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COLONY AND PROTECTORATE OF KENYA

LEGISLATIVE COUNCIL DEBATES OFFICIAL REPORT

SECOND SERIES

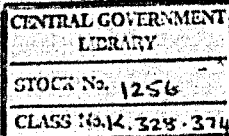
VOLUME XVII

1943

Second Session: 14th September to 15th December, 1943

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List of Members of the Legislative Council

President:

HIS EXCELLENCY THE GOVERNOR, SIR HENRY MOORE, G.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, ACTING (HON. J. F. G. TROUGHTON, M.B.E.). (1)
CHIEF NATIVE COMMISSIONER (HON. E. B. HOSKING, O.B.E.).
DIRECTOR OF MEDICAL SERVICES (DR. THE HON. F. J. C. JOHNSTONE). (2)
DIRECTOR OF AGRICULTURE, ACTING (HON. A. B. KILICK, (3)
DIRECTOR OF EDUCATION (HON. A. T. LACEY, O.B.E.).
GENERAL MANAGER, K.U.R. & H. (HON. R. E. ROBINS, C.M.G., O.B.E.).
DIRECTOR OF PUBLIC WORKS (HON. J. C. STRONACH, C.M.G.).
COMMISSIONER OF CUSTOMS (HON. E. E. LORD). (4)
COMMISSIONER OF LANDS AND SETTLEMENT (HON. C. E. MORTIMER, C.B.E.).

Nominated Official Members:

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

European Elected Members:

MAJOR THE HON. F. W. CAVENDISH-BENTINCK, C.M.G., Nairobi North.
HON. S. V. COOKE, Coast.
HON. F. J. COULDREY, Nyanza.
HON. W. A. C. BOUWER, Uasin Gishu (Acting). (5)
COL. THE HON. E. S. GROGAN, D.S.O., Ukamba.
MAJOR THE HON. A. G. KEYSER, Trans Nzoia (Acting). (6)
HON. W. G. D. H. NICOL, Mombasa.
LT. COL. THE HON. LORD FRANCIS SCOTT, K.C.M.G., D.S.O., Rift Valley.
HON. A. VINCENT, Nairobi South.
HON. MRS. O. F. WATKINS, Kiambu.
HON. E. H. WRIGHT, Aberdare.

LIST OF MEMBERS OF THE LEGISLATIVE COUNCIL—Contd.

Indian Elected Members:

HON. SHAMSUD-DEEN (Central).
HON. S. G. AMIN (Central). (7)
HON. A. B. PATEL (Eastern).
HON. K. R. PAROO (Eastern).
HON. R. KASIM (Western). (8)

Arab Elected Member:

HON. SHERIFF ABDULLA SALIM.

Nominated Unofficial Members:

Representing the Interests of the African Community—
HON. H. R. MONTGOMERY, C.M.G.
REV. THE HON. L. J. BEECHER. (9)

Representing the Interests of the Arab Community—
HON. SOUD BIN ALI.

Clerk to Legislative Council:

MR. R. P. ARMITAGE (Acting).

Reporter:

Mr. A. H. Edwards.

- (1) *Vice* Mr. L. Tester, C.M.G., O.B.E., Financial Secretary, seconded for special duties.
- (2) *Vice* Dr. A. R. Paterson, C.M.G., retired, from 9th November, 1943.
- (3) *Vice* Mr. D. L. Blunt, on leave.
- (4) *Vice* Mr. A. W. Northrop, on leave, from 13th December, 1943.
- (5) *Vice* Major H. P. Hill, acting for Lt.-Col. S. G. Gherrie, O.B.E. (who resigned).
- (6) *Vice* Lt.-Col. J. G. Kirkwood, C.M.G., D.S.O., on leave.
- (7) Took seat on 14th September, 1943.
- (8) Died 22nd November, 1943.
- (9) *Vice* Dr. C. J. Wilson, C.M.G., M.C., resigned.

ABSENTEES FROM LEGISLATIVE COUNCIL SITTINGS

14th September—

Hon. S. O. V. Hodge, C.M.G.
Hon. G. B. Hebden, C.M.G.
Hon. Arab Elected Member.

15th September—

Hon. S. O. V. Hodge, C.M.G.
Hon. G. B. Hebden, C.M.G.
Hon. Arab Elected Member.

16th September—

Hon. S. O. V. Hodge, C.M.G.
Hon. G. B. Hebden, C.M.G.
Hon. Arab Elected Member.

21st September—

Hon. G. B. Hebden, C.M.G.
Hon. K. L. Hunter, O.B.E.
Hon. Arab Elected Member.
Hon. H. R. Montgomery.
Hon. Arab Nominated Member.

22nd September—

Hon. K. L. Hunter, O.B.E.
Hon. Arab Elected Member.
Hon. Arab Nominated Member.

9th November—

Hon. T. A. Brown.
Hon. Member for Ukamba.
Hon. Member for Uasin Gishu.
Hon. Arab Elected Member.
Hon. Arab Nominated Member.

10th November—

Hon. Member for Uasin Gishu.
Hon. Arab Elected Member.
Hon. Arab Nominated Member.

16th November—

Hon. Member for Uasin Gishu.
Hon. Member for Trans Nzoia.
Hon. Arab Elected Member.
Hon. Arab Nominated Member.

17th November—

Hon. Member for Nairobi North.
Hon. Member for Uasin Gishu.
Hon. Arab Elected Member.
Hon. Arab Nominated Member.

ABSENTEES FROM LEGISLATIVE COUNCIL SITTINGS—Contd.

18th November—

Hon. G. B. Hebden, C.M.G.
Hon. Member for Uasin Gishu.
Hon. Arab Elected Member.

19th November—

Hon. G. B. Hebden, C.M.G.
Hon. Member for Uasin Gishu.
Hon. Member for Western Area.
Hon. Arab Elected Member.

7th December—

Hon. G. B. Hebden, C.M.G.
Hon. Arab Elected Member.
Hon. Arab Nominated Member.

8th December—

Hon. G. B. Hebden, C.M.G.
Hon. Arab Elected Member.
Hon. Arab Nominated Member.

9th December—

Hon. Commissioner of Customs.
Hon. C. Tomkinson.
Hon. G. B. Hebden, C.M.G.
Hon. Member for Nairobi North.
Hon. Member for Uasin Gishu.
Hon. Member for Trans Nzoia.
Hon. Arab Elected Member.
Hon. Arab Nominated Member.

13th December—

Hon. General Manager, K.U.R. & H.
Hon. Commissioner of Customs.
Hon. Arab Elected Member.
Hon. Arab Nominated Member.

14th December—

Hon. Acting Director of Medical Services.
Hon. General Manager, K.U.R. & H.
Hon. K. L. Hunter, O.B.E.
Hon. Arab Elected Member.
Hon. Arab Nominated Member.

15th December—

Hon. Acting Director of Medical Services.
Hon. General Manager, K.U.R. & H.
Hon. K. L. Hunter, O.B.E.
Hon. Member for Eastern Area (Mr. K. R. Paroo).
Hon. Arab Elected Member.
Hon. Arab Nominated Member.



COLONY AND PROTECTORATE OF KENYA

LEGISLATIVE COUNCIL DEBATES

SECOND SESSION, 1943

Tuesday, 14th September, 1943

Council assembled at the Memorial Hall, Nairobi, at 11 a.m. on Tuesday, 14th September, 1943, His Excellency the Governor (Sir Henry Moore, G.C.M.G.) presiding.

His Excellency opened the Council with prayer.

The proclamation summoning Council was read.

ADMINISTRATION OF OATH

The Oath of Allegiance was administered to: J. F. G. Troughton, Esq., M.B.E., Acting Financial Secretary; A. B. Killick, Esq., Acting Director of Agriculture; Major H. P. Hill, Acting Member, Uasin Gishu; Mr. S. G. Amin, Central Area; Rev. L. J. Beecher, Native Interests.

MINUTES

The minutes of the meeting of 24th March, 1943, were confirmed.

PAPERS LAID

The following papers were laid on the table:—

BY THE CHIEF SECRETARY (MR. RENNIE):
Audit report on K.U.R. & H. Accounts for 1942 with copy of Transport dispatch No. 45 thereon, Colonial Audit Department annual report 1941 with copy of Kenya dispatch No. 78 thereon, Game Department annual report 1942, Game Policy Committee interim report, Kenya Police annual report, 1942, Labour Department annual report, 1942, Posts and Telegraphs Department annual report, 1942, Printing and Stationery Department annual report, 1942, Prisons Department annual report, 1942, Registrar General's Department annual report, 1942, Correspondence regarding Kenya Land Tenure Committee report.

BY THE ATTORNEY GENERAL (MR. HARRAGIN):

Select committee report on the Alienation of Immovable Property (Restriction) Bill, Transport Licensing Board annual report, 1942.

BY THE ACTING FINANCIAL SECRETARY (MR. TROUGHTON):

Financial Report and Statement for 1942, Statement of deposits and withdrawals Kenya Savings Bank 1942, Kenya, Uganda, and Tanganyika Savings Bank annual report, 1942, Schedules of Additional Provision Nos. 5 of 1942, 1 and 2 of 1943.

BY THE ACTING DIRECTOR OF AGRICULTURE (MR. KILLICK):

Department of Agriculture annual report, 1942;

BY THE DIRECTOR OF EDUCATION (MR. LACEY):

Education Department annual report, 1942.

BY THE GENERAL MANAGER, K.U.R. & H. (MR. ROBINS):

Annual report on administration of K.U.R. & H. for 1942.

BY THE DIRECTOR OF PUBLIC WORKS (MR. STRONACH):

Public Works Department annual report, 1942.

BY THE COMMISSIONER OF CUSTOMS (MR. NORTHROP):

Kenya and Uganda annual trade report, 1942.

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

Returns of land grants January-March, April-June, 1943, Land and Settlement Department annual report, 1942, Commissioner of Local Government annual report, 1942.

