest that before any buildings are undertaken for even such a desirable thing as the improvement of the parcels section of the Post Office, if that material is required for such objects as the proper storage of produce which is necessary to be sent out of the country to help our troops fighting in other parts of the country, the war purposes of any project should take priority.

Sir, I did raise a warning that I might oppose this proposal when we previously discussed it, but having gone thoroughly into the question of the financial position of the Colony to-day, and in view of the assurances we have had from Government spokesmen, to-day I am prepared to vote for the motion before Council. (Hear, hear.)

MR. COOKE: Your Excellency, I rise to oppose this motion without any reservations or inhibitions whatever. I consider the proposal to send to England money badly needed in this country for war purposes resembles a man who starves his wife and family in order that his name may appear on the charity list. There are a great many people in this country, and I have talked

to a great many about it, who think that this is mainly window-dressing and eyewash. I know perfectly well the criticisms against me for taking this line. Some people will say "Oh, our Indian friends will support this motion and will charge us with lack of patriotism and so on". Well, I am perfectly prepared to put my patriotism any time against the patriotism of any Indian in this country, and I am not in the slightest bit perturbed about what those repercussions may be. Others say that the British people are encouraged by these gestures. I can see no patriotic gesture in saying to the British people who have not asked for this money and do not need it, "You may have it on loan".

MR. LOCKHART: On a point of explanation, the Chancellor of the Exchequer appealed for loans two nights ago on the wireless.

MR. COOKE: "You may have this money and return it to us at a time when you are bankrupt and war-scarred at home." I can see nothing in that argument to convince me of the necessity of sending money home. I should much prefer to give the British people £500,000 without any condition that it be returned to this country after the war. The argument is that this surplus has been built up on war taxation. I am prepared to accept that, and therefore should be spent on war purposes. As the noble lord said, production is a war purpose, the growing of wheat and maize is a war purpose, and it is just as much necessary to feed the troops as to make bombs and aeroplanes in England.

Referring for a moment to the wheat position, if Government had not continued its dilly-dallying as they did last year and had given a larger guarantee to people who grow wheat, we should not be in the position now of having to import wheat next year, which I say is a scandalous state of affairs. If that happened anywhere except under the beneficent regime of Your Excellency, if it had happened in an authoritarian country, those responsible would have been put up against the wall and shot!

(MR. LOCKHART: There is absolutely no indication that it will be necessary to import wheat in 1942.)

This question of roads, if this produce is to be taken to the markets we shall need good roads. Therefore good roads are a war purpose, and there is plenty of money still needed to be spent on roads. There is the question of measles in cattle. Cattle are a very valuable commodity at the present moment in this country, and we know that last month something like 1,400 head of diseased cattle were slaughtered in and about Nairobi and, as it were, thrown to the dogs. The hon. Member for Aberdare made it clear yesterday, and he knows his subject probably as well as anybody else, that we should take some action about these measles. He said we were losing something like £30,000 a year but were not taking any action. Well, anybody with intelligence would say it would be a good thing to devote some of this money to a long-range policy to eradicate measles from the cattle in this country. There is the question of soil erosion. We know that millions of tons of soil go down to the sea every year. Lord Moyne in his dispatch especially referred to the question of soil erosion. If we take a long-range policy, now is the time to devote money to it. What is the use of inhabiting the land later on if it is not worth cultivating through soil erosion which is going on at the present moment? There is also the question of educational facilities. The hon. Director of Education well said yesterday that the children of to-day are the potential man power of tomorrow. Schools to-day require more money spent on them, which is another means of spending our surplus balance.

The hon. Financial Secretary will probably say the reserve of £750,000 or whatever it is will be sufficient. His predecessor in 1937 said that we should aim even in peace time at a reserve balance of a million pounds. It seems to me the argument put forward by the hon. Chief Secretary to-day, when he gave his promise to assist, of using this money for war purposes is the strongest argument in favour of keeping these £500,000, because he cannot but believe that it is mere guesswork whether this

reserve balance which we propose to keep will be sufficient.

Then there is the vexed question of money after the war. It is said that we should keep this money in the kitty and use it after the war. Are we going to wait until thousands of unemployed clamour for employment? Are we going to fritter money away on poor relief? Surely it is better to buy back undeveloped land and have it ready for settlement when the war ends? Surely it is necessary to build dams and furrows in order that there will be sufficient water for them when they settle on the land? Is that not taking a long view of the proper expenditure of this £500,000?

If I may refer to the Moyne Report, it makes it perfectly clear that if there is any lack of personnel or material he is ready to recommend that men should be freed from the army and that material should be sent from America or England or wherever it will come from. I know that the hon. Financial Secretary will say there will be a difficulty about that, but that seems to me to be so plain in the Moyne Report that we have every justification for asking for the release of personnel and material.

When the hon. mover gets up to reply no doubt he will assume that manner which he sometimes assumes, but I can tell my hon. friend that I am not the least little bit impressed by that manner. I am one of those whose hackles rise if anyone tries to intimidate me. I have noticed one extraordinary thing of psychological interest while sitting opposite the hon. member, that whenever he is most in the wrong, he is most truculent. In that he resembles somewhat the Apostle Peter who on the historical occasion he was found out began to curse and swear, saying "I know not the man"! So that if my hon. friend gets up and attempts to intimidate me I can assure him it will simply go like water off a duck's back!

I am strongly opposed to the motion, and that is all I have got to say.

MR. NICOL: Your Excellency, as the noble lord the hon. Member for Rift Valley said, we all want to help the war effort. At the time of the budget debate I said I wanted a post-



[Mr. Nicol]

ponement of this particular motion we are discussing now until I had had the opportunity of going into the financial position of the Colony. I have had that opportunity. I am satisfied that we have the funds which we are well able to spare. In fact, I would go so far as to say that I shall be very surprised indeed if the programme which has been sanctioned in the 1942 Estimates can be completed even in 1942, not from the point of view of money but from the point of view of lack of material and the man power necessary to carry out such work.

I had thought at one time that possibly a large section of the general public would probably prefer to make a free gift of that sum of money to the Home Government, and I had thought that possibly we could improve on that by turning over £250,000 as a free gift and perhaps making a loan of the other £250,000. But I then considered the Moyne dispatch, and in paragraph 10 he says quite definitely "I am coming to the view that it would be wise to discourage further such gifts," referring to free gifts from other dependencies, "unless it is quite clear that there is no reasonable likelihood of the sums in question being required by the Dependency itself in the near future".

Well, Sir, it is quite impossible to say what funds may or may not be required in the near future, even distant future, particularly now that Japan has come into the war. I therefore have come to the conclusion that the best way we can assist the Home Government is by making the loan as outlined in the motion we are discussing which, Sir, I shall have very much pleasure in supporting.

MR. SHAMSUD-DEEN: Your Excellency, since reference has been made by the hon. Member for the Coast to the patriotism of the Indians, I am called upon to express my views on the subject. He started off by the apt simile of liking this offer to the person who starved his wife and family so that he could get his name on the charity list, and then went off the track. I submit that in what he said he is entirely wrong and that the whole position is

perfectly clear. It is that of children coming to the rescue of their parents. The question is whether they should think of all the minor requirements of their own wives and children and so on while their parents are being attacked and robbed by a robber and while the existence of their dependants is at stake, for the children to ask themselves "If I come to the rescue of my parents will my tie or collar be spoilt" and for one of the sons to ask himself "If I give so much money to my parents will my wife have to go without a saucepan?"

I submit that that is a shortsighted policy, and I hope I am not exaggerating when I say that if we do not come to the rescue of the parent body in this hour of trial it might be too late to do anything if we keep talking about such paltry things as soil conservation and so on. I think it is an attitude of a very selfish sort for the child to think about all sorts of minor things before he comes to the rescue of his parents.

I may assure Your Excellency that while I stand here to support the motion it is not out of any desire to show my patriotism. We Indians are, after all, in the category of step-children of what is known as the parent body and called the British Empire. But here there is no question of patriotism at all, not even a question of loyalty or disloyalty or of trying to air our grievances or to get into the good books of Government. It is a question of self-preservation. My own feeling is that if we do not give what we should we should lose everything. I think that is a foolish policy to adopt.

When the hon. Member for the Coast was speaking, it became manifest there was a good deal in what people say, that democracy has outlived its purpose. The question is, do you think the Germans would talk like this? They are not allowed to do so, and it is an abuse of the principles of democracy when we talk nonsense about our paltry requirements, for the time may come when, if we do not give all we can, it may be taken from us and it will be too late for us to attempt to do anything.

MRS. WATKINS: Your Excellency, I must remember and speak very slowly to-day, and I hope it will not take

[Mrs. Watkins]

longer, but I am told I am very difficult to hear on the other side of Council. I have been listening with the greatest interest to these speeches from either side, and find it difficult to get sufficient data on which to cast my infinitesimal vote. As I listened to the different opinions, I saw one scarlet thread of unanimity running through it all, that we must help. The only question is how we can best help. The Imperial Government should know, and presumably does know, what it wants. It has stated that it wants in the following order in the Moyne dispatch.

The first thing it wants are savings, and those savings are to really in the first instance save shipping and then to be applied to production, which again saves shipping most enormously. Production here has suffered badly from *laissez faire*. Coupled with this production is the conserving of our own agricultural resources and also with that again the raising of the standard of living among colonial peoples. I think the Moyne dispatch stressed that because they felt that when we are fighting for a standard we should adhere to it. The third thing they want is for us to be prepared with our post-war problems. They want us, I think, not to become a problem ourselves, if the war goes on some time and not later to be an extra burden on the British taxpayers. When these things are done, then they would be very glad to have a gift or a loan.

Personally, I would far sooner give a gift than a loan which may have to be paid back by a bankrupt country. I may be asked now, why a bankrupt country? I think England will be passing through a good deal of stringency at the end of the war. Those wishes, which are almost commands from the Secretary of State, are definitely laid down, and in response the hon. Financial Secretary tells us that we are in a position to give this large loan to the British Government. There may be, I submit, two alternative reasons for this. I should sympathize with him if he had not been able, to obtain a copy of the Moyne dispatch, as there was extreme difficulty in obtaining one on this side of Council, but if he has obtained a

copy and read it, he must either consider that those pre-requisites of the possible loan to England have been fulfilled, or alternatively he does not agree with the Secretary of State for the Colonies. If he says we have already achieved what we were asked to do, I join issue with him, because I do not think we have. I think particular importance is attached to the training of local personnel here for such things as soil conservation. We have to preserve our permanent crops, our forests, and we have got also to concentrate particularly on this production which will help our war effort and stabilize matters at the end of the war. There is something constructive here, but they say in this too that each department of social welfare should have an outlined policy which outlined policy should be concentrated and co-ordinated in one central agency for a five-year plan. I have not seen that five-year plan. I have not seen a two-year plan, and I am left to assume that the beneficent activities of the gentlemen opposite are concealed behind those hedges which are so carefully pruned by those assiduous gardeners, the hon. Chief Secretary and the hon. Financial Secretary, to enable them to present each year to our admiring gaze a neat and balanced budget.

Yet as I look at the result I wonder whether full consideration has been given to such things without which we cannot progress. Progress as visualized now even in war time is not a matter of teaching native children a smattering of the three R's, it is not a matter of the Alliance High School and the Makerere College training a few outstanding intellects until they lose all capacity of being useful to their people, because they are far on ahead out of sight. That is not progress. Progress means taking roads to the doors of as many homes as possible, it means hospitals and other services; but above all and through all it means an appreciation by us all, and a bringing home to the African the conception of the dignity of labour as part of the ordered routine of progress. We have not achieved that yet, nor apparently are we attempting to achieve it; and now we are faced with the tremendous test of war production for the war effort. Surely

[Mrs. Watkins]

we should be co-ordinated now, surely we should have some plan of production, to which each one of us must be called to contribute. I submit it will be far easier to go to it if we are a team . . .

**HIS EXCELLENCY:** Order, order! Would the hon. member resume her seat when "Order" is called? I do not want to interrupt, but I would ask her to keep a little more strictly to the motion before Council.

**MRS. WATKINS:** The point I am trying to make is that we have got to be a team under one leadership. We do not want to be regarded as Government officials and farmers. To introduce any gigantic producing movement will need money and tremendous reorganization of agricultural effort and also of natives in agricultural employment. As to native labour, Your Excellency has got—

**HIS EXCELLENCY:** I must ask the hon. member to speak to the motion. We are dealing with a motion whether a loan should be granted to His Majesty's Government.

**MRS. WATKINS:** I accept the correction. I am trying to point out that until we become a team and have a leadership we cannot go forward in this production matter. We want to join the service of the whole country first. We want to be told what our possibilities are. The hon. Member for Ukamba said yesterday, very rightly, and I agree with him, that nothing is more striking than that you have the loyalty and affection of us all. Now we want leadership. We have a Director of Agriculture who could lead us in getting more production, and we want to be a team working together. We may want this money, and until I have seen the plan, and until we are working as a team, I cannot vote on either side. I would sooner vote for giving the money straight out.

**COL. KIRKWOOD:** Your Excellency, I am rising to oppose the motion before Council. I know everybody will agree that this motion is put forward to help the home country, that it is to help in the prosecution of the war. I quite agree with the principle, and everybody must agree with it. Everybody must do their damndest to win this war. But I do

maintain that to give a loan of £500,000 free of interest for the duration of the war with one hand and to take it back with the other after the war, is not going to be of any assistance to the home country. I would much prefer to have made a free gift of a reasonable amount with the capacity of this Colony to pay. Holding the views I have personally expressed, I was prepared to ask the European elected members to compromise and make a free gift of £250,000, and place the remainder to the surplus balance. In my opinion, we have not made any real effort on this side of Council to be unanimous, and I think it is an awful pity, and I myself regret that we did not come here with a unanimous opinion as to whether it was to be £500,000 free of interest or £250,000 as a free gift.

This motion is put forward in view of Government's interpretation of the Moyne dispatch. I maintain that if you read paragraph 10—I do not propose to take up the time of Council by doing so, it is a lengthy paragraph of half a page of foolscap—and go as far as line 10 of paragraph 11, the only interpretation is that you must build up your finances, not become a charge on the home country, and not ask for advances from public funds at home, which I understand Government have already done. There is not one word, if my interpretation of that dispatch is correct, that justifies this Colony under present financial conditions in making any grant at all to the home country. I know that if you go on I will be told that I have interpreted the Moyne dispatch by quoting this paragraph which I have taken out of its context. If you tell me that, I say the dispatch means nothing and could argue that whatever argument is put up is useful in opposition.

In 1931 we had a surplus balance of three-quarters of a million. That did not last long, we had adverse conditions in the Colony, maize subsidy, one thing and another, and it got whittled away, and we got down to really the cash position in the Colony and stock on hand at the Public Works Department. Even if you had a million and a half or two millions, it is not sufficient according to my idea of how this Colony should be financed. I am wholeheartedly in support of the

[Col. Kirkwood]

principle but I maintain that making a beautiful gesture will not help to win the war, neither will it withhold from Kenya the troubles that are facing it in the near future.

I am probably wasting my time. I know that, and we know what the steam roller is, and I can take it for granted that this motion is going through. There may be even a majority without the steam roller on this side of Council. I do not know, but I am here to state my conscientious conviction, and it cannot be said that I am taking a line that will be appreciated by people so fond of window dressing. I am not fond of window dressing. I believe the one thing one has to do in the world to-day is to stand on your own footing, and before you spend a £ earn it. Those are the men you want in this Colony, and that should be the population of this Colony. It would be a much finer gesture, and a gesture this Colony ought to make, to ask the Secretary of State whether he puts the following interpretation I have put on his dispatch: "Stand on your own feet, do not appeal now for assistance to the home country, do not come to us if you can possibly help it after the war for a loan". I suggest that if that was our gesture it would be a much finer one than the window dressing before us now, and I would like to see from this moment if possible Kenya keep the surplus balances she has for the purpose of helping to win this war.

There is a terrific amount of work to be done and a lot of finance required to see it through. After the war, if we want a loan, let us have an internal loan. We could raise it in this Colony for the finances of the Colony without appealing to England. But that will not be done. Immediately the war is over, at the first opportune moment, Government will ask for a loan, and we shall probably find £500,000 or a million pounds is owing to the Crown Agents.

That is my idea, and I am just as wholeheartedly as anybody an Imperialist. I have tried to prove that from the practical point of view, I have served nine years of actual war service in the front line with fighting troops without my service of 2½ years ago, and when I volunteered for service again the reply

from the War Office was nil. That is how they treat a colonial when they are old soldiers. I presume they looked up my pigeon hole and found that this man was getting on for 70, he must be a dugout! I will guarantee to carry another man on my back if he gives me a yard a year over 100 for £50, which if I win will give the war effort. (Laughter.)

I do not agree with the budget as I have already expressed. I think the customs revenue will probably fall short of well over £200,000. The hon. Chief Secretary shakes his head. I am hoping he is right.

**MR. RENNIE:** I have not shaken my head at the hon. member. (Laughter.)

**COL. KIRKWOOD:** You will find on page 15 of the Standing Finance Committee report on the Draft Estimates the item of £158,550 which it is proposed after the war shall come out of loan funds. That is not the only item which will come out of loan, and by the time the war is over we shall probably want a great deal more than that.

To summarise, I suggest that this is a gesture. It will be appreciated, I know, by millions of people at home, they will appreciate it. It will be to them a large amount of money, but I do not think that it will help the home country, which would much prefer that we stand on our own feet. If we want money, I think we could raise it within this Colony without appealing to the home country, but the policy of Government will be to appeal to the home Government for a loan after the war, if not before. I am sorry that I cannot join in the glorification of this beautiful window dressing, but I think it unsound and not practical, and would have preferred to have voted wholeheartedly for a free gift to the home country of half that amount.

**COL. GROGAN:** Your Excellency, I compliment the hon. mover on his usual practice of giving an ingenious twist to the points arising in the previous debates, especially his reference to this term "gesture". We all know that in the early stages of the war gestures by all the component parts of the Empire had the very necessary purpose of suggesting complete unity on the part of the Empire and at that time they undoubtedly served their purpose. But I will call the memory of hon. members back to some of the

[Col. Grogan]

gestures made, not in this territory, but adjacent territories.

When I first went to Northern Rhodesia in the early stages of the war I was privileged to stay with the late Governor, who has since died. He told me with great pride of his gesture in giving £200,000 to the Imperial Exchequer. My reply naturally was, "You ought to be damned well ashamed of yourself," because I had had occasion to fly over what pretended to be a road. It was nothing but a mud track, yet an important link in the main line of terrestrial communication through the continent of Africa. Tanganyika hurriedly followed with a similar gesture of £200,000. The result was that £400,000 which might at that time have been spent on an essential part of the main communications through these territories between the Union and the fighting front was left as a mud track. It has probably cost more than £400,000 damage to the unfortunate vehicles passing over it. At long last, when too late, the importance of this link has been recognized and the Imperial Government has voted £450,000 to bring it into some shape. That is a classic example of the real value of many of these gestures in my opinion.

I suggest that the time for gestures has long since gone by. They served their purpose in the first instance, and a very valuable purpose. Personally, I am too old to worry about gestures, and in common with my hon. friend the last speaker I claim to be a bit of a realist. My main reasons for objecting to this particular motion I slipped into my minority note on the Standing Finance Committee report. Of course, it had nothing whatever to do with it, but I slipped it in for another purpose, because, despite what the hon. Chief Secretary ventured to say this morning, there is undoubtedly a fierce censorship prevailing in this country protecting Government from legitimate as distinct from trivial criticism. I thought that even this Government would boggle at tampering with State documents, and that is why I put this particular argument into my note in the report.

As to the hon. Financial Secretary, with whom I have had many happy interviews during the course of the war,

I have tried hard to persuade him to make an earnest study of the elementary principles of the monetary machine through which the great sterling zone of the world operates to-day, but I regret to say without any very serious measure of success. If I had had any success, he by now would have realized that the main purpose of that monetary machine is the canalization of all savings and reserve funds through the credit distributing machinery, the commercial banks, into Treasury bills. The purpose of the Imperial Government is quite a proper one; that is, to avoid as far as they possibly can the almost inevitable inflationary tendencies of war finance. For that reason, banks are virtually compelled to pass all surplus liquid funds into Treasury bills, practically the only investment left to them, except the ordinary commercial loans which they may be able to contract from day to day. Banks, in fact, are the main channel along which we can canalize genuine savings into the Treasury and thereby assist the Imperial Government's task of controlling the dangerous inflationary effects of unlimited expenditure on the public account, and the faster bank debts are redeemed the greater is their capacity to absorb Treasury bills.

That was one reason, and the main reason, why I tried, vainly I am afraid, to persuade Government in the penal direct taxation in respect of income tax and excess profits tax to exempt all sums paid to the reduction of debt. All those amounts would have gone ultimately through one channel or another to increase the liquidity of the banks, and to that extent increase their capacity to absorb Treasury bills without any inflationary tendencies. The real point is this, that the net result of this transfer or handing over of £500,000, which is nothing but a credit standing to our account with the Crown Agents, has absolutely no effect on the banks whatsoever. It merely freezes that credit as far as we are concerned. The only effect it has on the Treasury is that it saves them £5,000 a year in the interest payable to the banks, the main credit distributing machinery of England during the war. Therefore it cannot be contested and no attempt has been made to contest it, that the same

[Col. Grogan]

result could have been achieved by voting £5,000 a year to the Imperial Government for the duration of the war as by this resonant "gesture" of half a million. If as advised by me, Sir, you had agreed to the exemption from income tax of the margins applied for redemption of debt, a greater sum than £500,000 would have reached the local banks in the redemption of loans with a corresponding increase in this liquidity. Those sums, in accordance with Treasury instructions, would have flowed into Treasury bills with this interesting result, that the banks would only receive 1 per cent from the Treasury on those amounts instead of 6 and 6½ per cent which you allow them still to extort from the long suffering industrial, commercial, and primary producing communities here. No wonder the more thoughtful members of the banking fraternity are giggling with glee at the ineptitude of a Government which allows such procedure to take place.

Here is the argument in a nutshell. The credit of half a million released in England cannot conceivably make any difference whatever to the conduct of the war. There is no limitation of production of arms or any weapons or munitions of war for lack of finance in England. Everybody knows that, on the other hand, the limitation of half a million credit in this country will seriously hamper our capacity to play our part in the war, and if you will only make your officers understand, Sir, that there is a vast difference of the geographical *loci* of credit perhaps we shall get some commonsense into our procedure. For the above reason, and the fact that we have no idea in the world as to what our commitments are going to be, I oppose the motion. There are, of course, as pointed out by the hon. Member for Mombasa, as far as physical works in this country are concerned, limitations imposed on us by the available labour and material, but there are a great many other liabilities that may fall on us over and above constructional work, such as the succouring and helping of large numbers of people who may be thrust upon us as the last absolutely secure and unassailable part of the eastern world, the financing of crops, etc.

I believe, quite honestly, that every single farthing of liquid credit available

to the country to-day ought to be conserved here as against contingencies that may arise in the early future. For that, if for no other reason, I am going to oppose the motion.

MR. PANDYA: Your Excellency, I support the motion. The attitude of the Indian members has been made quite clear in the budget debate, that we should much prefer this sum to be given as a free gift instead of a loan. I think it is with this view that the taxation which has been the cause of this surplus was imposed as war taxation, and to which we have contributed without raising opposition in this Council, without even mentioning the difficulties which it would put on our people as instanced in the recent increase in customs duties which are going to tax the food of the Indian community, and we have agreed in order that the money so realized is paid to the Imperial Government towards the war effort.