BY MR. GARDNER (CONSERVATOR OF FORESTS):

Forest Department annual report, 1942.

By Mr. BROWN (SOLICITOR GENERAL):
Select Committee report on Palm Wine Bill.

By Mr. DAUBNEY (DIRECTOR OF VETERINARY SERVICES):
Veterinary Department annual report, 1942.

By Mr. PEDRAZA (COMMISSIONER OF MINES):
Mining and Geological Department annual report, 1942.

ORAL ANSWERS TO QUESTIONS

NO. 17—TANGA-MOSHI TRAIN SERVICE

Mr. KASIM (Western Area):

(a) Is the K.U.R. and H. Administration aware of the fact that the Tanga-Moshi passenger train services have no through connexions from Moshi to Voi, as a result of which passengers for Kenya from Tanganyika have to stay for about 28 hours at Moshi, where, owing to lack of sufficient hotel or waiting-room accommodation and owing to food rationing having been introduced at Moshi, they suffer great inconvenience and hardship?

(b) If the reply is in the affirmative, will the Administration arrange services or if, owing to present shortage of rolling stock this cannot be done, will the Administration authorize the Transport Licensing Board in Kenya to issue a licence for a bus service between Voi and Moshi to any private firm or firms which may desire to run buses on that section?

Mr. ROBINS: The Kenya and Uganda Railways and Harbours Administration is aware that passengers from stations between Tanga and Moshi to Kenya have to wait in Moshi 28 hours, but passengers from the Arusha Branch Line and passengers from Kenya to Tanganyika via Moshi can continue their journey without delay at Moshi.

The Kenya and Uganda Railways and Harbours cannot improve the connexion at Moshi for passengers from stations between Tanga and Moshi except by an expensive method of operation and then only at the expense of the Arusha Line connexions. It has always been represented to the Administration by the people of the Northern Province of Tanganyika that it is more important to maintain a good passenger train connexion at Moshi with the Arusha Line.

The Railway Administration has no power to authorize the Transport Licensing Board to issue licences for road services.

NO. 18—REQUISITIONING OF HOUSES

Mr. COOKE (Coast):

Will Government say why the East African Lightering Co., Ltd., a stevedoring company in Mombasa employed on most essential war work, has been deprived by requisitioning of a dwelling house required for the housing of its staff, in spite of the unanimous recommendation to the contrary by the Mombasa General Emergencies Committee composed of the Provincial Commissioner, the District Commissioner, the two Coast members of Legislative Council, and several prominent citizens of Mombasa whose function it is to advise Government in such matters?

Mr. RENNIE: The premises in question had been leased by the Deputy Assistant Director Hirings, Mombasa, from the 6th of September, 1942, and used as office accommodation for a considerable number of Naval personnel. When the owners of the building (the E.A. Lightering and Stevedoring Co., Ltd.), gave notice of their intention to terminate the lease on the 31st of March, 1943, in order to house a stevedore and his wife and family, the Government, after careful consideration of the representations made on the subject by all interested parties, decided that it was in the public interest that the building should continue to be used as office accommodation for the Naval personnel. The premises were therefore requisitioned.

NO. 20—FOREST FIRES

Mr. COOKE:

(a) Has the Government been able to trace the reason or reasons of the recent disastrous forest fires? If so, what are they?

(b) Have there been any prosecutions with regard to these fires and if so, how many Africans and non-Africans respectively have been prosecuted?

(c) Has the Government considered the formation of mobile fire-fighting units to control these outbreaks?

(d) Is the Government satisfied that every measure practical and possible is

[Mr. Cooke]

being taken to prevent such fires in the future?

(e) If not, is the limiting factor finance or personnel, either or both?

Mr. GARDNER: I will answer parts (a) and (b) of the question together.

There were about 200 fires in or adjoining the Forest Reserves during the past dry season. In only two areas did these get out of hand and attain large dimensions, namely in the North-Western Aberdares and in the Nanyuki-Timau district. It is presumed it is to these two fires that the hon. member refers. In each case there were several fires, which eventually joined up, with different origins probably all accidental though contributed to by carelessness in some cases. On the Aberdares two known causes were rubbish burning by a native and a shot at a buck by a European member of the armed forces on farms adjoining the forest. The native was prosecuted and convicted. The European was exonerated after an inquiry on the spot by the military authorities. Other parts of the fire were thought to have been caused by native honey-hunters and by escaping prisoners of war but no proof was obtainable. In the Nanyuki area one fire appeared to start from a Military camp. It was considered after both a military and a magisterial inquiry that the actual cause was the carelessness of an African cook but the magistrate did not consider that a prosecution would be justified. A second fire was started by a native on a farm but this was shown to be purely accidental. There were several other fires of which the origin could not be traced for certain but some of which must have been due to honey-hunters and others to carelessness of natives on farms and in military camps near the forest boundary. The reason for the seriousness of these fires was the exceptional nature of the season in which severe frosts killed the vegetation and so added to the effects of an unusually prolonged drought and extremely high winds.

(c) The Forest Department has its forest squatters' locations as widely distributed as is practicable in order to have labour available near to possible outbreaks. This has sufficed in normal seasons aided occasionally by additional labour brought by hired lorry. It is intended to develop the system of access roads into the forests and the desirability

of maintaining permanent departmental transport in the more dangerous areas is under consideration.

(d) The measures taken have proved reasonably adequate in normal seasons. In a season like the past no precautions can prevent altogether the occurrence of some extensive fires but by the provision of access roads and transport better control should be established.

(e) In view of my reply to part (d) this part of the question does not arise.

NO. 21—TEITA LAND CLAIMS

Mr. COOKE:

(a) Is the Government aware that many Europeans, including Government officials and missionaries who have made a thorough study of this question, consider that the Teita tribe have a just claim to crown lands in the vicinity of Mwatate and Bura?

(b) And is it aware that much of the land in question, which is at present unused, is eminently suitable for the growing of maize?

(c) Will it, therefore, in the interests of equity and production take immediate steps to include the land in the Teita Native Area?

(d) If the Government is reluctant to take the immediate steps suggested above, will it permit the Teita tribesmen to cultivate the land without prejudice to future adjudication, and in the interim appoint a committee of officials and nonofficials to inquire into and adjudicate upon the matter?

Mr. MORTIMER: (a) The Government is aware of the claim of the Teita people for occupation rights over certain portions of Crown land between Mwatate and Bura. The District Commissioner, Teita District, has had the matter under investigation for some time, and with the support of the Provincial Commissioner, Coast Province, has recommended this claim for the consideration of the Government.

(b) The land is not eminently suitable for growing maize, although in years of good rainfall good crops can be reaped. It is, however, very suitable for sorghums and legumes.

(c) In the interests of war production, the Teita were informed early this year that they would be allowed to take up plots on Temporary Occupation Licences at a peppercorn rental. This they refused

(Mr. Mortimer)

to do on the grounds that the land was theirs by right.

(d) The hon. member's attention is invited to Government Notice No. 744 of the 7th of September, 1943, appointing a committee consisting of the hon. Commissioner for Local Government, Lands and Settlement (Chairman), Captain F. O'B. Wilson, C.M.G., D.S.O., and the hon. H. R. Montgomery, C.M.G., to investigate and report upon the claims.

No. 24—MOMBASA AWARD, TRADES DISPUTES TRIBUNAL

MR. COOKE:

What steps, if any, have been taken to implement the recommendations contained in paragraphs 27, 28 and 29 of the Mombasa Award of the Trades Disputes Tribunal concerning the establishment of controlled shops, effective control of prices and the control of houses and single rooms rented by Railway employees?

MR. ROBINS: As regards paragraphs 27 and 28 of the Mombasa Award, the Railway Administration has selected three shops in the African Locations at Mombasa (Shimanzi, Makupa and M'baraki) at which African staff can purchase essential foodstuffs at controlled prices. A European Location Supervisor has been appointed as the executive officer of the Location Management Committee at Mombasa. It is part of this officer's duties to keep in touch with the Mombasa Commodity Distribution Board regarding supplies for these shops and, in conjunction with African members of the Committee, who act as Honorary Price Inspectors, ensure that controlled prices are not exceeded.

The recommendations contained in paragraph 29 of the Award have been implemented by the Kenya Government by the promulgation of the Defence (Control of Ground Rentals at Mombasa) Regulations, 1943, in respect of the control of houses, and by the promulgation of the Defence (Native Sleeping Accommodation) Regulations, 1942, in respect of the control of rentals for single rooms.

No. 25—PENAL CODE

COL. KIRKWOOD (TRANS NZOIA):

Is Government prepared to amend the Penal Code, Chapter XVII, paragraph 174 (3), by deleting therefrom

the last three words (or otherwise howsoever) and thereby clarify the meaning of this section.

Is it not a fact that this section is most ambiguous as at present worded?

Is ambiguity desirable in law? If the answer is in the negative, will Government please state reasons?

MR. HARRAGIN: Government is not prepared to amend the Penal Code in the manner suggested in the question.

Government is advised that the section in question is not ambiguous.

The third part of the question is not understood, but in any event it appears to offend against Standing Rules and Orders, 22 (v).

No. 28—NATIONAL PARKS AND POST-WAR SETTLEMENT

MR. NICOL (Mombasa):

(a) Is Government aware of the importance of fitting in the scheme of national parks with that of post-war settlement, both European and African, in Kenya?

(b) If the answer is in the affirmative will Government arrange for the early reassembling of the Game Policy Committee, so that the final report of that Committee and their recommendations on national parks may be submitted with as little delay as possible?

MR. RENNIE: (a) The answer is in the affirmative.

(b) The Game Policy Committee proposes to devote its attention to the submission of a final report after it has considered and submitted to the Government the draft legislation necessary to give effect to the recommendations contained in its interim report dated the 30th of October, 1942.

It is expected that this draft legislation will be ready shortly for the Committee's consideration.