I am somewhat surprised at the debate this morning. I am very glad to find there are some members on this side of Council who do support this motion but, from the tone of the debate, they would have much preferred not to. The hon. Member for Ukamba, who has just sat down, as he always does made a very interesting speech on financial and monetary questions which are confronting the Imperial Government, but he quoted the instance of the Northern Rhodesian Government and Tanganyika Government giving £200,000 each to the Imperial Government which was required to be spent on roads. He said it was a gesture which they had made, and it was on the same ground; if I understood him rightly, that we require these funds here, that the gesture which we are making this morning is not justified. It is for the hon. Financial Secretary to deal with that point who the hon. member said could always give a twist to the argument when it suited him. But, as far as I could understand him, £200,000 from each of those Governments was a free gift, and there is a tremendous difference between what we are doing this morning and what they did at the beginning of the war.

It has been preached by the people at home, and by the Government of this

[Mr. Pandya] country, that the ordinary taxpayer, instead of spending his money for his own benefit, should put that by and invest it in war loan. What we are doing to-day, taking it for granted that this sum will be required by us again for various purposes at the end of the war, is exactly the same as Government has been preaching to the people in this country—we put by half a million pounds which we can get again if it is found necessary. What object could there be to the investment of half a million of money which is not required immediately? In addition to the half million, we have got half a million which we can spend. I could understand when that amount has been absorbed we could say we require this money back again.

It is said that the greatest war effort which we could make in this country to-day is by increasing our production. I think in view of all the circumstances that position perhaps to a certain extent may be justified, but I should like to ask this question: is it we who are going to make that effort or is it going to be required of us by the Imperial Government? If we are going to make that effort, we have to make a sufficient amount of funds available for that purpose if it was found necessary, but if, as suggested, the altered circumstances require that this country should produce more for feeding people elsewhere and if that point is reached at any time now or in the future, I should presume that the Imperial Government would come along to this Government and say, "You must produce, it is required for our army", and they will requisition whatever is necessary, as at home. They are requisitioning big industries and factories, and if it is found necessary they will requisition the agricultural industry in this country.

I should like to ask: is it supposed that at that time money, if required for production, will not be available from the Imperial Government? I cannot understand how the question arises that we should reserve this fund for our own ends and, when they are mentioned, two or three members suggest a soil erosion scheme, measles scheme, and so on. Is it seriously suggested that if you do not intend to do your soil erosion scheme in

this country you are not going to produce maize and other things required for the army in the Middle East? What is the approximate amount of percentage of soil which is lost? I understand more than a million acres are lying idle to-day. If that is so, how do the question of soil erosion and the measles scheme acquire such importance that they should be attended to with the money we have raised as war taxation?

MR. COOKE: On a point of explanation, we must admit that the war may last 10 or 15 years. In that case, soil erosion would be a very great problem.

MR. PANDYA: If we assume, as I am not prepared to, that it will last 15 years, this country has been facing soil erosion for the last 50 years, and I do not think it makes any difference in regard to the real issue which is before us.

Another point which is made is that we should stand on our own feet, a very logical and good suggestion indeed. Have we stood on our feet since we came into this country? Are we likely to for the next 50 years? If anybody thinks so I would suggest that he does not understand the situation in this country at all. We have only recently again applied for funds from the Colonial Development Fund, for £64,000 for soil erosion scheme for six years, and so on. It is suggested that with this half a million, if we do not give it to the Imperial Government, we shall stand on our feet permanently? I would personally prefer to say, "When I have got this extra money I will give it to you, and when I have not got it, I shall take it back again and ask for any further interest that I may be in need of." The hon. mover made a very forcible argument for supporting this motion which fell on deaf ears, and to be very frank, I am not quite myself certain that the hon. members opposing the motion are doing that from the point of view of the interests of all sections of the community. The debate we have had this morning rather opened my eyes to the fact that, if this was the attitude taken up by people in Canada, in Australia, and other Dominions, what would have happened? Is it suggested that in those countries there is not a problem that they cannot deviate

[Mr. Pandya] the funds they have for the benefit of their own countrymen? But they have willingly come to the support of the war effort in the most splendid manner, and in India it has been exactly the same. We have, too, done our best, perhaps not to the extent people would like, but, as the hon. member Mr. Shamsud-Deen pointed out, you must take into consideration the stepmotherly manner in which Indians are treated in the Empire. Despite that, people have come to the help to the best of their ability.

The question I should like to ask myself is: Is that difference between the mental attitude of those who are in Canada and Australia and those in this country due to the earlier migration and later migration from the home country? Is that the reason of change in the attitude we have had in this debate? If we pass this motion we are not obliging the Imperial Government, we are only performing our duty, and in that spirit we should unanimously vote for this motion.

MAJOR CAVENDISH-BENTINCK: Your Excellency, a few moments ago the question was asked whether in Germany Germans would talk like this on a subject of this kind, and the answer, of course, probably is that they certainly would not be allowed to. But, thank God, in this country and throughout the British Empire, in lands where freedom exists, honest people are allowed publicly to discuss questions as to what can be done in the best interests of the country they inhabit. That is one of the principles, one of the main objects, for which we are fighting to-day.

It might well be said, how very strange that there should be so many different points of view expressed in a debate on a simple subject, a simple proposal to lend to the Imperial Government half a million which, it is alleged, we can afford out of our surplus balance. I would reply that, in my opinion, the reason for such a debate is entirely the fault of you gentlemen on the other side of Council. Individually, we on both sides of Council have only one object in life. I think we can give ourselves credit for that, that we are at one in our desire to get on with the war and do anything hum-

anly possible to win it, to help the home country and the dominions in any way we can. Individually, one interviews officers of your Government, and one goes away with the impression. But when one comes into this Council—and I am sorry to say, particularly after the debates which have taken place in the last few days—one sometimes goes out and wonders not how we can best cooperate with the gentlemen that sit opposite us but how can we best remove the obstructionists that cause such a frightful sense of frustration throughout this country to-day. I do hope that we can find ways and means of getting over this, but it really can largely be attributed to our present system of government which has been referred to so often.

The proposal was made, and we are discussing it to-day, that we should lend as much as we possibly can free of interest to the United Kingdom Government. It is not the fact that they are interested parties who hope to get a little money out of it, as suggested by the last speaker, that causes doubts in the minds of certain members on this side of Council—certain members, who I might add, have records, of which anybody could be proud, of services to the Empire—and induced them to speak against this motion. It is simply because there is a feeling throughout the country that Government having taxed individuals, companies, and corporations, and as a result having acquired a considerable amount of cash out of taxes imposed for war purposes, and now that the time has come to utilise them, instead of saying "To what extent can we first stimulate this country and the inhabitants thereof so that we can assist in the war effort and play an adequate part and thereafter let us see what assistance we can give to the home Government"; instead of doing that we feel that because those problems present difficulties, annoyances and arguments it is easier for Government to sit still and continue its ordinary vocations and, as and when they accumulate a surplus, to send it home, without stimulating that effort in this country which, as a Government, they should stimulate.

It is also the feeling throughout this country that we should not be so meticulous about thinking how we are going to preserve any of the monies we make now

[Major Cavendish-Bentinck] or how we are to lend them so as to ensure that we can use them again after the war. We should not call on the United Kingdom Government for contributions from the Colonial Development and Welfare Fund under present circumstances. There should on the contrary be a greater realisation that before we can discuss what we are going to do after the war, we have got to see this war won, and so far as possible ourselves assist in doing that. Therefore several members have suggested that we ought to keep as much money as is necessary to enable us to participate fully in every possible way in the war effort actively here, and anything over and above that should not be lent so that we can get it back but freely given to assist in the common cause. I must admit that I felt that myself.

But, after discussing it and reading the Moyne despatch, and taking into consideration the demands that may have to be made on the Colonial Development Fund at a later stage were we to give money now, I have come to the conclusion that, from the point of view I have endeavoured to express, the best thing would be to send this £500,000 free of interest as has been suggested, and I therefore am supporting this motion, but, as it is the last important motion which is to come before this Council, I would make this appeal.

Your Excellency, we come into this Council and we say what we think and give the best advice we can, and the points of view of persons—I am not talking about myself now—who represent up-country districts are not adequately appreciated here. They feel with justification that sufficient lead has not been given by Government during these periods of crises, and they rightly express those views. I very much regret the attitude that has been taken on the other side of Council towards such expressions of opinion. I will go so far as to say that to use an almost unparliamentary expression, the sort of insult or innuendo made this morning in regard to my action of yesterday, is not likely to help towards co-operation as between Government and those attempting to co-operate with Government during the present crisis. That, sir, is why, instead

of everybody jumping to the proposal that Government has made, to render financial assistance to the United Kingdom, this debate has taken place to-day. I trust that in future the tone of this Council and the debates during war time will not be on quite the same acrimonious level.

MR. LOCKHART: Your Excellency, on the point raised by the noble lord, who referred to the question of storage and conservation of materials, I entirely agree with the hon. member, and we are taking steps very severely to tighten up control of all building material. We have a very careful check on them, and the position is very poor. The possibilities of renewal in the case of iron and steel are worse than they have been for a very long time, and I am afraid that nothing except what is absolutely essential for war purposes can be obtained, and that anything which requires iron and steel in any quantity at all and anything but a small quantity of cement is out of the question unless the position improves in a way we have no reason to expect.

I hardly think the noble lord took very seriously the intentions of the Japanese Government to control the Indian Sea. We may have delays and, as in other parts, have to introduce the convoy system, but I think it will be a long while before they interfere with our import and export trade in that fashion. But I do think, although it is difficult to see, I can see myself nothing in Japan's entry into the war which need have a prejudicial effect on the revenues and prosperity of this country in 1942 which depends, after all, very largely on what we can grow and export.

To turn to the rather remarkable speech of the hon. Member for the Coast, he likened this to a man who starved his wife and family in order that his name should appear on a subscription list. I had already made it clear that there was no question of starving the country at all, and of course what the hon. member's speech likened the man to was the man who forced his wife and family to make a sacrifice but made none himself but did this and the other before he was prepared to put his name to any charity subscription list at all. Apart

[Mr. Lockhart] from speaking about wives and families (I know the hon. member has no wife and no family), he proceeded to talk about maize and wheat, and I know the constituency he represents grows no large quantities of either. I shall not pay very much attention to the hon. member's views on the subject, but I will just pause to deal with one statement he made, which was that if a larger guaranteed price for growing wheat was made last year it would not have been necessary this year to import wheat next year. There is not the slightest foundation of any sort or kind for that statement, absolutely none at all. There is no evidence that it will be necessary to import wheat next year. In point of fact, we have just entered into a contract to export some wheat flour from the country next year!

Each hon. member seemed to go through a very long catalogue of possible expenditure. I think he was out of order, but I am in order in replying, and in particular in dealing with the point raised by the hon. Member for Aberdare, this beef measles question. I could not agree with hon. members more than I do in their criticism of the question at Nairobi. All that I can say is that the Meat Control and Government have been pressing Nairobi Municipality to do something about it for the best part of two years and we are on the verge of achieving something in the matter.

As the hon. Member for Ukamba has gone, I can cut down what I was going to say about his observations. It is quite true that he has paid a good deal of attention to my monetary education in the course of the last 4 years. It must be palpable to everybody that what he says is without any foundation at all. He said that if there had been no income tax on money for the reduction of debt, the credit position of the banks to that extent would have improved and they could have invested more money in treasury bills and thus improve the finances of the war. Precisely the same result is obtained, as is obvious to anybody, if income tax is removed altogether, because the effect on the credit position of the banks would be an immediate improvement. The argument is a simple one. If we wash out any sort

of taxes the savings of the community will be very much greater, or their spending, an elementary financial proposition to say the least. The trouble is that the tendency would be, I am afraid, that their spendings would be a great deal more, and it is to reduce spendings and to promote savings which is our aim.