No. 29—KIBOS ROADS

MR. KASIM:

(a) Is it a fact that the construction of 10 miles of road in the Kibos Indian Settlement Area which was commenced in 1941 still remains uncompleted?

(b) Is it a fact that the Kibos Indian settlers have been clamouring for this road for the past 40 years?

(Mr. Kasim)

(c) Would Government please state what sums were voted for the Kibos Indian Settlement roads in 1941, 1942 and 1943, and what sums remained unused and lapsed and reverted to the Treasury?

(d) Would Government please state the approximate mileages of roads that have been constructed in different parts of the Colony from 1941 to the middle of 1943?

(e) Would Government please state how long it would take to complete the 10 miles of road in the Kibos Indian Settlement Area and the small bridge known as the trolley line bridge in that area?

MR. STRONACH: (a) Yes.

(b) The Government has no record of a request earlier than 1931.

(c) £500 in 1941, £500 in 1942, and £560 in 1943. A sum of £86 was left unspent in 1941 and £230 in 1942. These amounts, totalling £316, are being made available this year in addition to the £560 already voted. An additional amount of £460 is being included in the Draft Estimates for 1944.

(d) About 200 miles of roads and tracks.

(e) It is hoped that the 10 miles of road construction will be completed by June, 1944, at the latest. The bridge, which was not included in the original estimate, will take from three to four months to complete.

BILLS

FIRST READINGS

On the motion of Mr. Harragin the following Bills were read a first time: The Income Tax (Amendment) Bill, the His Majesty's Force Pensions (Amendment) Bill, the Land and Agricultural Bank (Amendment) Bill, the Co-operative Societies Registration (Amendment) Bill, the European Officers Pensions (Amendment) Bill, the Non-European Officers Pensions (Amendment) Bill, the Native Authority (Amendment) Bill, the Traffic (Amendment) Bill, the Police (Amendment) Bill, the Excise Duties (Amendment) Bill, and notice was given to move the subsequent readings at a later stage of the session.

ADJOURNMENT

Council adjourned till 10 a.m. on Wednesday, 15th September, 1943.

Wednesday, 15th September, 1943

Council assembled at the Memorial Hall, Nairobi, at 10 a.m. on Wednesday, 15th September, 1943, His Excellency the Governor (Sir Henry Moore, G.C.M.G.) presiding.

His Excellency opened the Council with prayer.

MINUTES

The minutes of the meeting of 14th September, 1943, were confirmed.

ORAL ANSWERS TO QUESTIONS

No. 19—STOCK MORTALITY, N.F.D.

MR. COOKE:

1. Is it a fact that thousands of cattle and other stock have recently died in the vicinity of the lower reaches of the Uaso Nyiro and in other parts of the Northern Frontier Province?

2. If so, was this mortality due to the lack of water in the lower reaches of that river preventing the stock from using the grazing in the vicinity?

3. If this is so, what steps are the Government taking to avoid this appalling state of affairs in the future?

4. If this is not so, will the Government state the cause or causes of the mortality referred to above?

MR. DAUBNEY: It is not possible to estimate with any degree of accuracy the number of cattle and other stock that died in the Northern Frontier District during and after the present drought, but it is a fact that mortality throughout the Northern Frontier District has been severe.

2-4. I will answer parts 2 to 4 of this question together. The Officer in Charge, Northern Frontier District, states that he cannot say, so far as the lower reaches of the Uaso Nyiro are concerned, how far this mortality was due to the lack of water in those parts of the lower reaches which normally retain water through the dry season, or how far it was due to the grazing within reach of the water having been completely eaten out, but that it seems to have been mainly due to the latter cause.

Occupation of the alienated area in the upper reaches of the drainage area must of necessity reduce the flow of water available in the lower reaches of the Uaso Nyiro. By-passes are at present being

[Mr. Daubney] constructed round the Narok swamp, and through the Pesi swamp, to increase the quantity of water available, and an investigation of the lower reaches of the river is now being made.

MR. COOKE: Failing a settlement of a difficult question, will Government consider putting boreholes in the Uaso Nyiro to avoid this wastage and mortality in the future?

MR. DAUBNEY: I do not believe that boreholes are the correct solution to the difficulty. Water can be obtained in most parts of the lower reaches of the river by digging holes in the sand in the bed of the river, and I do know that the administration in the Northern Frontier Province has assisted in that respect during the present drought.

NO. 22—CIVIL SERVICE LEAVE

MR. COOKE:

(1) Is Government aware that officers are reluctant to proceed to South Africa on leave owing to the (a) cost of living there and (b) to the fact that they are compelled to start a new tour of service on return from such leave?

(2) Is Government aware that an officer's health and efficiency may be gravely impaired by the long tour and extra working hours to which he is subjected during the war?

(3) Will they therefore in order to encourage him to proceed to South Africa (a) arrange to pay him an allowance when there to cover expenses and (b) alter the present arrangement by which he has to start a new tour on return?

MR. RENNIE: (1) Yes.

(2) Yes.

(3) New regulations have been prepared as the result of the Government's examination of the leave position in recent months and will be published shortly. They will cover the points raised by the hon. member.

NO. 23—RETIREMENT OF CIVIL SERVANTS

MR. COOKE:

(a) Is it a fact that there are many senior officers now serving who would have retired before this but for the war?

(b) Does not this not lead to stagnation for more junior officers?

(c) And is not this stagnation likely to lead to the impairment of efficiency?

(d) Will Government therefore take immediate steps to retire all officers due for retirement?

(e) And will they take steps to promote those fit for promotion?

(f) And will they fill the vacancies by employing on a temporary basis officers from the forces no longer fit for active service?

MR. RENNIE: (a) Yes.

(b) Yes.

(c) The possibility exists, but so far there has been little or no evidence of such impairment.

(d) Such a procedure would not be in the best interests of our war effort owing to the great shortage of man power, but retirements are allowed in a few cases for health or other adequate reasons.

(e) Such vacancies as occur among senior officers are suitably filled.

(f) Such a procedure may not always be feasible, but the possibility is kept in mind.

MR. COOKE: In view of the unsatisfactory nature of that reply, I beg to give notice of motion which I will move at the next session: That this Council requests Government to consider the retirement of those senior officers who would normally have retired but for the outbreak of the war.

INCOME TAX (AMENDMENT) BILL SECOND READING

MR. TROUGHTON: Your Excellency, I beg to move that the Income Tax (Amendment) Bill be read a second time.

The objects of this measure can be stated quite plainly and simply. They are, first of all, to prevent legal evasion of the payment of income tax arising mainly from the existence of limited liability companies; secondly, to prevent or to reduce the illegal evasion of the tax; and thirdly, to correct a few minor drafting errors in the original ordinance. The necessity for this bill arises mainly from the very high rates of income tax which have been imposed on the people of this country as a war measure and cheerfully and willingly borne by them. When

[Mr. Troughton] income tax was first introduced in 1937, the rates of tax were then low, and there was consequently little inducement to anyone to seek to avoid the intention of the law. Now the rates are very much higher, so much so that I think I am right in saying that we in East Africa have the highest individual rate of income tax in the whole of the African continent. (Col. Grogan: Shame!) Consequently there is a strong financial inducement to individuals to evade the law and dodge the payment of the tax if they possibly can. This measure does not in any way increase the rates of income tax; in fact, the effect is the reverse. It stands to sense that if the tax is collected from all those who are liable to pay it, the yield to the revenue is greater than if it is only collected from a proportion; consequently, the same rate of tax collected from all will yield the same revenue as a higher tax which is only collected from a proportion of the people whom the law intends should pay it.

Turning to the clauses of the bill itself, the clauses which deal with legal evasion are 2 and 5. Clause 2 amends section 8 of the Principal Ordinance,

which lays down the manner in which the tax is charged. That is, it provides that the tax for each year of assessment shall be levied on the income for the preceding year. When income tax was first introduced in this country in 1937, people were taxed for 1937 on the income of the year 1936. If a taxpayer's source of income ceased at the end of 1937, supposing he left the Colony, for example, on the 31st December, he would have paid tax for 1936 in 1937; he would also have to pay tax in 1938 in respect of the year 1937, so that if he had been resident in the Colony for only one year after the introduction of income tax he would in fact have paid tax on the income for two years. That anomaly was taken out when the ordinance went to a select committee in 1940, and a rough and ready means of adjustment was found. That means was this. If a person's source of income ceased in any particular year, he would be liable to pay income tax in the year the income ceased for the actual income that year and not on the income of the previous year. That is all very well, but supposing a person had been resident in this Colony from 1936 up to the present

day and he had a steady income of £1,000 a year, £1,000 a year in 1942 and at the rate of £1,000 a year in 1943. He would be taxed on his actual income for each of the years from 1936 to 1941, his tax in 1942 being based on his income for the year 1941; his tax for the year 1943, under the proviso to the section, would be based on his actual income for 1943. Therefore, in point of fact, he would not be charged tax at all on his income for 1942. If a man's income is a flat £1,000 a year that does not matter, because the income in which he escapes tax in 1942 is the same as the income he brought in in 1937, and he will actually have paid tax during his period of residence in the Colony since the introduction of income tax on the total amount he earned during that period. But supposing this gentleman had a phenomenally successful year in 1942, supposing that he had an income of £5,000 in that particular year. It would obviously be to his advantage if he could make his source of income cease in 1943, because by doing so he could dodge the tax on the profits of his bumper year 1942, and that is what has been happening.