The hon. member also argued that to grant a loan to the Treasury on the terms proposed would have no effect at all. I rather thought he would say that but, of course, in effect the withdrawal of half a million in the form of Treasury bills, which are short term loans, does help the Treasury to a very great extent. He is entirely wrong in supposing that it is a matter of complete indifference in financing the war what sum is in floating Treasury bills to be called on at any time.

I think the hon. member suggested that I was apt to introduce misleading conclusions. Of course, as everyone will see, the fact that Northern Rhodesia and Tanganyika chose to give £200,000 to the Imperial Government has nothing to do with the construction or otherwise of the Great North Road; nothing whatever, and particularly Northern Rhodesia employing money to build that road which, if it had been included in the military programme, they would have built.

The hon. Member for Kiambu said that at the end of the war it might be embarrassing for England to repay this money as they would then be passing through a period of stringency. The hon. member may be right, but as England will then be required to supply the needs of a large part of the world, I think she is likely to be prosperous, and I cannot see the slightest reason for supposing anything else.

The hon. member then made Lord Moyne's despatch into something of an examination paper to which I can only give a broad answer, that although everyone appreciates that there is a great deal to be done in this country as in all countries, progress during the war is subject to limiting factors which have nothing to do with money, and progress is being made and carried on in a degree which I say frankly that when the war broke out I did not think we should be able to maintain.

[Mr. Lockhart]

The hon. Member for Trans Nzoia expressed, and the same points were raised by the hon. member for Nairobi North, whether it would in fact be more helpful to make this money a free gift. As far as it goes it would, but the reason for not doing so is based on the very arguments the hon. member himself used, that is, a desire to conserve our financial position so that we shall be able to stand on our own feet in better fashion than we should otherwise be able to do by forming reserves which will be available for release when the war is over.

The hon. member suggested that we should be able to meet all our requirements by an internal loan. Well, I hope we shall, when next we raise a credit for the country, use an internal loan, and I think that like all other developing countries whose capital resources have improved, and ours have, by this war, we should be able to raise a loan internally. But I doubt very much if the country is to go ahead like Australia and New Zealand that we shall be able to dispense with external loans for a very long while to come.

The only other remarks I think I need deal with are in the speech we have just heard from the hon. member for Nairobi North and, as the hon. member was supporting the motion which I moved, I do not in fact need to say very much about them. There is a good deal I could say, but as the hon. member has made an appeal for maintaining the tone of Council on a friendly basis, and assuming that the hon. member would not have made that appeal unless he proposed to exemplify it himself in speeches he makes in Council, I propose to deal no further with the matter, except to say that as I indicated once before, my own view is that the best work this Council does is outside these walls and I do not think, therefore, there is very much to congratulate ourselves on in regard to the debate to-day. It is a great pity it took place, and as far as I am concerned I will do my best to settle it.

The question was put and carried.

#### ADJOURNMENT

Council adjourned to Friday, 19th December, 1941, at 10 a.m.

Friday, 19th December, 1941

Council assembled in the Memorial Hall, Nairobi, at 10 a.m. on Friday, 19th December, 1941. His Excellency the Governor (Sir Henry Moore, K.C.M.G.) presiding.

His Excellency opened the Council with prayer.

#### MINUTES

The minutes of the meeting of Thursday, 18th December, 1941, were confirmed.

#### ORAL ANSWERS TO QUESTIONS

No. 82.—CRIME IN MOMBASA

DR. SHETH asked:—

Will Government state—

(a) If the attention of Government is drawn to the recent increase in crime in Mombasa, in particular thefts, burglary, robbery with violence, etc.?

(b) If the reply be in the affirmative, will Government make a statement on the present position and whether the police authorities at Mombasa have asked for an increase in the police establishment to cope with the increase in crime?

MR. RENNIE: (a) The Government is informed that there has in fact been an increase in the incidence of serious crime in Mombasa during this year as compared with 1940.

(b) The present position is said by the Commissioner of Police to be more satisfactory, and a considerable improvement during the past month is reported. The system of police patrols has been re-organized, certain changes in personnel have been effected, and a gang of four Africans believed to have been implicated in eleven burglaries and thefts in September and October has recently been arrested. In response to instructions from the Commissioner of Police a revised establishment has been submitted by the Superintendent of Police at Mombasa which would provide a slight increase in African other ranks. The proposal is now under consideration by the Commissioner.

#### VALEDICTORY

##### DEPARTURE OF FINANCIAL SECRETARY

**HIS EXCELLENCY:** Hon. members, before I call on the hon. Financial Secretary to move the motions standing in his name on the Order Paper, and since he has to leave the Council to attend a meeting of the Inter-Territorial Civil Supplies Board, I should like to take this opportunity on behalf of the Government of associating myself with the tributes which have already been paid to his distinguished services as Financial Secretary from all parts of the house. (Applause.) It is, I believe, one of those close secrets which are openly discussed in the bars of clubs that, had he been free to follow his personal inclinations, he would be now occupying a position of great financial responsibility in connexion with the administration of occupied enemy territory. I intervened because I considered at the time, and nothing that his since transpired has caused me to alter that opinion, that the public interest would best be served by his continuing in his present post. I need hardly say that Mr. Lockhart cheerfully and loyally abided by that decision.

Several months later it was represented to me that owing to the death of the Financial Secretary, Nigeria, at a time when the supply problem on the West Coast of Africa was presenting special difficulty as a result of the war it was particularly desired to obtain an officer with the qualifications and experience which Mr. Lockhart has to fill the vacancy. I at once emphasized the very special nature of his duties and responsibilities in Kenya at the present time, which had led me to resist his transfer some months earlier, but I pointed out that I naturally was not in a position to judge the relative importance of his duties here with those that he would be called upon to perform on the West Coast. In the event, though the date of his transfer was postponed as a result of my representations, it was considered that his services were even more urgently required in Nigeria.

It speaks volumes for the esteem with which he is held and the influence he exerts over the unruly wills and affections of his critics that in the same speech in which the Government was severely

castigated for introducing a budget that bore no relation to the realities of the local war situation the Governor was personally taken to task for failing to retain the services of his Chief Financial adviser. (Laughter.)

We say goodbye with sincere regret and wish him every success in his new sphere. (Applause.)

#### CHARGES AGAINST LOAN ACCOUNTS

**MR. LOCKHART:** Your Excellency, I beg to move: Be it resolved that this Council hereby approves the expenditure during 1942 of a sum of £15,914 upon the purposes specified in the Schedule hereto as a charge against Loan Account.

##### SCHEDULE

£305,600 (1933) Loan—

Loans to local authorities,  
Mombasa Municipality .. £2,914

Advances—

Pending raising of loans  
authorized, Land and Agri-  
cultural Bank .. £13,000  
£15,914

The first amount is a further instalment of the Mombasa town planning scheme which has been approved as a whole.

Regarding the next item of £13,000, the position is that when this further instalment is paid there will still be £47,000 available of the authorized loan. We arranged early this year to borrow £80,000 from the Railway Administration as a loan to the Land Bank. The amount drawn this year is only £20,000, so that £60,000 is left to draw on, and we are asking at the moment for this further instalment. That does not mean that £20,000 is all that the bank has advanced, because repayments of capital to the bank are available to be re-lent to further borrowers, and the magnitude of the loans now is such that the amount coming back to the bank for re-lending reaches considerable proportions. But we do require further capital, and we have £60,000 available, and we ask Council to approve a further instalment of £13,000, as we do not wish

[Mr. Lockhart]

to draw the money from the Railway Administration until we actually need it.

MR. HARRAGIN seconded.

The question was put and carried.

### ENTERTAINMENTS TAX ORDINANCE, 1931

CONTINUANCE OF 1942

MR. LOCKHART: Your Excellency, I beg to move: That the Entertainments Tax Ordinance, 1931, remain in force until 31st December, 1942.

As hon. members will remember, this is one of the taxes which has to be re-voted each year. The present rates of tax are: Where payment for admission is not less than 75 cents, and does not exceed Sh. 1, 15 cents; where it exceeds Sh. 1 up to Sh. 2, 25 cents; from Sh. 2 to Sh. 4, 50 cents, and from Sh. 4 to Sh. 8, Sh. 1. Those rates are not unreasonable, and are quite moderate as entertainment taxes go, and I think all hon. members will agree that this is not a time when we can forego this source of revenue.

MR. HARRAGIN seconded.

The question was put and carried.

### WAR TAXATION (INCOME TAX) (AMENDMENT) BILL

SELECT COMMITTEE REPORT

MR. LOCKHART: Your Excellency, I beg to move that the select committee report on the War Taxation (Income Tax) (Amendment) Bill be adopted.

So far as the report itself is concerned, there is nothing in it. The amendments proposed are purely to improve or to clarify the wording of the bill, and make no difference of any kind in the incidence of the tax or any other way in which the bill was presented. There were, however, certain points which were raised in the consideration of the bill on which I would like to make a statement.

The committee considered the possibility of extending the allowances in respect of moneys expended on development, on the lines of the Excess Profits Tax Ordinance, so that a reduction could be made for expenditure as and when incurred. The position is that

under the provisions of section 13 of the parent ordinance agriculture and mining are already well provided for, because they could ultimately deduct all expenditure on development, and in the case of industry the cost of factories, plant and machinery were provided for by the wear and tear allowance, and the deduction provided for in case machinery has to be scrapped. The committee therefore saw, first of all, no means and, two, no strong case for amending the bill on this account.

The committee also considered whether clause 5 of the bill, which makes it expire on 31st December following the end of the war, should be amended to 31st December, 1942, in order that the rates of tax could be re-voted each year on the lines of the Finance Act on the United Kingdom where, as you know, income tax and certain other taxes are re-imposed every year. The committee thought there was much to be said for that view, which is not done in ordinary colonial practice, where income tax once imposed it is hoped the rates will continue from year to year. It was not possible to amend the bill at this stage because it would require a good deal of consequential legislation on the lines of the Act in the United Kingdom for the provisional collection of the tax pending the determination of the rates in the subsequent year. Hon. members will see that some provision is necessary in that form if we are going to amend the rates, but the committee did consider that after the war it was an amendment or alteration which might very well be made, and it has a good deal to commend it. They also considered it should be clearly laid down in any event that rates of income tax are not to be considered only on any amendment by an amending bill.

The committee also considered whether any relief could be given in respect of capital losses or repayment of debts. Where there have been losses of capital in past years arising out of trade, the ordinance already allows a carry forward of those losses from 1932 onwards as a set-off against subsequent profits. As regards debts, the question has already been considered at great length by all select committees on previous income tax

[Mr. Lockhart]

and also recently on the Excess Profits Tax Ordinance. In the select committee report on that measure it was stated: We recommend that where losses or debts have been incurred in past years there shall be some power to remit excess profits tax in whole or in part where the money would be applied in reduction of these debts or loans; it will obviously be necessary for each case to be determined on its merits and we have, therefore, defined in general terms in a new clause 15 conditions where they ought to apply where the remissions are to be made.

That is the only solution of the problem which could be found in connexion with the excess profits tax and that, as far as this committee could see, is an ad hoc instruction. The only method of dealing with it in the case of income tax is under section 10 of the ordinance, where the Governor in Council has power already to remit the tax on any ground which may seem to him sufficient.

MR. HARRAGIN seconded.

The question was put and carried.

### INCREASE OF RENT AND OF MORTGAGE INTEREST (AMEND- MENT) BILL

SELECT COMMITTEE REPORT

MR. HARRAGIN: Your Excellency, I move that the select committee report on the Increase of Rent and of Mortgage Interest (Restrictions) (Amendment) Bill be adopted.

This report amends the bill in two particulars. The first particular refers to the jurisdiction of a first class magistrate. It was the intention of this Council when the bill was originally passed that certain first class magistrates should have jurisdiction. The effect was that the courts have held that, in spite of that, they are to be governed by the jurisdiction given to them in the Courts Ordinance, which restricts it in effect to when a house is valued at £75. The opportunity was taken to put that point right and give the necessary jurisdiction to first class magistrates to take any case under the ordinance whether the house be worth £75 or £7,000. Naturally, the usual rights

of appeal exist if anyone is not satisfied with a magistrate's decision. That was always the intention, I think, and I do not consider it is necessary for us to go into it very deeply, because we know that one case of great hardship has already occurred in one part of the Colony where the unfortunate landlord brought a case before a magistrate, and when it was shown that his house was worth more than £75 he was told he had to go to the Supreme Court where naturally costs would have been very high indeed.

The other amendment is merely an extension of the clause which already appears in the ordinance, which refers to the recovery by a landlord of his own house when he wishes to live in it himself. As it was originally drafted, provision had only been made for the recovery by a landlord of his house where he had left the town and gone elsewhere and then returned, when he was permitted to recover the use of his house without having to provide alternative accommodation for the tenant. It was pointed out in select committee that it might well be that for family or other reasons a man would be prepared to let his house for a short period. His family might have gone away, during which period he would be prepared to live at an hotel or club for six months, and on the return of his family he would wish to have his house back. As the ordinance stands at present, the owner would have to remain in the house by himself, because if he rented the house he would never be able to get the tenant out unless he could find suitable alternative accommodation. We therefore amend the bill to permit him, where he wishes to re-occupy his own house, to give the necessary notice without having to find that accommodation.

MR. BROWN seconded.

MR. NICOL: Your Excellency, I rise to support the proposal, but in doing so I wish to express the hope that a further amending bill will be introduced into Council at the next session in order to remove further anomalies which have come to light recently, and also which were raised in the select committee when considering this particular bill but which which we were unable to deal.

The question was put and carried.

## RESIDENT LABOURERS (AMENDMENT) BILL.

## SELECT COMMITTEE REPORT

MR. HARRAGIN: Your Excellency, I beg to move that the select committee report on the Resident Labourers (Amendment) Bill be adopted.

Again there are very few amendments to recommend to Council. The first is a formal amendment to clause 1, which puts in a suspending clause so that Your Excellency can bring it into force by notice in the Gazette.

The second amendment deals with the point raised in debate with regard to the area of land which natives other than resident labourers should be permitted to occupy on a farm. A typical example of the sort of natives I am referring to would be domestic servants. In the bill as it reads at present a farmer would be entitled to allow every native servant to cultivate two acres, but it was thought by those in a position to know on the select committee, and as I say it was also voiced on the other side of Council during the second reading, that two acres was too large an amount and would in effect mean that on many farms it would not be necessary to have resident labour at all and that they could get round the ordinance by permitting all and sundry to come on as servants and to cultivate two acres. With that object in view the select committee recommend that two acres should be reduced to half an acre.

The other amendment to clause 3 is to meet the case with regard to the rights of squatters, as we called them under the 1925 ordinance. It was necessary in the original ordinance to preserve those rights, because the 1925 ordinance was being repealed, but as in the 1937 ordinance it was laid down that within six months all resident labourers should be brought within the purview of the 1937 ordinance and as the six months has long since expired, it is quite unnecessary to preserve these particular sub-sections.

The last amendment deals with the right of arrest without warrant. The committee considered carefully each and every offence under the ordinance, and as a result there are only two cases in which we recommend that the police shall have the right of arrest without

first taking out a warrant. These two cases are really matters of commonsense. They refer to cases where it would be unlikely that the police would find the offender again if they went away many miles to obtain a warrant, and they refer to the illegal grazing of stock. These persons are really trespassers who have no claim under the ordinance, and authority is given to arrest them, and also natives found illegally residing on a farm. It is well known that on many farms owners have the great difficulty in controlling people who are trespassing, because they have no opportunity of going round and counting them every morning, but from time to time people are found residing there, for months or even years, without any claim of right whatever. If a policeman when he goes round and finds these illegal occupants of farm lands and then has to go many miles away to obtain a warrant, by the time he has got back the people will have gone, and as soon as the policeman has left they will return, and so the game goes on. It is therefore thought that the police should have the power to arrest under those circumstances without a warrant.

MR. BROWN seconded.

The question was put and carried.

## CROWN LANDS (AMENDMENT) BILL.

## SELECT COMMITTEE REPORT

MR. MORTIMER: Your Excellency, I beg to move: That the select committee report on the Crown Lands (Amendment) Bill be adopted, subject to the correction of a small typing error in paragraph 1(c) of that report where the figure 59 has been inserted instead of 57.

The principal amendment is the inclusion in the schedule of Gedi native settlement area. This has been proposed in accordance with the assurance given to Council during the debate on the second reading of the bill. In the new proposed clause 57a we delete the word "three" because there will now be four settlement areas. In accordance with the assurance given to Council during the debate on the second reading it is now proposed to make this bill an ad hoc measure and, in consequence, sub-clauses (2) and (3) of 57a will be deleted.

[Mr. Mortimer].

The other amendments proposed in paragraph 1(c) and 1(e) of the report are consequential amendments intended to make it perfectly clear beyond all possible shadow of doubt that the provisions of the bill apply only to the areas specified in the schedule. The amendments (f) and (g) and paragraph 2 of the report merely correct typographical errors in the original bill.

MR. HARRAGIN seconded.

The question was put and carried.

## PYRETHRUM (AMENDMENT No. 2) BILL

## SELECT COMMITTEE REPORT

MR. BROWN: Your Excellency, I beg to move: That the select committee report on the Pyrethrum (Amendment No. 2) Bill be adopted.

This report recommends two amendments which were referred to by the hon. Director of Agriculture in his speech on the second reading of the bill. The first is that instead of elected members of the board holding office for one year, they will hold office for a period of three years, with the proviso that of those members elected in 1942 two shall retire in 1943, two in 1944, and the remainder in 1945, so that you will always be having members retiring in rotation. The second amendment is to provide for a conference of delegates in every year and to empower the board to make rules governing the election of delegates and the conduct of business in the conference.

MR. HARRAGIN seconded.

The question was put and carried.

## CONTROL OF GRASS FIRES BILL, KENYA AND UGANDA RAILWAY (AMENDMENT) BILL, LOCAL GOVERNMENT (DISTRICT COUNCILS) (AMENDMENT) BILL, LOCAL GOVERNMENT (MUNICIPALITIES) (AMENDMENT No. 2) BILL.

## SELECT COMMITTEE REPORT

MR. BROWN: Your Excellency, I beg to move: That the report of the select committee on the Control of Grass Fires Bill, the Kenya and Uganda Railway (Amendment) Bill, the Local

Government (District Councils) (Amendment) Bill, and the Local Government (Municipalities) (Amendment No. 2) Bill be adopted.

The only substantial amendment recommended in the Railway Bill is in the new section 70 (2)(d). One of the requirements insisted upon in the case of a person claiming £200 from the Railway without proof of negligence, is that he must have previously given notice to the Railway to cut their firebreak. As the paragraph was drafted, he must have given that notice not less than two months before the fire occurred. This recommendation is that that period should be reduced to one month, and I have the authority of the hon. General Manager, K.U.R. & H., to say that he agrees with that amendment.

With regard to the Control of Grass Fires Bill, this report mainly consists of recommendations adopting the suggestions which were made by hon. members opposite to strengthen the bill. The suggestion of the hon. Member of Uasin Gishu has been adopted and fire rangers are given powers of arrest under clause 14. The drafting point made by the hon. Member for the Coast has been met in clause 7, and also in clause 7 we considered the case of a European owner wishing to give notice to a native authority to cut its fire-break, and the case of a native authority giving notice to a European owner, and have amended it so that notice shall be given through the district commissioner in charge of the native area. We have amended clause 5 to provide that the Director of Agriculture shall be able to prohibit burning by order at such times as may be stated in the order, instead of tying him down as in the bill to the hours of 5 p.m. to 5 a.m. We also recommend that this clause should be amended to provide that the Director must first consult the local authority having jurisdiction in the area where his prohibition is to take effect.

The point of the noble lord, the hon. Member for Rift Valley about vegetation has been met by amending the definition of "vegetation" to make it quite clear that it refers only to growing or standing vegetation. That obviates the position of somebody who wishes to make a bonfire



[Mr. Brown] in his garden having to give notice to adjoining owners within half a mile.

The point of the hon. Member for Trans Nzoia with regard unoccupied or Crown lands has been met by amending the definition of "owner or occupier". That amendment was not legally necessary, but it was very desirable because one of the criticisms received to the draft bill was that all the co-operation seemed to be on the side of the individual land-owners and Government was doing nothing. Government is now taking its full share in the co-operation, not as a Government but as the principal land-owner.

We considered clause 1 which provides for the ordinance coming into operation on such date as the Governor may appoint by notice in the Gazette, and considered whether we should not amend that to provide that any particular clause might come into operation on a date appointed in the Gazette. We had in mind particularly clause 7, the important clause about fire-breaks, but we came to the definite conclusion that there was no case at all for deferring the coming into operation of clause 7 or of any other clause in this bill.

MR. HARRAGIN seconded.

The question was put and carried.

#### EDUCATION ORDINANCE, 1931 APPLICATION OF PART VI

MR. LACEY: Your Excellency, I beg to move: That the provisions of Part VI (Compulsory Education) of the Education Ordinance, 1931, be applied by proclamation as from the 1st January, 1942, (a) to all European children in the Colony and Protectorate who have attained the age of seven years but have not attained the age of 15 years, and (b) to all Indian male children living in the Municipalities of Nairobi, Mombasa and Kisumu who have attained the age of seven years but have not attained the age of 15 years.

I do not intend to take up the time of Council by a lengthy array of arguments in favour of compulsory education. I believe the great majority of members are entirely in favour of this motion, but some brief explanation is necessary.

Dealing first with European children, I have no reason to suppose there is any large number of European children present in Kenya not getting educated. As a result of inquiries made during the past year, I venture to estimate that there are 50; there may be more. This is a very small percentage of the child population, but we must get the children into school if we are to make certain of avoiding the dangers of poor whiteism. Any hon. member who like myself has had experience of the results of poor whiteism in the United States or hearer home, will realize that in financial cost, quite apart from social troubles, it costs far more than compulsory education. But there are other cogent reasons.

One is that a small section of parents consider that they need not send their children to school until they have reached the age of 9 or 10. With that point of view I cannot agree, and most principals are unanimous in the opinion that in such cases either the child develops an inferiority complex or it suffers from a general retardation which cannot be overcome even if we keep the child at school until it is 18 or 19; there are also difficulties in having a few older children in the junior classes. At the other end, and this is particularly accentuated by the demand on man power, parents have begun to take their children away from school at the age of 13 or 14 and put them into dead end jobs which probably will not exist after the war, and it probably means that such a child will be unemployable.

Turning to the Indian boys in the three Municipalities concerned, I doubt if there are 50 who are not attending school, but the remarks I have just made about sending them to school earlier and keeping them longer apply.

I would stress one point. The introduction of compulsory education does not mean the introduction of free education. If parents can afford to pay for their children they must do so. If they cannot, we already have an adequate system of remission of fees, and fees will be remitted. I am glad to say there is ample evidence to indicate that a large number of parents with children in Government schools would be sorry to

[Mr. Lacey]

see education made free, and I know a few cases in which fathers and mothers undergo real hardship in order to pay the fees.

I would draw the attention of hon. members to section 29 of the ordinance which calls for certain information from parents six months before a child reaches the compulsory age, and when this motion is passed it will be necessary for the Governor in Council to make rules to ensure the efficiency of this measure. But I appeal now to all parents to co-operate as fully as possible. I do not think it will be necessary in more than a few cases to take legal action, but I shall not hesitate to do so if I find that parents are not obeying the law.

The Advisory Council on European Education would have liked to see the age limit 16 instead of 15. I am aware that Government has some cogent reasons at present for keeping it at 15, but I trust no hon. member will, as the hon. member Dr. Wilson did to me in another place on another matter, ask me to give a categorical assurance that this is not my last "territorial demand"! I can foresee circumstances arising in which it would be my duty to advise that the age limit be raised to 16, but with this proviso I ask hon. members to give full support to this motion.