When the 1940 ordinance was passed, hon. members will remember that there was every likelihood that East Africa would become and remain an active theatre of hostilities, and I think few of us would have dared to hope that we would be left to some extent in a state of comparative peace and prosperity which enabled abnormal profits to be made in many cases. But this has been so. In a great many cases abnormal profits have been made, and people have been seeking ways and means of dodging income tax on those abnormal profits. It may be said that if the law leaves a loophole under which you can reduce your income tax liability you are perfectly right to take advantage of that loophole; and I must confess that I personally, and I suppose many of us here, have found and taken advantage of loopholes in time of peace, but I cannot agree that it is a proper course for a good citizen to adopt in time of war. In clause 2 of this bill a means is proposed under which we can avoid the loss of revenue from certain of these tax dodgers. I have pointed out that if a man had a bumper year in 1942 and he can make his source of income cease in 1943, then under the law as it stands

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he can evade the tax on his bumper year. He can do this in several ways. There are more ways of killing a cat than one, and the one generally adopted has been for the individual to turn his business into a limited liability company. Consequently by that device, quite legal, his source of income ceases, the income is transferred to the newly floated company, and the proviso operates.

There are two possible ways of dealing with this. One would be to repeal the proviso. Government does not propose to do this, because it is considered that the proviso provides a perfectly fair and just relief in many genuine cases and considers it would be a real hardship to abolish that relief. Consequently we have adopted the alternate course which is reflected in clause 2. Taking paragraphs (a) to (e), they have the effect of bringing the existing proviso to section 8 to an end and (f) substitutes for the original proviso a whole series of new subsections. Put in a nutshell, it is provided that for the final year of assessment the taxpayer shall pay on the actual income for that year less the amount on which he paid tax in respect of 1936. It is a matter of simple arithmetic to show that in that way the person will have paid tax on the actual amount he has earned since income tax was first introduced. There are two difficulties, however. The first arises from the introduction of the joint East African income tax in 1940, and under that we have to work on the year 1939 instead of the year 1936 in respect of income which accrues from the other East African territories who are our partners in this joint income tax arrangement. That particular part of the amendment in no way affects Kenya incomes. The second difficulty is this. A company may have been assessed for tax in 1937 on its 1936 income and part or whole of that income was distributed in 1937 to the shareholders in the form of dividends. If those shareholders had themselves been exempt from personal income tax, the tax paid by the company would have been refunded in full, so that neither the company nor the individual shareholder would in fact have suffered any tax in respect of the 1936 income. We must therefore deduct from the relief to be allowed the gross amount paid out in the form of dividends in respect of the

1936 income. It might be said that supposing the shareholder was not exempt from personal income tax the relief should still be granted the company. The answer is that under the proviso as it stands relief will be granted to the shareholder when his source of income ceases in due course, that is when the company is wound up or he sells his shares. So that the clause as it stands provides a just and full relief, in the opinion of Government, to both the company and the individual shareholder. Sub-section 3 of the clause deals with cases where the income in the year the income ceases was less than the 1936 income. Supposing, for example, our friend who had had a steady income of £1,000 a year annually had £600 a year in the last year, he would deduct the £1,000 he had had in 1936 from the £600 that he had in 1943. That leaves £400 which cannot be deducted, and consequently, under this clause, that £400 may be deemed to be a loss and the individual can carry it back to the previous year, 1942, and get a refund on the tax if he has already paid it in respect of that amount. This provides a new measure of relief which Government considers is just and reasonable.

Turning to clause 5 of the Bill, which deals with private companies, when a company pays a dividend shareholders are liable to the tax on the dividend they receive, and in the case of a private company a wealthy shareholder in that company can escape tax if he can artificially arrange for the dividends to be restricted. A company pays at the rate of Sh. 4 in the £, the individual shareholder's rate in accordance with his income may be as high as Sh. 16 in the £, so that if the shareholder can arrange that he receives only a small income from the company he stands to make an immediate gain in respect of his personal income tax liability. It is true that when the company which restricts dividends pays the dividend in due course then the shareholder will pay the tax on it, but we all hope that in future the income tax rates will be much less than they are now and consequently the shareholder would pay his tax at the time the profit is declared on the rate of tax then obtaining, and he would be in pocket to the extent of the difference between the present rate of tax and the rate at the time the profit is declared, and thus he would avoid the present intention of the law. This diffi-

[Mr. Troughton]

pany and in that way in the future development of the Colony. The deeming of up to 60 per cent or 100 per cent as the case may be of the profits to be distributed as dividends is fixed and is in no way at the discretion of the Commissioner. I feel sure hon. members will agree that a fixed charge is better than leaving the matter to anyone's discretion. But there is a discretion as regards relief, because the Commissioner may make no order at all if satisfied either because of the smallness of the income of the company or because of its accumulated losses. The remainder of the clause merely deals with the machinery under which income tax on these hypothetical dividends is raked in.

This clause provides that the Commissioner may deem that 60 per cent of the income of a company as assessed for income tax may be deemed to be distributed in the form of dividends unless—and the “unless” is important—unless he is satisfied that either because of the smallness of the income or because of accumulated losses it would be unreasonable to require the company to do so. It might at first sight be a criticism that the company might in point of fact not have the necessary hard cash to dish out 60 per cent of its profits in the form of dividends, but this clause does not put the onus on the company to distribute the dividends. It merely says the dividends shall be deemed to be distributed, and the shareholder becomes liable to pay the tax on the dividends just as if he had received them. This 60 per cent remains effective until the accumulated reserves of the company exceed its paid-up capital plus any of the shareholders' loan capital or the actual cost of its fixed assets, whichever is the greater. It is important to bear in mind that this accumulation of reserves only begins to run under the Bill as it stands as from the date that the clause comes into operation, and I propose to suggest to the select committee to which this Bill will be referred that that date should be the 1st January, 1943. Government realizes that in many cases companies have already accumulated substantial reserves, but at the same time it feels that any other date would lead to hardship and anomalies, and in any case we feel that it is right and proper and desirable that companies should accumulate adequate reserves which can be spent in the future development of the com-

pany and in that way in the future development of the Colony. The deeming of up to 60 per cent or 100 per cent as the case may be of the profits to be distributed as dividends is fixed and is in no way at the discretion of the Commissioner. I feel sure hon. members will agree that a fixed charge is better than leaving the matter to anyone's discretion. But there is a discretion as regards relief, because the Commissioner may make no order at all if satisfied either because of the smallness of the income of the company or because of its accumulated losses. The remainder of the clause merely deals with the machinery under which income tax on these hypothetical dividends is raked in.

I have dealt at some length with the clauses which deal with legal evasion of the tax. Turning to illegal evasion, clause 6 of the Bill deals with the penalties which may be imposed in the event of fraud or wilful neglect in the submission of income tax returns. At present this matter can only be dealt with by prosecution before a court. These prosecutions necessitate most meticulous preparation, and quite frankly the staff of the Income Tax Department is so snowed up with work that it just cannot get the time to prepare a prosecution in every case in which a prosecution should result. The Commissioner tells me that there are many cases in which he feels he ought to prosecute but he just cannot cope. In many countries there is provision in the law under which penalties may be imposed as part of the assessment, and under this clause the Commissioner has power in the case of fraud or wilful neglect to impose a penalty of treble the amount of tax for which the taxpayer is liable if he has failed to submit a return and, if he has submitted a return but left something out by fraud or wilful neglect, a penalty of double the tax on the income which he has omitted. This gives the Commissioner wide powers, but I would point out two things. First of all, any such assessment is subject to appeal to a local committee or a judge in accordance with the provisions of the Principal Ordinance; secondly, if it is proved to the satisfaction of the Commissioner that there is no fraud or no wilful neglect he must remit the penalty. Cases of fraud and wilful neglect vary in the degree of culpability, and consequently the Commissioner has power to

[Mr. Troughton] remit any part of the penalty in order that he may make the punishment fit the crime. That is very important because the Commissioner has complete discretion and the full appeal provisions apply.

Clause 8 of the Bill deals with the time during which an assessment may be raised within a period of six years from the year in which the income was earned. The argument there, Sir, is that if tax is not assessed and collected with seven years it should be forgotten or written off. That is all very well, but in the case of fraud or wilful neglect there is no real justification for having any limitation at all, and this clause provides that if fraud or wilful neglect is established then the taxpayer can be mulcted at any time. Clauses 10 to 13 of the Bill require little explanation. They merely double up the existing penalties which can be imposed by a court, and they also provide that if a false statement is found in any person's income tax return the onus is on that person to prove that the false statement was not put there in order to avoid income tax. The remainder of the amendments are trivial drafting amendments and require no explanation from me at this stage. They can be considered, if necessary, by the select committee, or if there are any points I will try to deal with them in replying to the debate.

One word more before I sit down. Government cannot regard as proper the evasion of liability to income tax in time of war. This Bill tries to remove loopholes and to stop illegal evasion, but the Commissioner, who has very long experience of income tax, tells me that there may well be other loopholes with which this Bill does not deal, and if we were to attempt to cover every loophole then this Bill would be several times its present length. No one wants the law to be over-elaborate, but—and I must say this quite plainly—if people do find loopholes and take advantage of them, it will be the duty of this Council to close those loopholes in the interests of the honest taxpayer, and if those loopholes are closed with retrospective effect, as well they might, then it will be the tax-evader and not the taxpayer who will suffer. Again, the penalties which can be imposed if and when this Bill becomes law will be heavy, intentionally heavy. It may appear easy to some people to some sections of the community to omit to

submit income tax returns or to submit fraudulent returns, but anyone who contemplates doing this would be well advised to think over the terms of this Bill before he takes a final decision.

MR. HARRAGIN seconded.

MR. VINCENT (Nairobi South): Your Excellency, it would be idle for me to suggest that income tax is generally accepted as a desirable form of taxation in this young Colony. It still has many bitter opponents, but as it is on the Statute Book and as it is one of our principal forms of revenue, I welcome the intention behind the amendments before us. That intention is, of course, to eliminate legalized evasion of such taxation. In fact, I am certain that any measures calculated to strengthen the collection of revenue will always be wholeheartedly supported on this side of Council. I have heard it frequently remarked "I don't mind paying tax provided everybody pays". There is no doubt that there is a widespread feeling throughout this territory that tax-evasion has been very common in this territory for some considerable time. Therefore, although Government has acted in my opinion rather late in the day, the action which is now taken meets with the wholehearted support of the elected members and commerce generally.