LORD FRANCIS SCOTT: Sir, speaking on behalf of the European elected members I second the motion. The European elected members are unanimous in their support of it. I should like to say that it was intended that the hon. Member for Uasin Gishu should second the motion but unfortunately he is unable to be here to-day, and he has asked me on his behalf, in view of the fact that he has been a very consistent advocate of this measure, to express his appreciation of Government's action in bringing this forward, and particularly of the persistency of the hon. Director of Education in having pressed for this motion to its final successful conclusion.

I think there can be no dispute that in a country of mixed races such as this, where European children are eventually going to be in a position of authority

over other races, it is essential that they should be as well educated as is possible, and for that reason I think there is no need to stress the necessity of this motion being brought in. In the past, when it has been discussed, opinion was divided on the question whether it should be free as well as compulsory or not and, as the hon. mover pointed out, there is a very large proportion of the Europeans in this country very greatly opposed to free education, so that the position will be that those who can afford to pay will pay, and those who cannot will be treated in exactly the same way as parents are treated to-day who can put up a case for remission of fees.

With regard to the Indians, they have been anxious to have all the boys in the main towns educated, so this motion provides for the compulsory education of all Indian boys in Nairobi, Mombasa, and Kisumu between the ages of seven and 15. I think we may claim that in this we are in advance of India itself.

I do not think there is any need to put forward any further argument in support of the motion, which I have much pleasure in seconding.

MR. PANDYA: Your Excellency, on behalf of the Indian members I support this motion. In our view, the principle which this motion involves is a great step forward in the right direction, and I associate myself with the remarks made by the noble lord in the point he made about the strong stand the hon. Director of Education has taken in supporting this principle. We very much appreciate that. We were pressing from this side of Council for this principle of compulsory education, but it was with the support of the hon. Director of Education that we have been able to get this principle accepted by Government. We are grateful to him for that stand which he has taken in regard to the education of Indian and European children in this country.

On the point which he made as to whether it should be compulsory and free education or whether we should continue to collect fees as we are doing to-day, the noble lord said that Europeans were against the principle of free education. I should like to say that

[Mr. Pandya] if the finances of Government permitted, the Indian members would certainly prefer compulsion joined with free education. All over the world, wherever the compulsory principle has been agreed to, the principle of free education has also been accepted. That is so in fact in India, particularly in the Bombay Presidency. Even in the Indian States compulsion has been joined with free education. But we appreciate in this country that the finances of Government at the present moment perhaps do not justify asking for this principle to be adopted, but as the hon. member has given notice of his intention that he will not bargain on the question of age I wish to make the similar reservation in regard to free education, and at an opportune time we shall certainly press for compulsory and free education in this country.

The second point is in connexion with the limitation of compulsory education to the three municipalities mentioned in the motion. While in general principle at the present moment I agree that is a beginning and we should see how things develop in regard to these municipalities, I should like to draw the attention of the hon. mover to the fact that we have in the smaller townships of Nakuru, Eldoret, and Thika Government schools, and at the earliest possible moment Government should inquire into the position, and if they find it does not involve Government in any special expenditure immediately adopt this principle of compulsion in those towns. Ultimately, no doubt, at a later stage it will be extended to the whole country.

I very heartily support the motion and am glad that it is being passed to-day.

MR. ISHER DASS: Your Excellency, I rise to support the motion. In fact, I had asked the hon. member Mr. Pandya to support the motion on behalf of the Indian elected members of this Council and I had not intended to speak. Unfortunately, the noble lord when seconding the motion went out of his way to use one phrase, and if I understood him rightly I will repeat it: "that the European children in this country are going to be in authority over other

races". If this is the sentiment of the noble lord, I sincerely regret the expression he used in this Council, because he should remember once and for all that when his ancestors were in a state of savagery my ancestors were in a state of civilization. I am not ashamed to be an Indian. Circumstances are . . .

LORD FRANCIS SCOTT: On a point of explanation, I was obviously referring to the fact of people who might have authority over the native races of the country which applies to a certain amount of Indians as well as Europeans.

MR. ISHER DASS: It is not an obvious fact. In conclusion, I would inform the noble lord and his colleagues that things change so rapidly in the world that he and his friends should be prepared to face a new order which is likely to be brought into existence after the war.

MR. LACEY: Your Excellency, only one point was raised to which I need refer, and that was by the hon. member Mr. Pandya about the extension of the schedule to include Government schools in other places. I will certainly promise him that I will keep my eyes on those places, and if it appears necessary to me that further areas should be added I will certainly advise Your Excellency to that effect.

The question was put and carried.

#### EAST AFRICAN CAMPAIGN APPRECIATION OF SOUTH AFRICAN FORCES

LORD FRANCIS SCOTT: Sir, I beg to move: That this Council expresses its deep appreciation to the Union of South Africa for the great assistance rendered to Kenya by the Land and Air Forces of South Africa in the recent campaign in East Africa.

I have little need to speak on this motion, because I feel that it must express the feelings of every one in this Council. (Applause.) At the outbreak of war, especially when Italy entered on the side of our enemies, we were not in a very strong position from the military or air point of view, and that great statesman and soldier and great general,

[Lord Francis Scott] General Smuts, rose to the occasion and immediately sent up forces, both by land and air, and especially in the air, which altered the whole position. We all know how South African forces, side by side with the King's African Rifles and the West African troops, defeated and annihilated the much larger force that the Italians opposed to us. They have now gone on to further fields and are adding fresh lustre to their reputation in the battles which are now taking place in Libya, and I feel that we should like to take this opportunity on behalf of Kenya to express our great appreciation to the Union of South Africa. (Applause.)

MR. NICOL: Your Excellency, we in Mombasa have particular cause to be grateful to our South African friends, and I want to take this opportunity of saying "Godspeed and good fortune wherever they may find themselves". Sir, I beg to second. (Applause.)

MR. RENNIE: Your Excellency, it is with the greatest pleasure that I rise to say that the official members of this Council desire to associate themselves wholeheartedly with this motion. The thanks and appreciation of Kenya Government have already been conveyed to the General Officer Commanding East African Force after the successful conclusion of the campaign in East Africa, and as the South African force formed part of that force the Government has expressed its thanks and appreciation to the South African Force in that way. It is, however, very fitting that this Council should take the opportunity to-day of expressing its appreciation in the manner suggested.

The noble lord has stated the position at the outbreak of war with Italy. Knowing as I do something of the strength of the local military resources in April and May of 1940, I welcomed the first steps that the Union Government took to secure the safety of Kenya, namely, the provision of anti-aircraft defences at Mombasa, and when I saw not long afterwards fighter aircraft of the South African force hurtling through the skies above Nairobi I realized that we here in Nairobi and also people in Mombasa, had

received very strong and very welcome support, and I realized that the Italians would get a very warm reception if they ever attempted any air raids on either Nairobi or Mombasa.

Well, Sir, results have shown that the Italians themselves appreciated the position fairly accurately. It was soon after that that I had the pleasure of seeing the first large contingent of the South African forces that came to Kenya—infantry units—and when I saw and heard what I regard as a most essential part of the equipment of a military unit, namely, a pipe band, I realized that these particular units had been educated and trained on the right lines and that they would give a very good account of themselves indeed. And when you, Sir, welcomed the troops at a very impressive review at Kabete a short time afterwards I think that impression of splendid military bearing and physique was reinforced by what we saw on that parade.

The noble lord has referred to the events of the East African campaign, and I need not add any remarks about the splendid record of the South African forces there, but I would refer to one aspect of our relationship with the Union forces which I think has been brought home very forcibly to all of us; that is, their popularity in Kenya and to their behaviour, both in public and in Kenya homes. I think all of us who have come in contact with the Union troops have been greatly impressed in that respect, and their relationship with us has, I think, been so strengthened that ties of fellowship and friendship have been formed, not only with many of us here in Kenya as individuals but with the country as a whole, that will be permanent. (Applause.) It is not only among the Europeans that the South African troops found favour. I should like to take the opportunity of quoting an expression of appreciation from the Officer in Charge, Turkana, who stated that the unflinching appreciation of the native problems in Turkana had made the work of co-operation a pleasant task for all concerned, and he quoted a free translation of the observations of one of his chiefs as follows:—"We do not know what the devil was going to

[Mr. Rennie] happen when all these white men arrived, but now we have got to know them we are sorry they are going." (Applause.) And we are all aware that, fighting side by side, Union troops and native troops both from East Africa and West Africa, gained a new respect for each other and an appreciation of the sterling qualities that the other races showed.

It would not be out of place in this connexion to remember also the very close co-operation between the South African forces and the Indian battery. The Indian battery on many occasions lent very adequate support to these forces and the good work they did was much appreciated. (Applause.)

Although the majority of the Union forces have departed from Kenya you, Sir, and I think many hon. members are aware that one particular organization has remained behind, an organization which has done excellent work for the welfare of the troops. I refer to the Union Defence Force Institute, commonly known as the U.D.F.I. The amount of work that organization has done in the provision and running of canteens, the provision and running of mobile canteens, the provision and running of mobile cinemas, has been greatly appreciated not only by the troops themselves but by the various welfare organizations in Kenya, which have found the Institute at all times most helpful, not only as regards money but also as regards advice and staff, and it is with the greatest regret that I myself have come to know within the past few weeks that that organization has now to pass on to other fields.

Sir, I need add nothing more except to say, as I said at the outset, that the official members of Council support this motion wholeheartedly.

HIS EXCELLENCY: Before putting the motion, I should like to take this opportunity of stating that those of us who were alive to the realities of the war situation with the entry of Italy into the war, particularly appreciate how fitting it is that we should have on the records of this honourable Council a resolution in the terms proposed. Perhaps I might take the opportunity also

to inform Council that I received yesterday a telegram from the Prime Minister of the Union expressing his deep appreciation of the action which we took two days ago in connexion with the South African wine industry.

The question was put and carried.

## BILLS

### THIRD READINGS

MR. HARRAGIN moved that the following Bills be read the third time and passed:—

The War Taxation (Income Tax) (Amendment) Bill.

The Increase of Rent and of Mortgage Interest (Restriction) (Amendment) Bill.

The Resident Labourers (Amendment) Bill.

The Crown Lands (Amendment) Bill.  
The Pyrethrum (Amendment No. 2) Bill.

The Control of Grass Fires Bill,  
The Kenya and Uganda Railway (Amendment) Bill.

The Local Government (District Councils) (Amendment) Bill.

The Local Government (Municipalities) (Amendment No. 2) Bill.

MR. BROWN seconded.

The question was put and carried and the Bills read the third time and passed.

## 1942 APPROPRIATION BILL

### FIRST READING

MR. HARRAGIN moved that Standing Rules and Orders be suspended to enable the 1942 Appropriation Bill to be passed through all its stages this day.

MR. BROWN seconded.

The question was put and carried.

On the motion of Mr. Rennie the Bill was read a first time.

### SECOND READING

MR. RENNIE moved that the Bill be read a second time.

MR. HARRAGIN seconded.

The question was put and carried.

MR. HARRAGIN moved that Council resolve itself into committee of the whole Council to consider the Bill clause by clause.

MR. BROWN seconded.

The question was put and carried. Council went into committee.

The Bill was considered clause by clause.

### SCHEDULE

MR. HARRAGIN moved that the Schedule be amended by the deletion of the sum of £124,997 which occurred in Head 20 and the substitution thereof of the sum of £123,622.

The question was put and carried.

The question of the Schedule as amended was put and carried.

MR. HARRAGIN moved that the Bill be reported with amendment.

Council resumed its sitting.

HIS EXCELLENCY reported the Bill with amendment.

### THIRD READING

MR. HARRAGIN moved that the Bill be read the third time and passed.

MR. BROWN seconded.

The question was put and carried.

The Bill was read the third time and passed.

### SEASONAL GREETINGS

HIS EXCELLENCY: That concludes the business for this session and, in adjourning Council, I would wish all hon. members, so far as war conditions permit the usual greetings of the Christmas season.