As this Bill is going to select committee I will not waste the time of Council in going through it in detail, but there is one point which I would stress, and that is our natural abhorrence of retrospective or retroactive legislation, and I trust that the select committee will take great care to listen patiently to evidence which may be given on the subject of the date upon which this Bill becomes operative. I would remind members of Council, as the hon. Acting Financial Secretary has already pointed out, that the date does not matter so long as it is a date and not a period. It was first of all thought that the Bill provided for inequalities because it referred to "financial periods", and it seemed at one time that it was Government's intention that those people who happen to close their books in August would not come within the purview of these amendments, and that those who closed their books say at the end of September, if the Ordinance became law in September, would come within it, and I am very glad to hear that a definite date has been decided

[Mr. Vincent] upon, because if it is ultimately decided that that date shall be the date of assent I would remind members that the Commissioner has already the power to make anyone who is trying to evade tax in the meantime to declare a proper dividend.

I want to stress the question of the acceptance of these measures. We are one community and we must all bear our fair proportion of taxation, and I do urge Government to strive, and not to lean-back with excuses of lack of man power, to see that the whole of the revenue of this country is collected, and that they will pay very strict attention to those people who habitually try and evade the laws of this country.

MR. PATEL (Eastern Area): Your Excellency, I rise to support the provisions of these amendments. As far as the Indian elected members are concerned, we are completely in favour of the introduction of any amendments which can defeat any attempts either at legal or illegal evasion of taxation. I do not wish to go into details of the proposed amendments as the Bill will go before a select committee, but I simply hope that the law will be more tightened up in the select committee to see that no evasion of any sort takes place.

MR. WRIGHT (Aberdare): Your Excellency, I wish briefly to associate myself with the remarks made by my hon. friend the member for Nairobi South. In doing so I would like to convey a compliment to the hon. mover for the skillful and convincing manner in which he presented what to us is an unassailable case.

Sir, I would wish that you would give me an opportunity now to make a note of explanation. By an unfortunate coincidence this morning I read in the *East African Standard* what was reported I had said at a meeting last night. While it is true that the reference there is perfectly correct—when income tax was first mooted—I specifically avoided all mention of income tax last night. The case cited was one concerning a strange matter of compromise which, illogically, we were all somewhat prone to indulge in. It would be unfortunate if it were thought this morning when an income tax amending Bill which we support is introduced, that any of us on this side were taking a line against the Bill or that my remarks, because they are coupled with a reference to years ago, should be so misconstrued.

While welcoming this amending Bill I feel that any amendments to the principal Ordinance would derive a far greater measure of support if, instead of always tightening up the income tax proposals, some measure of amelioration could be offered to the wealth-makers of this country, namely, the primary producers, and while I am not now moving an amendment, I would put it to the hon. mover that he should consider, and that Mr. Mundy should give special consideration to, a proposal that will come along presently whereby clause 8 of the principal Ordinance might be amended by the interpolation of the words in the second line: "the chargeable income of any person for an average of three years immediately preceding the year of assessment." I am not now going to elaborate because you, Sir, would at once rule me out of order, but I hope the hon. mover and others concerned will give sympathetic consideration to what is very necessary in that regard.

MRS. WATKINS (Kiambu): Your Excellency, I have been asked by my constituents to say a few words on this subject because it is a very difficult situation for the farmers when there is no equalization period at all. We notably suffer from two or three years of extraordinarily bad crops, and then when we get one good year and could recoup ourselves, and incidentally pay back a heavy overdraft, we cannot do so for the reason that we have to pay an enormous income tax, an income tax at a far higher rate than if it was spread over the three years which in fact it covers.

I would like to say that as regards loopholes, I do not think these have been ardently sought by farmers during this war but where we feel a tax is unjust a loophole becomes rather more ardently sought than it would be otherwise! There are many ways of killing a cat, as has been said, particularly when the cat is the farmer there are all sorts of ways, and the final method I think would be to keep this tax on for every good coffee or good farming year. It bears very heavily on some of our overdrawn farmers who, when a good year comes, cannot see any relief, because any profit they make has to go to taxation. I hope very much that the select committee will consider it sympathetically from the farmers' point of view, the small mixed farmer and the coffee farmer for whom I am speaking.

MR. TROUGHTON: Your Excellency, I am very gratified indeed at the generally good reception which this Bill has had from hon. members on all sides of this Council. I confess that, knowing this Council, that was what I expected, but I am very glad to find those expectations confirmed.

I think there are only two points which I need mention in replying to the debate. Referring to the point made by the hon. Member for Nairobi South, I entirely share, as I think we all do, in abhorrence of retrospective legislation, and retrospective tax legislation is particularly abhorrent, but there is nothing abhorrent in time of war in retrospective legislation to deal with evasion and to prevent people from avoiding the clear intention of the law.

The hon. Member for Aberdare and the hon. Member for Kiambu have emphasized the hardship that the agricultural industry is alleged to experience from the present method of computing tax. I use the word "allege" because I think hon. members who know me know I am as much in sympathy with agriculture as anyone in this Colony, but under the law losses can be accumulated over a period of six years, and if in the sixth year there is a profit, the accumulated losses of five years can be set off against that profit. Similarly, if there is a profit one year and a loss the next the loss in that year can be carried back and a refund obtained from the tax paid on the profit of the preceding year. That is a very valuable concession, particularly to an industry which has a fluctuating income, as agriculture regrettably must have, at any rate in normal times.

The question of the collection of tax on average income is a very hoary subject. Tax was collected on average income, averaged over a period of three years, and the law provided that it should be so collected in the United Kingdom for eighty years. Two Royal Commissions advised against it, and the main objection was a very strong one, that, although you pay less when profits are good, you pay more when profits are bad. Now is a time when profits are good, but a time will come when they may be bad, and a three year average would react adversely to the taxpayer in such times. There are other objections, but I need not deal with them at length

now. They can be considered by the select committee. I would like to thank Council once again for the cordial reception they have given generally to this Bill.

The question was put and carried.

Mr. Harragin moved that the Bill be referred to a select committee consisting of himself as chairman, Mr. Troughton, Mr. Izard, Mr. Wright, Mr. Vincent, and Mr. Amin.

MR. BROWN seconded.

The question was put and carried.

HIS MAJESTY'S FORCES PENSIONS (AMENDMENT) BILL

SECOND READING

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

This is a very short amendment necessitated by the fact that under the principal Ordinance a soldier or officer who joined units raised in this Colony and who has been transferred to another unit elsewhere will not be entitled to a gratuity on death, disablement, or sickness. The sole object of this amendment is to enable him to obtain the advantages that he would have had if he remained in his original unit.

MR. BROWN seconded.

The question was put and carried.

THE LAND AND AGRICULTURAL BANK (AMENDMENT) BILL

SECOND READING

MR. TROUGHTON: Your Excellency, I beg to move that the Land and Agricultural Bank (Amendment) Bill be read a second time.

This Bill is largely formal in character, and merely seeks to put right a conflict between sections 18 and 19 of the principal Ordinance. Section 18 provides that security of land which is proved to the satisfaction of the board to be "permanently occupied and either beneficially cultivated or used for grazing stock". Section 19 provides that advances may be made by way of mortgage for the establishment and promotion of agricultural and rural industries and for the purchase of land for those purposes. This section

[Mr. Troughton] shows the clear intention of the legislation, namely, that the machinery of the Bank should be used for advances to finance the purchase of land which was not beneficially used at the time of purchase, and that is what the Land Bank has been working on. The conflict with section 18 has recently come to light, and the hon. and learned Attorney General has advised that we should enact legislation to make the intention of the law beyond doubt. Retrospective effect is given in order that transactions which have already taken place shall be covered.

MR. HARRAGIN seconded.

The question was put and carried.

THE CO-OPERATIVE SOCIETIES (REGISTRATION) (AMENDMENT) BILL

SECOND READING

MR. HARRAGIN: Your Excellency, I beg to move that the Co-operative Societies (Registration) (Amendment) Bill be read a second time.

This very short amendment has been necessitated by the fact that societies other than those interested in agriculture have in recent years, and particularly today, shown an interest and claimed the right to be incorporated as co-operative societies. As hon. members are well aware, under the law as it exists to-day the only co-operative society that can be registered is a society or association of producers of agricultural products; that definition is now being enlarged. It is thought that we should accede to these demands and permit others than those interested in agriculture to form themselves into co-operative societies if they so desire. I would like to warn Council, however, that if there is any great response or advantage taken of the enlargement of this definition of co-operative societies, which definition is one in existence in England to-day, it will be incumbent upon Government, I feel sure, to appoint a small department or the beginning of a department in the shape of an inspector, whose duty it will be to go round and carefully inspect the societies which will be formed under this amendment. It so happens that advantage, as we all know, has not been taken

of the existing law, there are not a great many co-operative societies in this Colony, and of those that have been formed, the small ones I am thinking of, have had a rather unfortunate life; most of them died within a short time of coming into existence, perhaps because the treasurers they appointed were not quite as reliable as they should have been.

I mention this, and also the fact that it will be necessary, in my opinion, to bring the Ordinance up-to-date completely. This Ordinance, as you realize, was introduced many years ago, and legislation on this subject has gone ahead very considerably during the last ten years. In my view it will be necessary in the near future not only to bring the legislation up-to-date but to have an inspecting staff under the Ordinance. I mention this because some hon. members opposite will ask why I have not produced a new Bill for them to consider to-day. Frankly, the answer is that we have not enough man power to do it, and although we are acceding to demands in enlarging the definition we at the same time warn you it may be necessary to tighten up the Ordinance by enlarging and consolidating it, and also setting up an inspectorate of co-operative societies with the necessary staff so that poor people may not be imposed upon by bogus co-operative societies.

MR. BROWN seconded.

MR. NICOL: Your Excellency, this Bill has been brought forward at the request of a representative section of my constituents, and I have been asked on their behalf to express their appreciation to Government for the action which has been taken. I support the Bill.

MAJOR HILL (Uasin Gishu): Your Excellency, I should like to know if this amendment includes native co-operative societies which may be formed?

MR. HARRAGIN: Your Excellency, the answer of course is in the affirmative. There is nothing in the Bill to restrict it to any particular class, creed, or colour. I was really thinking of native societies when I mentioned the necessity of having an inspector in the near future.

The question was put and carried.

THE EUROPEAN OFFICERS PENSIONS (AMENDMENT)

BILL

SECOND READING

MR. TROUGHTON: Your Excellency, I beg to move that the European Officers Pensions (Amendment) Bill be read a second time.

There is only one change in the law of any importance made by this Bill, and even that is not of very great importance and has small implications. If hon. members will turn to clause 5 they will see that it deals with cases "where a European officer dies as a result of injuries received in the actual discharge of his duties, without his own default, and on account of circumstances specifically attributable to the nature of his duty". It has always been the practice when a European officer dies in these circumstances that some additional award over and above the award which the officer has paid for under the Widows' and Orphans' Pension Ordinance should be granted to his widow and to his children. Under the law as it stands, the only benefit which is paid in respect of children is a gratuity of £1 for each year to which the child's age is less than fifteen years; in fact, it is a negligible gratuity. This has been felt to be an injustice. I do not know why to small a figure was inserted in the principal Ordinance. It is felt to be an injustice, and it is considered a small increase of pension should be available to the widow in such circumstances. Under this Bill, each child would be eligible, if there is a widow, for a pension at the rate of one forty-eighth of the officer's salary for each child to a maximum of six. If the officer leaves no widow but leaves orphan children, the latter would be eligible for a pension of one twenty-fourth of the officer's final salary, and each child would enjoy that until the age of eighteen. This clause follows a practice which has been introduced elsewhere and is, I submit, only just. The number of cases in which a European officer is killed in these circumstances or dies as a result of injuries is happily very small. During a period of six or seven years I can only remember two such cases, so that the financial implications are negligible.

There is another small amendment also in clause 5, which provides that the

widow shall receive a pension of one-sixth of her late husband's pay. That is no change, but previously there was a minimum of £10, and that minimum is being altered to £15. This is a pure formality because the minimum never applies here, but it was thought that as we were amending this section the opportunity should be taken to bring the law into line with that prevailing elsewhere.

The remaining amendment, in clause 3, provides that when an officer who has been granted a pension is re-employed, the Governor in Council may, not shall, suspend his pension and then the two periods of service can be dealt with as if they were continuous. This gives the Governor in Council full discretion to suspend a pension or not as he thinks fit, but I can assure hon. members that there is no intention of invoking this clause in the case of re-employed pensioners who have been engaged during the present war on salaries which take their previous pension into account. We are just taking the opportunity, as we have to amend the law, of tightening up this particular matter.

MR. HARRAGIN seconded.

The question was put and carried.

THE NON-EUROPEAN OFFICERS PENSIONS (AMENDMENT) BILL

SECOND READING

MR. TROUGHTON: Your Excellency, I beg to move that the Non-European Officers Pensions (Amendment) Bill be read a second time.

This Bill again is largely formal in character. In 1932, when the Asian Local Civil Service was started, no new appointments were made to pensionable posts in that service, and consequently the Pensions Ordinance was repealed insofar as new entrants after the 30th April, 1934, were concerned. When that repealing clause was enacted, it was overlooked that there were certain clauses of the original Ordinance which applied whether an individual was pensionable or not, and those provisions were those which dealt with additional awards when a man was killed on duty or died as a result of injuries received on duty in circumstances arising from the nature of his duty without his own fault. Those provisions were repealed in error, and the position under the law at present is

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that if an Asian officer in the local service is killed in such circumstances his widow would not be eligible for any award at all. This Bill seeks to put that right. In point of fact, I am glad to say there has been no harm done, because no one has died under those circumstances, but one never knows. This amendment was particularly recommended by the Police Terms of Service Committee, who felt it was necessary insofar as the Asian police officers were concerned, and it is now proposed to apply it to the whole Service.

MR. HARRAGIN seconded.

MR. PATEL: Your Excellency, the amendment suggested in clause 3 puts right what had been overlooked, but I desire to point out two things for the purpose of having an explanation from the hon. mover. The existing sections 10 and 18 of the Non-European Officers Pensions Ordinance, 1932, and sections 10 and 19 of the European Officers Pensions Ordinance, 1927, provide for awards in the case of death or disability which is specifically attributable to duty. The corresponding sections in the European Officers Ordinance have been amended to-day, and I do not see why it is done in one case and not in another. If there are any reasons for making a discrimination I shall have nothing to say, but if there are no reasons for making this departure I shall in the committee stage move an amendment so as to make both Bills identical as far as these relevant sections are concerned.

MR. TROUGHTON: Your Excellency, I appreciate the point taken by the hon. member, and it is our intention to take a suitable opportunity of bringing the two Ordinances completely into line in that respect. If it can be done in the committee stage, well and good, but I gather it cannot, but an early opportunity will be taken to do it. Time did not permit of putting in the clause in question, but I can give a definite assurance that an early opportunity will be taken to do it, and if any case arises before such opportunity we will ask this Council to deal with it as if the new clause had been enacted.

The question was put and carried.

THE NATIVE AUTHORITY (AMENDMENT) BILL

SECOND READING

CHIEF NATIVE COMMISSIONER (Mr. Hosking): Your Excellency, I beg to move that the Bill to amend the Native Authority Ordinance be read a second time.

Although the real reason for this amending Bill lies in clause 4, opportunity was taken to tie up certain loose tags and to clarify the Ordinance, as, for instance in clauses 2 and 3 which refer to sections 8 and 9 of the Ordinance, each of which sections has a final subsection authorizing the issue of orders for any other purpose approved by the Governor, in writing. Your Excellency has thought fit to approve a variation in writing under each of these sections and these purposes, which were published by General Notice in the Official Gazette, are now embodied in the Bill to be part of the Ordinance.

Clause 2 authorizes the regulating of the use of artificial water supplies constructed from public funds, and clause 3 with a new sub-clause rather amplifies the order originally approved by Your Excellency, which only referred to crops in times of famine. This is somewhat wider, and allows headmen to issue orders requiring natives to plant any specified crops when the area concerned is suffering from or is threatened with a shortage of native foodstuffs. It is an obvious improvement on the original order issued.

Clause 4 is, as I said, the main reason for the amending legislation. A custom has grown up in the more advanced councils of the district commissioner, the president of the council, meeting the council on the first day, running over the agenda with them—of course the agenda is circulated before—and then retiring with the other European officers and leaving the local native council with its native members only, under the chairmanship of one of the native members appointed for that purpose, to discuss by themselves the agenda that will be again discussed when the president rejoins the council. It is part of the policy of Government to-day to recognize the assistance given by natives in responsible posts, and it seems an excellent move to recognize this native member as a vice-president of the council in such cases as a

[Mr. Hosking]

provincial commissioner may think fit to make that appointment.

I have been asked why the appointment is to be made by the provincial commissioner and not by the district commissioner, who is the president of the council. The reason for that is that the membership of councils is made by the Governor, and the Governor has delegated his powers to provincial commissioners and so the provincial commissioner seems the proper person to appoint the vice-president where he wishes to do so.

Clause 5 brings the procedure for the recovery of local native rate into line with the procedure already authorized by this Council for the recovery of tax. It removes the limitation of time over which a man can be sued for his rate which he has failed to pay. Clause 6 is simply a loose tag. When we repealed sub-section (3) we omitted to re-number sub-section (4) as sub-section (3).

I can confidently commend this Bill to Council.

Mr. HARRAGIN seconded.

Mr. DECIER (Native Interests): Your Excellency, it falls to me briefly to welcome this Bill, because, as the hon. mover has already pointed out, the fourth clause of the amending Ordinance is the one to which attention should rightly be attached. He has already said that this is already in experimental operation in a sense and I gather that is of great satisfaction both to the Administration and to the local native councils. This is part of an educative process which is already in operation and which must be extended, of associating the African more closely with Government and of encouraging responsible African leadership in native affairs, and because it does that I have great pleasure in welcoming this amendment to the Native Authority Ordinance. (Applause.)

The question was put and carried.

THE TRAFFIC (AMENDMENT) BILL

SECOND READING

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

As the law stands at present, the Police are in the rather anomalous position that

whereas they can stop a motor bus speeding down a road they cannot, by law, enter into that bus in order to see that the law is being carried out therein, in the same way that although we can make rules and regulations with regard to the speeding of buses and where the bus should stop and that type of thing, we have no power at the moment to regulate the behaviour of the people inside the bus. It is not for me to give examples of the sort of things we wish to prevent, but it is quite clear it is essential in many townships that the conduct of passengers inside a bus should be subject to police supervision in the same way as those about to enter a bus are. I may say the principal people concerned with buses in this country welcome the introduction of this amendment, and it was brought to the notice of Government by them.

Mr. BROWN seconded.

The question was put and carried.

THE POLICE (AMENDMENT) BILL

SECOND READING

Mr. TROUGHTON: Your Excellency, I beg to move that the Police (Amendment) Bill be read a second time.

This Bill can be very simply explained. It deals solely with Arab and African police. As the law stands at present the Governor in Council has power to provide for the award of gratuities to these people, but only after the recipient of the gratuity has had twelve years service. The Police Force of this country at the present time, for reasons I need not elaborate, is carrying out some duties which are normally carried out in peacetime by the King's African Rifles, and it is felt that provision should be made for the award of pensions or gratuities to African policemen or their dependants when those African policemen are killed or injured on duty. At present there is power to make awards of this type to Europeans and Asians, but none for Africans. To enable Your Excellency in Council to enact regulations providing for such awards an amendment to the Ordinance is necessary. This amendment has been recommended by the Police Terms of Service Committee.