### ADJOURNMENT

Council adjourned *sine die*.

## WRITTEN ANSWERS TO QUESTIONS

### No. 80—CUSTOMS STAFF MATTERS

BY DR. A. U. SHETH:

Will the hon. Commissioner of Customs state:—

(a) Whether some time in March of this year he received a memorandum from senior Asian members of his staff submitting their grievances to him for his sympathetic consideration and whether the subject matter was immediately investigated?

(b) Is it true that no reply was given and no interview was granted on his behalf to anybody representing them?

(c) Is it a fact that the matter of these grievances remained in abeyance for a long time and a further memorandum was submitted some time last October?

(d) If the reply to (c) be in the affirmative will he be pleased to look into the matter at the earliest date?

(e) Is it a fact that allegations of bad treatment from the superior officers were made in such memorandum and complaints were made of exacting hard work particularly from one section of his staff?

(f) If the reply be in the affirmative to (d) will he remove the cause of such complaints?

### Reply:

(a) The answers to both parts of the question are in the affirmative.

(b) No reply was given until recently, as action was being taken to remedy the grievances set out in the petition. No interview was granted as none was requested.

(c) The answer to the first part of the question is in the negative and the answer to the second part of the question in the affirmative. The grievances resulted from pressure of work and shortage of staff, and the remedy lay in the engagement of additional staff. On representations made by me, provision has been inserted in the Estimates for 1942 for 38 additional clerks. I trust that, as the new clerks gain experience, the present pressure of work will gradually diminish.

(d) In view of the action taken, this question does not arise.

(e) The answer is in the affirmative.

(f) This is covered by my reply to (d).

### No. 81—CUSTOMS STAFF

BY DR. A. U. SHETH:

Will the hon. Commissioner of Customs state:—

(a) What is the salary offered to some Asian clerks who have been recently engaged for

**[Dr. Sheth]**

checking customs declarations and who have had the experience of such work previously in commercial firms?

(b) Will he be pleased to state further if these clerks are to be made permanent in his department after some period, say 12 months, at a rising salary from the present scale?

*Reply:*

(a) Salaries varying from Sh. 225 to Sh. 250 per mensem.

(b) Subject to satisfactory efficiency and conduct, the clerks concerned will be granted letters of permanent appointment, and will be eligible for increments on the ordinary clerical scale.

**No. 83—ADULTERATION OF GHEE**

**BY DR. A. U. SHETH:**

Will Government state:—

(a) If they are aware of the practice of mixing foreign materials in the locally manufactured ghee by some producers?

(b) If the reply be in the affirmative will they cause an inquiry to be made into the matter and take effective steps with a view to making pure ghee available to consumers?

*Reply:*

(a) The answer is in the affirmative.

(b) It is the intention of Government to investigate the matter further with a view to taking such action as may be possible under the appropriate ordinance.

**No. 84—MAKOI-LAMU FERRY**

**BY MR. KASIM:**

Is Government aware of the fact that owing to there being no ferry to transport motor cars and lorries between Makoi and Lamu, visitors to and from Lamu experience great hardship; and in view of the present situation of there being no steamer service between Mombasa and Lamu is it not highly desirable that road communication between Lamu and Mombasa be improved?

Has Government's attention been drawn to the letter appearing in the

*East African Standard* dated 12th December, 1941 (page 16), in connexion with the necessity of having a ferry between Makoi and Lamu, a distance of approximately 200 yards, to link Lamu, the third largest town in Kenya, with the mainland?

Will Government please state when it is proposed to put a ferry at this point?

*Reply:*

As regards the first part of the question, the Government cannot agree that a ferry service to Lamu from the mainland is justified for the benefit of the few visitors that visit Lamu. Further, there are no motor roads on Lamu Island, where all transport is carried out by donkeys or head-loads. The road between Mombasa and Makoi has been considerably improved in recent years.

The answer to the second part of the question is in the negative.

As regards the third part of the question; for the reasons explained above the Government does not consider that a ferry is necessary at present and does not propose to provide one.

**No. 85—RAILWAY INDIAN ARTISANS**  
**BY MR. ISHER DASS:**

In view of the fact that Government has appointed the Director of Man Power as Chairman of the Tribunal to inquire into any dispute concerning Railway Indian artisans by Government Notice No. 340 dated 15th April, 1941, will Government please refer to him for investigation the whole question of the terms of service of the Indian artisans employed by the Kenya and Uganda Railways and Harbours and also to inquire into the matter contained in a representation recently made to the High Commissioner for Transport and referred to by the hon. General Manager in his budget speech?

*Reply:*

The answer is in the negative. The question was recently very carefully considered by the Railway Advisory Council, and the substantial improvements in the terms of service which it recommended were approved by the High Commissioner for Transport.

# Index to the Legislative Council Debates

## OFFICIAL REPORT

### SECOND SERIES

### VOLUME XIII

Second Session: 18th November to 19th December, 1941

#### EXPLANATION OF ABBREVIATIONS

Bills: Read First, Second or Third time—1R, 2R, 3R;  
Com.—In Committee; SC.—Referred to Select Committee; SCR.—Select Committee Report; Re.Cl.—Re-committed to Council.

#### Administration of Oath—

Hamp, A. E., 1; Pedraza, R., 1; Sheth, Dr. A. U., 69

#### Attorney General—

See Harragin, Mr. W.

#### Bills—

Appropriation, 1R, 608; 2R, 608; Com. 608-9; 3R, 609

Arms and Ammunition (Amendment), 1R, 330; 2R, 445; Com. 446; 3R, 447

Control of Grass Fires, 1R, 330; 2R, 377; SC. 392; SCR. 597; 3R, 608

Credit Trade with Natives (Amendment), 1R, 27; 2R, 62; Com. 68; 3R, 68

Criminal Procedure Code (Amendment), 1R, 27; 2R, 42; Com. 68; 3R, 68

Crown Lands (Amendment), 1R, 27; 2R, 426; SC. 437; SCR. 596; 3R, 608

Dangerous Petroleum Tax (Amendment), 1R, 28; 2R, 28; Com. 28; 3R, 28

\*Estate Duty (Consolidation) (Amendment), SCR. 418; 3R, 420

Forest, 1R, 27; 2R, 42; SC. 62; SCR. 415; 3R, 418

His Majesty's Forces Pensions, 1R, 27; 2R, 65; Com. 68; 3R, 68

Increase of Rent and of Mortgage Interest (Restrictions) (Amendment), 1R, 230; 2R, 406; SC. 412; SCR. 593; 3R, 608

Kenya and Uganda Railway (Amendment), 1R, 330; 2R, 390; SC. 392; SCR. 597; 3R, 608

Legislative Council (War Provisions), 1R, 330; 2R, 422; Com. 446; 3R, 447

Local Government (District Councils)

(Amendment), 1R, 330; 2R, 392; SC. 392; SCR. 597; 3R, 608

Local Government (Municipalities) (Amendment No. 2), 1R, 330; 2R, 391; SC. 392; SCR. 597; 3R, 608

Matrimonial Causes (Amendment), 1R, 330; 2R, 444; Com. 446; 3R, 447

Penal Code (Amendment), 1R, 27; 2R, 41; Com. 68; 3R, 68

Pyrethrum (Amendment No. 2), 1R, 330; 2R, 420; SC. 422; SCR. 597-3R, 608

Registration of Titles (Amendment), 1R, 330; 2R, 442; Com. 446; 3R, 447

Resident Labourers (Amendment), 1R, 451; 2R, 495; SC. 511; SCR. 595; 3R, 608

Savings Bank (Amendment), 1R, 27; 2R, 63; Com. 68; 3R, 68

Stock and Produce Theft (Levy of Fines) (Amendment), 1R, 27; 2R, 64; Com. 68; 3R, 68

Succession Act (Amendment), 1R, 27; 2R, 67; Com. 68; 3R, 68

Supplementary Appropriation, 1R, 27; 2R, 377; Com. 446; 3R, 447

Trusts of Land, 1R, 330; 2R, 437; Com. 446; 3R, 447

War Revenue (Customs and Excise), 1R, 330; 2R, 452; Com. 455; 3R, 456

War Risks Insurance (Amendment No. 2), 1R, 330; 2R, 443; Com. 446; 3R, 447

War Taxation (Income Tax) (Amendment), 1R, 330; 2R, 392; SC. 406; SCR. 591; 3R, 608

#### Blunt, Mr. D. L.—

Control of Grass Fires Bill, 386

Draft Estimates, 1942, 256, 543

Pyrethrum (Amendment No. 2) Bill, 420

\* For 1R, 2R, and SC., see Vol. XII.

- Bcuwer, Mr. W. A. C.**—  
Control of Grass Fires Bill, 384  
Draft Estimates, 1942, 155, 476, 535, 536  
Resident Labourers (Amendment) Bill, 501, 508
- Brown, Mr. T. A.**  
Control of Grass Fires Bill, 377, 388, 597  
Kenya and Uganda Railway (Amendment) Bill, 390, 391, 597  
Local Government (District Councils) (Amendment) Bill, 392, 597  
Local Government (Municipalities) (Amendment No. 2) Bill, 391, 597  
Pyrethrum (Amendment No. 2) Bill, 597  
War Risks Insurance (Amendment No. 2) Bill, 443
- Cavendish-Bentinck, Major F. W.**—  
Crown Lands (Amendment) Bill, 430  
Draft Estimates, 1942, 297, 312, 524, 536, 539, 542, 548  
K.U.R. & H. Estimates, 341  
Loan to H.M. Government, 581
- Chief Native Commissioner**—  
See Hosking, Mr. E. B.
- Chief Secretary**—  
See Rennie, Mr. G. M.
- Commissioner of Lands and Settlement**—  
See Mortimer, Mr. C. E.
- Communications from the Chair**—  
I, 216, 327, 371, 448, 608
- Conservator of Forests**—  
See Gardner, Mr. H. M.
- Cooke, Mr. S. V.**—  
Coffee Control Commission of Inquiry, 35, 36  
Commissions *functus officio*, 329  
Control of Grass Fires Bill, 386  
Crown Lands (Amendment) Bill, 430  
Defence Regulation No. 53 of 1940, 34  
Draft Estimates, 1942, 173, 210, 280, 290, 293, 294, 321, 322, 470  
Elephant control, 32  
Forest Bill, 53, 416  
K.U.R. & H. Estimates, 350  
Kenya Supply Board, 495  
Lari and Kerita Forests excisions, 35  
Legislative Council (War Provisions) Bill, 425  
Loan to H.M. Government, 563, 564, 580  
National parks, 33
- Point of order, 499  
Resident Labourers (Amendment) Bill, 500  
Savings Bank (Amendment) Bill, 64
- Corrigenda**—  
Col. 394: in fifth line of last paragraph for "some" read "more".  
Col. 405: lines 14 and 15 of last paragraph should read, "virtually the policy of no income tax, and the operation of any debt redemption".
- Daubney, Mr. R.**—  
Draft Estimates, 1942, 254
- Director of Agriculture**—  
See Blunt, Mr. D. L.
- Director of Education**—  
See Lacey, Mr. A. T.
- Director of Medical Services**—  
See Paterson, Dr. A. R.
- Director of Public Works**—  
See Stronach, Mr. J. C.
- Director of Veterinary Services**—  
See Daubney, Mr. R.
- East African Campaign**—  
Fall of Gondar, 216  
Union of South Africa Forces, 604
- Farrar, Lady Sidney**—  
Draft Estimates, 1942, 179, 531, 542  
War Taxation (Income Tax) (Amendment) Bill, 400, 405
- Fazan, Mr. S. H.**—  
Resident Labourers (Amendment) Bill, 510
- Financial Secretary**—  
See Lockhart, Mr. C. R.
- Gardner, Mr. H. M.**—  
Forest Bill, 42, 49, 60, 415
- General Manager, K.U.R. & H., Acting**—  
See Hamp, Mr. A. E.
- Governor, H.E. the**—  
See Moore, Sir Henry.
- Grogan, Col.**—  
Crown Lands (Amendment) Bill, 432, 436  
Draft Estimates, 1942, 216, 458, 478, 539, 553  
Legislative Council (War Provisions) Bill, 423  
Loan to H.M. Government, 574  
Loan to Nairobi Municipality, 375  
Standing Finance Committee, appointment of, 73  
War Revenue (Customs and Excise) Bill, 455  
War Taxation (Income Tax) (Amendment) Bill, 398, 404