Mr. HARRAGIN seconded.

The question was put and carried.

THE EXCISE DUTIES (AMENDMENT) BILL

SECOND READING

Mr. BROWN (SOLICITOR GENERAL): Your Excellency, I beg to move that the Excise Duties (Amendment) Bill be read a second time.

Where a refund has been made of the duty which is payable on an excisable article, and where that article is sold or disposed of in a manner which is inconsistent with the conditions in respect of which the refund was granted, it is the duty of the person selling or disposing of the article to notify the Commissioner of Customs and to pay back the refund. Doubt has arisen as to whether section 4 (c), which makes that provision, makes it an offence which would be covered by the general penalty clause if the person fails to notify the Commissioner as is required by the section. The object of this Bill is to remove that doubt.

Mr. HARRAGIN 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, clause by clause, the following Bills: His Majesty's Forces Pensions (Amendment) Bill, Land and Agricultural Bank (Amendment) Bill, Co-operative Societies (Registration) (Amendment) Bill, European Officers Pensions (Amendment) Bill, Non-European Officers Pensions (Amendment) Bill, Native Authority (Amendment) Bill, Traffic (Amendment) Bill, Police (Amendment) Bill, and Excise Duties (Amendment) Bill.

Mr. BROWN seconded.

The question was put and carried. Council went into committee. The Bills were considered clause by clause.

The Land and Agricultural Bank (Amendment) Bill.

Mr. HARRAGIN moved that clause 4 be re-numbered 5 and that the following be inserted as clause 4:—

"4. (1) The Attorney General may consolidate into one edition the principal Ordinance and all Ordinances (including this Ordinance) amending the same and in preparing such consolidated edition shall have powers to

correct grammatical and typographical mistakes and to re-number and rearrange the order and/or sequence of any section or sections and to make any amendments necessary and consequential upon such correction, re-numbering and re-arrangement, but so that such powers shall not be taken to imply any power to make any alteration or amendment in the matter or substance of any section of the principal Ordinance or of any Ordinance (including this Ordinance) amending the same.

(2) Where such consolidated edition has been prepared it shall be lawful for the Government Printer, with the authority of the Governor in Council, to print copies of the said edition and such copies shall be deemed to be and shall be without any question whatsoever in all courts of justice and for all purposes authentic copies of the principal Ordinance and all Ordinances (including this Ordinance) amending the same. And such consolidated edition shall come into force upon such date as the Governor may, by notice in the Gazette, appoint.

(3) The principal Ordinance and all Ordinances amending the same printed and brought into force in accordance with the provisions of this section may be cited as the Land and Agricultural Bank (Consolidated) Ordinances, 1930 to 1943."

The question was put and carried.

Mr. HARRAGIN moved that clause 5 be amended by the insertion after the word "of" on the first line of the words "sections 2 and 3".

The question was put and carried.

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

Mr. HARRAGIN moved that the Land and Agricultural Bank (Amendment) Bill be reported with amendment and the remainder of the Bills without amendment. Council resumed.

His Excellency reported accordingly.

THIRD READINGS

Mr. HARRAGIN moved that the nine Bills be each read the third time and passed.

Mr. BROWN seconded.

The question was put and carried, and the Bills read the third time and passed.

STANDING FINANCE COMMITTEE,

APPOINTMENT TO

MR. RENNIE: Your Excellency, I beg to move that the Rev. L. J. Beecher be appointed a member of the Standing Finance Committee in the place of Dr. C. J. Wilson, C.M.G., M.C.

As hon. members are aware, a vacancy has been created in the membership of the Standing Finance Committee by the resignation from this Council, for health reasons, of Dr. Wilson. It is proposed that the Rev. L. J. Beecher, who has been nominated to this Council in the place of Dr. Wilson to represent native interests, should be appointed to the Standing Finance Committee in Dr. Wilson's place.

MR. HARRAGIN seconded.

The question was put and carried.

THE TRESPASS ORDINANCE, 1924

SELECT COMMITTEE

MR. HARRAGIN: Your Excellency, I beg to move that a select committee be appointed to inquire into the working of the Trespass Ordinance, 1924, and to make recommendations for amendments thereto should they be necessary.

As hon. members are probably aware, for some considerable time dissatisfaction has been expressed, particularly in the country districts, with regard to the working of the present Trespass Ordinance. It is true to say at this stage that the trespass laws all over the British Empire have always been found extremely difficult to enforce, shall I say. Most of us have grown up used to the sign in every forest that we come across, or wood, "Trespassers will be prosecuted" and all sorts of pains and penalties that would be inflicted upon us if we enter therein. I wonder if any single one of you present in this Council to-day knows of a case where a man has in fact been prosecuted—man, woman or child—before the justices at home to-day. The fact is that it is extremely difficult at all times to prove a criminal intent against somebody wandering into a wood, although it is necessary theoretically to have these trespass laws.

I am not going to say anything to-day as to my own views with regard to the present Trespass Ordinance. It may well be that it is capable of improvement, and that is the reason why I am to-day ask-

ing this Council to appoint a select committee who will investigate the difficulties of the existing Ordinance. Whether as a result of our investigation we will be able to make any very radical changes in the present law remains to be seen, but it is only fair to those who have written in to Government complaining of the law as it stands at present that their difficulties should be investigated and that, if possible, we should amend the law to meet them.

My learned friend is going to move a small amendment to this motion of mine which I will of course accept, namely nominating the names of the people who will serve on the committee. It was impossible when I tabled the motion to put in the exact names of the persons who would serve because I did not at that time know them.

MR. TROUGHTON seconded.

MR. BROWN: Your Excellency, I beg to move as an amendment that the following words be added:—

"and shall consist of the hon. Attorney General or the hon. Solicitor General as Chairman, the hon. Chief Native Commissioner, the hon. Commissioner of Lands and Settlement, the hon. Provincial Commissioner, Rift Valley Province, the hon. members for Aberdare, Rift Valley, Nyanza, and Central Area (Mr. Amin)."

MR. HOSKING seconded.

The question of the amendment was put and carried.

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

THE ALIENATION OF IMMOVABLE PROPERTY (RESTRICTION) BILL

SELECT COMMITTEE REPORT

MR. HARRAGIN: Your Excellency, I beg to move: That the select committee report on the Alienation of Immovable Property (Restriction) Bill be adopted.

This very negative report, Your Excellency, was made after very lengthy consideration and after the committee appointed by this Council had heard innumerable witnesses. You will notice that in the report we ask that the Bill referred to us should be deferred. Our reason for doing that was not that we were not in sympathy with the principle of the Bill, but that we thought—and this was

[Mr. Harragin]

unanimous—that as we knew there was other complementary legislation coming out in the near future, and as I particularly knew about it as it was being drafted at the very time that I was considering with the committee this Immovable Property Bill, we thought that the proper place for such provision should be in the comprehensive Bill which we hoped would be introduced in the near future, and which would have a title such as "a Bill to provide for the control of dealings in land and to provide for the acquisition of land by the Crown for settlement." It is in our opinion impossible to deal with this matter piecemeal and it is desirable to have the whole picture in the shape of one Bill before Council. I make no apology personally for taking it piecemeal because we were dealing in that connexion with the difficulty that had arisen with regard to the transfer of property to undesirables. A Bill was therefore drafted to deal with that aspect of the problem, but we now hear that a new Bill is being drafted to deal with the whole problem as the result of the deliberations of another committee, and the new Bill will I trust be before this Council at the October-November session.

MR. BROWN seconded.

The question was put and carried.

SCHEDULES OF ADDITIONAL PROVISION

REFERRED TO STANDING FINANCE COMMITTEE

MR. TROUGHTON: Your Excellency, I beg to move: That Schedules of Additional Provision No. 5 of 1942 and Nos. 1 and 2 of 1943 be referred to the Standing Finance Committee.

This resolution follows the usual practice.

MR. HARRAGIN seconded.

The question was put and carried.

WAR-TIME CONTINGENCY FUND

MR. TROUGHTON: Your Excellency, I beg to move: That this Council approves of the transfer of a sum of £300,000 from the 1942 revenue balance of the Colony and Protectorate of Kenya to a reserve fund entitled "A War-time Contingency Fund".

During the year 1942 the Colony's revenue exceeded the Colony's expenditure by, speaking in round figures, £750,000. Of that some £200,000 was fortuitous in this way, that money had been voted to carry out certain works which, owing to the shortage of building materials and of other materials and of artisans, could not in fact be carried out in 1942. Consequently that money was re-voted in 1943. As hon. members will remember, that was made clear when the Estimates were approved by this Council. That £200,000 can therefore be excluded from the picture when we are considering what the real surplus was in 1942. That leaves a truer figure of £550,000. The Standing Finance Committee considered the matter and they felt that of this £550,000 a sum of £300,000 should be put aside in a "kitty" to be called "A War-time Contingency Fund," invested with the Crown Agents but available for drawing on as and when we might require it. The Committee recognized that we would have to meet later abnormal expenditure on passages, on maintenance of buildings, which maintenance has had to be cut down during the war for various reasons, and on all sorts of other projects. I need not mention them at length. So the Committee decided to recommend to you, Sir, that this sum of £300,000 should be set aside in a fund to meet contingencies and they also recommended that Government should take the necessary action at once and seek the covering sanction of this Council later. That has been done. The money is available for any purpose approved by this Council, so there is nothing in any idea that the money is being locked up and put away and is not available to be spent for the benefit of the people who have contributed it, namely, the taxpayers of this Colony.

MR. HARRAGIN seconded.

The question was put and carried.

ADJOURNMENT

Council adjourned till 10 a.m. on Thursday, 16th September, 1943.

Thursday, 16th September, 1943
Council assembled at the Memorial Hall, Nairobi, at 10 a.m. on Thursday, 16th September, 1943, His Excellency the Governor (Sir Henry Moore, G.C.M.G.), presiding.