- Hamp, Mr. A. E.**—  
K.U.R. & H.—  
Asian staff, 36  
Employees' furniture, 36  
Estimates, 330, 332, 363  
Indian artisans, 31  
Pensions schemes, 493  
Restaurant car staff, 29  
Staff remittances, 494  
Use of cotton-seed as fuel, 414
- Harragin, Mr. W.**—  
Bills—  
Appropriation, 608, 609  
Arms and Ammunition (Amendment), 445  
Criminal Procedure Code (Amendment), 42  
Crown Lands (Amendment), 434  
Forest, 58, 417  
H.M. Forces Pensions, 67  
Increase of Rent and of Mortgage Interest (Restrictions) (Amendment), 406, 411, 593  
Legislative Council (War Provisions), 422, 425, 426  
Matrimonial Causes (Amendment), 444  
Penal Code (Amendment), 41  
Registration of Titles (Amendment), 442  
Resident Labourers (Amendment), 507, 508, 595  
Stock and Produce Theft (Levy of Fines) (Amendment), 64  
Succession Act (Amendment), 67  
Trusts of Land, 437  
Coffee Control Commission of Inquiry, 36  
Commissions *functus officio*, 329  
Defence Regulation No. 53/1940, 34, 35  
Draft Estimates, 1942, 270, 545, 548  
Standing Finance Committee, appointment of, 72
- Hebden, Mr. G. B.**—  
Draft Estimates, 1942, 534  
Savings Bank (Amendment) Bill, 63
- Hosking, Mr. E. B.**—  
Credit Trade with Natives (Amendment) Bill, 62  
Draft Estimates, 1942, 262, 299  
Resident Labourers (Amendment) Bill, 509  
War loan, 40
- Isher Dass, Mr.**—  
Asian staff, K.U.R. & H., 36  
Compulsory education, 603, 604  
Cost of living, 113  
Draft Estimates, 1942, 234  
Employees' furniture, K.U.R. & H., 36  
H.M. Forces Pensions Bill, 66  
Indian artisans, K.U.R. & H., 32, 612  
K.U.R. & H. Estimates, 344  
K.U.R. & H. pensions schemes, 492, 493  
K.U.R. & H. staff remittances, 494
- Kasim, Mr. R.**—  
Cost of living, 70  
Draft Estimates, 1942, 162  
Indian traders, Soudi market, 30  
Indian artisans, K.U.R. & H., 30  
K.U.R. & H. Estimates, 358  
Makoi-Lamu ferry, 611  
Restaurant car staff, K.U.R. & H., 29  
Standing Finance Committee, appointment of, 85  
Use of cotton-seed as fuel, 413
- Kirkwood, Col. J. G.**—  
Control of Grass Fires Bill, 385  
Draft Estimates, 1942, 191, 200, 261, 281, 511, 538, 540, 548  
Forest Bill, 55  
K.U.R. & H. Estimates, 354, 368, 369  
Loan to H.M. Government, 574  
Resident Labourers (Amendment) Bill, 502  
War Taxation (Income Tax) (Amendment) Bill, 400, 406
- Lacey, Mr. A. T.**—  
Compulsory education, 599, 600  
Draft Estimates, 1942, 249, 522
- Lockhart, Mr. C. R.**—  
Cost of living, 70, 113  
Dangerous Petroleum Tax (Amendment) Bill, 28  
Draft Estimates, 1942, 73, 103, 158, 217, 309, 534, 535, 536, 538, 539, 540, 542  
Entertainment Tax Ordinance, 1931, 591  
Estate Duty (Consolidation) (Amendment) Bill, 418, 420  
H.M. Forces Pensions Bill, 65, 67  
Income tax, 69, 451  
Kenya Supply Board, 494, 495  
Loan accounts, 37, 38, 590  
Loan to H.M. Government, 558, 564, 584  
Loan to Nairobi Municipal Council, 373, 375  
Schedules of Additional Provision, 37, 377  
Traders' licences, 228  
War loan, 39, 40  
War Revenue (Customs and Excise) Bill, 452, 455

- War Taxation (Income Tax) (Amendment) Bill, 392, 398, 402, 591
- Moderà, Col. F. S.—**  
Draft Estimates, 1942, 122, 528, 556  
Estate Duty (Consolidation) (Amendment) Bill, 419  
Income tax, 69, 450  
Increase of Rent and of Mortgage Interest (Restrictions) (Amendment) Bill, 410  
War Revenue (Customs and Excise) Bill, 454
- Montgomery, Mr. H. R.—**  
Draft Estimates, 1942, 170, 517  
Resident Labourers (Amendment) Bill, 509
- Moore, Sir Henry—**  
Communications from the Chair, 1, 216, 327, 371, 448, 608  
Draft Estimates, 1942, 213  
Loan to H.M. Government, 571  
Loan to Nairobi Municipal Council, 374  
Ruling on point of order, 499  
Standing Finance Committee, 73, 85  
Valedictory, 338, 589
- Motions—**  
Compulsory education, 599  
Draft Estimates to Standing Finance Committee, 73, 86, 114, 155, 200, 216  
Draft Estimates, Standing Finance Committee report, 457, 511, 543  
East African campaign, Union of South Africa Forces, 605  
Entertainment Tax Ordinance, 1931, 591  
K.U.R. & H. Estimates, 330, 332  
Loan charges, 37, 38, 590  
Loan to H.M. Government, 558  
Loan to Nairobi Municipal Council, 373  
Schedules of Additional Provision, 37, 371, 377, 456  
Standing Finance Committee, appointment of, 70, 85  
War loan, 39
- Mortimer, Mr. C. E.—**  
Crown Lands (Amendment) Bill, 426, 436, 596  
Draft Estimates, 1942, 253  
Resident Labourers (Amendment) Bill, 495, 499, 510
- Nicol, Mr. W. G.—**  
Draft Estimates, 1942, 127, 316, 317, 518  
East African campaign, 605
- Estate Duty (Consolidation) (Amendment) Bill, 419  
Increase of Rent and of Mortgage Interest (Restrictions) (Amendment) Bill, 409, 594  
K.U.R. & H. Estimates, 352  
Legislative Council (War Provisions) Bill, 424  
Loan to H.M. Government, 566  
War loan, 39  
War Revenue (Customs and Excise) Bill, 454  
War Taxation (Income Tax) (Amendment) Bill, 397
- Pandya, Mr. J. B.—**  
Compulsory education, 602  
Crown Lands (Amendment) Bill, 434  
Draft Estimates, 1942, 98, 114, 271, 273, 489  
K.U.R. & H. Estimates, 361  
Loan to H.M. Government, 578, 580  
Standing Finance Committee, 71, 85
- Papers Laid—**  
26, 69, 200, 328, 413, 450, 492, 543
- Paterson, Dr. A. R.—**  
Draft Estimates, 1942, 229
- Point of Order—**  
499
- Presentation of Insignia—**  
1
- Procedure in Committee on Bills—**  
446
- Questions, Oral Answers to—**  
54—Restaurant car staff, K.U.R. & H., 29  
55—Indian traders, Sondu market, 30  
56—Indian artisans, K.U.R. & H., 32  
59—Elephant control, 32  
60—National parks, 33  
61—Defence Regulation No. 53 of 1940, 34  
62—Lari and Kerita Forests excision, 35  
63—Coffee Control Commission, 35  
65—K.U.R. & H. pensions schemes, 492  
66—K.U.R. & H. staff remittances, 491  
67—Asian staff, K.U.R. & H., 36  
68—Employees' furniture, K.U.R. and H., 36  
69—Registration of Domestic Servants Ordinance, 37  
70—Cost of living, 113  
71—Income tax collections, 69  
72—Cost of living, 70  
73—Traders' licences, 328

- 74—Land Tenure Committee, 113  
75—Kenya Supply Board, 494  
76—Commissions *functus officio*, 329  
77—Use of cotton-seed for fuel, 413  
78—Income tax collections, 450  
79—Income tax assessments, 451  
82—Crime in Mombasa, 588
- Questions, Written Answers to—**  
80—Customs staff, 609  
81—Customs staff, 610  
83—Adulteration of ghee, 611  
84—Makoi-Lamu ferry, 611  
85—Indian artisans, K.U.R. & H., 612
- Rennie, Mr. G. M.—**  
Crime in Mombasa, 588  
Draft Estimates, 1942, 178, 184, 283, 457, 458, 518, 548, 553, 555, 556, 558  
East African campaign, 605  
Elephant control, 33  
Indian traders, Sondu market, 30  
K.U.R. & H. Estimates, 362  
Land Tenure Committee, 113  
Lari and Kerita Forests excision, 35  
National parks, 34  
Registration of Domestic Servants Ordinance, 37  
Schedules of Additional Provision, 371, 456  
Standing Finance Committee, 70
- Scott, Lord Francis—**  
Compulsory education, 601, 603  
Control of Grass Fires Bill, 383  
Draft Estimates, 1942, 86, 312, 471  
East African campaign, 603  
Forest Bill, 47  
Kenya and Uganda Railway (Amendment) Bill, 390  
K.U.R. & H. Estimates, 359  
Land Tenure Committee, 113  
Loan to H.M. Government, 561  
Resident Labourers (Amendment) Bill, 500  
Standing Finance Committee, 71  
War Revenue (Customs and Excise) Bill, 453
- Seasonal Greetings—**  
609
- Select Committees—**  
Control of Grass Fires, Kenya and Uganda Railway (Amendment), Local Government (Municipalities) (Amendment), Local Government (District Councils) (Amendment) Bills, 392  
Crown Lands (Amendment) Bill, 437
- Forest Bill, 62  
Increase of Rent and of Mortgage Interest (Restrictions) (Amendment) Bill, 412  
Pyrethrum (Amendment No. 2) Bill, 422  
Resident Labourers (Amendment) Bill, 511  
War Taxation (Income Tax) (Amendment) Bill, 406
- Shamsud-Deen, Mr.—**  
Draft Estimates, 1942, 165, 529  
Loan to H.M. Government, 567  
Standing Finance Committee, 72
- Sheriff Abdulla bin Salim—**  
Draft Estimates, 1942, 171, 522  
H.M. Forces Pensions Bill, 67  
Standing Finance Committee, 72
- Sheth, Dr. A. U.—**  
Adulteration of ghee, 611  
Crime in Mombasa, 588
- Stronach, Mr. J. C.—**  
Draft Estimates, 1942, 186
- Suspension of Standing Rules and Orders—**  
27
- Valedictory—**  
Hon. C. R. Lockhart, 589; Brig.-Gen. Sir G. D. Rhodes, 338
- Watkins, Mrs.—**  
Draft Estimates, 1942, 140, 485, 555  
Forest Bill, 49, 61  
K.U.R. & H. Estimates, 349  
Kenya Supply Board, 494  
Legislative Council (War Provisions) Bill, 424  
Loan to H.M. Government, 568, 569  
Loan to Nairobi Municipal Council, 373, 375  
Resident Labourers (Amendment) Bill, 507  
Traders' licences, 328
- Wilson, Dr. C. J.—**  
Crown Lands (Amendment) Bill, 435, 436  
Draft Estimates, 1942, 222, 533  
K.U.R. & H. Estimates, 339  
Forest Bill, 56  
Registration of Domestic Servants Ordinance, 37  
Resident Labourers (Amendment) Bill, 503
- Wright, Mr. E. H.—**  
Draft Estimates, 207, 514  
Forest Bill, 48, 49

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18th Nov., to 19th Dec., 1941.

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