His Excellency opened the Council with prayer.

COMMUNICATION FROM THE CHAIR

VISIT OF SECRETARY OF STATE FOR THE COLONIES

His Excellency: No doubt hon. members will have read the communiqué in this morning's paper announcing that Colonel Stanley, Secretary of State for the Colonies, is paying us a short flying and informal visit during the middle of next month.

When it was known that he was paying an official visit to West Africa and so would be within a couple of days journey from us by air I felt, as did all members of Executive Council, that if on his way back he could spare us a few days for a quite informal visit, it would not only be generally appreciated but also would give him an opportunity of seeing something of local war-time conditions at first hand. I am delighted that Colonel Stanley has found it possible to accept our invitation despite his many pressing engagements.

In the time at his disposal it will not be possible for him to give formal interviews or receive official deputations, but I know he is looking forward to meeting representatives of all communities in an informal way, and of seeing something of our war effort both in the settled areas and in the native reserves as well as in the urban centres of Nairobi and Mombasa. Since he will only be rather less than four full days in Kenya this will be no easy task to arrange, but I am sure that I can count on the readiness of the general public to fall in with Colonel Stanley's wishes.

MINUTES

The minutes of the meeting of 15th September, 1943, were confirmed.

PAPERS LAID

The following papers were laid on the table:—

By Mr. RENNIE:

Standing Finance Committee report on Schedules of Additional Provision No. 5 of 1942 and Nos. 1 and 2 of 1943.

By Mr. HARRAGIN:

Select Committee report on the Income Tax (Amendment) Bill.

ORAL ANSWERS TO QUESTIONS

No. 32—TRADERS LICENSING ORDINANCE, 1936

Mr. VINCENT:

Will Government appoint a committee to examine the operation of the Traders Licensing Ordinance of 1936 and to make recommendations as to any amendments or additions they consider necessary in the interest of the community as a whole?

Mr. TROUGHTON: It is the intention of Government to appoint such a committee in due course, but the present time is not considered opportune.

No. 39—THIRD CLASS RAILWAY TRAFFIC

Mr. KASIM:

In view of the difficulty of importing more third class coaches for the Railways at this juncture, would the hon. General Manager, K.U.R. & H. state how many goods bogies have been converted and how many it is proposed to convert into third class coaches to relieve the congestion of the third class passenger traffic?

Mr. ROBINS: One covered goods bogie was converted early in the war for use on the military ambulance train. This vehicle has now been released by the military authorities and it was decided to use the vehicle for third class passengers instead of converting it back to an ordinary goods vehicle. It is not proposed to convert goods vehicles into third class coaches for the reason that the demands for covered goods vehicles are so great that conversion to passenger vehicles could only be made at the expense of the war effort.

No. 42—VOTING RIGHTS OF ARMED FORCES

Mr. NICOL:

Bearing in mind that as the law stands to-day any person who has attained the age of 21 years and has been resident in the Colony one year has the right to have his name entered on the Voters Roll, will Government inform Council whether members of

41 Agricultural Advances

[Mr. Nicol]

His Majesty's Forces who have come from overseas and have been resident in the Colony and Protectorate one year are entitled under the law as it stands to-day to exercise the privilege of being placed on the Voters Roll and exercise the right to vote at a general election?

Mr. HARRAGIN: Government cannot accept the hon. member's statement of the law as set out in the first part of his question. Government is advised that no person may be registered on the Voters' Roll unless he has ordinarily resided in the Colony for at least one period of 12 consecutive months prior to the date of his application. Government is further advised that a member of H.M. Forces who has come from overseas and happens to have been stationed in Kenya for more than one year, has not complied with the above-mentioned qualification and therefore cannot exercise the privilege of being placed on the Voters' Roll.

NOTICE OF MOTION

Mr. HARRAGIN gave notice of the following motion: That the select committee report on the Income Tax (Amendment) Bill be adopted.

AGRICULTURAL ADVANCES ORDINANCE, 1930

ADVANCES WAIVED

Mr. TROUGHTON: Your Excellency, I beg to move: That this Council approves of recovery being waived of a sum of £8,020-2-66 advanced under the provisions of the Agricultural Advances Ordinance, 1930.

This motion arises from a loss on three farms on which advances were made under the scheme. The owners of those farms have now left them and the farms have been sold by the Land Bank with the agreement of the hon. Commissioner of Lands and Settlement as to the price in each case. The writing off of this sum has been recommended by the Land Bank Board.

Mr. HARRAGIN seconded.

The question was put and carried.

1943 WOOL CLIP PURCHASE

ADVANCE FOR

Mr. TROUGHTON: Your Excellency, I beg to move: That this Council approves of an advance amounting to £60,000 being made from the general revenue and other funds of the Colony and Protectorate of Kenya to the Wool Control free of interest in order to finance the purchase, transport and storage of the 1943 wool clip.

Similar resolutions have been passed by this Council in respect of the wool clip for the preceding two years. The clip is purchased by the Wool Control from growers and an original advance made of 55 cents per lb. and the Wool Controller, having disposed of the clip, then refunds the advance to Government, and any balance is passed on to the wool producers. I am glad to be able to say that the Wool Controller has made satisfactory arrangements for the disposal of the 1943 clip at a fair price. Consequently this advance should be repaid in full fairly soon and there should be a balance for distribution among wool producers.

Mr. HARRAGIN seconded.

The question was put and carried.

COMPASSIONATE PENSION

To Mrs. ISHER DASS

Mr. TROUGHTON: Your Excellency, I beg to move: That this Council approves the grant of a compassionate pension at the rate of £100 a year with effect from 6th November, 1942, for so long as she is un-married and of good character to Mrs. Manorama I. Dass, widow of the late Mr. Isher Dass.

The facts regarding the murder of the late Mr. Isher Dass will be fresh in the minds of all hon. members and I need not recapitulate them. At the subsequent trial no particular evidence on the subject of motive emerged, but those who were associated with the work being carried out by Mr. Isher Dass—and in particular my hon. and learned friend the Attorney General, who was his official departmental head as Director of Man Power—are in no doubt whatever that Mr. Isher Dass met his death in circumstances specifically attributable to the nature of his duties as Deputy Director of Indian Man Power. He was in receipt of a salary

[Mr. Troughton] of £600 per annum, from Government in respect of that work. As hon. members know, it is the practice—in fact it is the law under the Pensions Ordinance—that when a Government servant is killed in circumstances attributable to the nature of his duty that his widow is eligible for a pension of one-sixth of the late officer's retiring pay, so that this amount of £100 which it is proposed, subject to the consent of this Council, should be paid to the widow of Mr. Isher Dass, entirely conforms with the principle already approved by this Council for payment to permanent servants of Government.

MR. PATEL: Your Excellency, I beg to second the motion, and I am glad that Government is to make provision for the widow of the late Mr. Isher Dass. He was a public worker in this Colony for some 15 years and took a keen interest in safeguarding the interests of his community. On the outbreak of the war he put aside all his personal views, and identified himself with the work of Indian man power for the war effort. In the course of his duties, on the 6th of November 1942, as he was working at his office as Deputy Director of Indian Man Power, some misguided persons made a dastardly assault on him and murdered him. In the circumstances I submit it is meet that some provision should be made for his widow, and I beg to second the motion.

The question was put and carried.

NATIVE TRUST FUND REVENUE

MR. TROUGHTON: Your Excellency, I beg to move: Be it resolved that this Council consents to the payment into the Native Trust Fund of the revenue which accrued during the period 1st October, to 31st December, 1942, in respect of native tribunals in non-native areas (as defined in section 2 of the Native Trust Fund Ordinance, 1942) from the balance of fees remaining after payment of sitting fees and other authorized costs in accordance with the provisions of Rule 6 of the Native Tribunals (Fees and Fines) Rules, 1931.

This resolution is purely formal in character. This particular money was, under the old Native Trust Fund Ordinance repealed last year, payable to the Native Trust Fund, and in consequence

of a resolution passed by this Council it is payable this year. Unfortunately, there is a gap of four months which was not covered by the previous resolution, but which should have been covered. That it was omitted was a slip for which I am afraid I must take full responsibility.

MR. HARRAGIN seconded.

The question was put and carried.

PROVISIONAL INTERIM PENSIONS

MRS. M. K. DRISCOLL

MR. TROUGHTON: Your Excellency, I beg to move: That this Council approves the payment until further notice of a provisional interim pension at the rate of £75-3-2 a year with effect from 6th June, 1943, inclusive, to Mrs. M. K. Driscoll, postal clerk and telegraphist, Posts and Telegraphs Department, in respect of her service from 30th January, 1929, to 15th June, 1943, both days inclusive, in lieu of her own and Government contributions to the Provident Fund, plus the interest thereon, amounting to £286-15-9, which would revert to the general revenue of this Colony.

This resolution follows a practice already approved by this Council, namely, that interim pensions calculated on a conservative basis should be paid to members of the Kenya European Civil Service who retire for reasons other than misconduct or voluntary resignation before the introduction of the contributory pension scheme. No new principle is involved.

MR. HARRAGIN seconded.

The question was put and carried.

BALWANT SINGH

MR. TROUGHTON: Your Excellency, I beg to move: That this Council approves the payment until further notice of a provisional interim pension at the rate of £23-12-11 a year with effect from 17th December, 1943, inclusive, to Mr. Balwant Singh, first class lineman, Posts and Telegraphs Department, in respect of his service from 7th April, 1931, to 16th December, 1943, both days inclusive, in lieu of his own and Government contributions to the Provident Fund, plus the interest thereon, amounting to £75-17-6, which would revert to the general revenue of this Colony.

[Mr. Troughton]

The principle involved in this resolution is precisely the same as the principle in the resolution which Council has just approved.

MR. HARRAGIN seconded.

The question was put and carried.

EX GRATIA GRATUITIES

TO MEMBERS OF THE KENYA POLICE

MR. TROUGHTON: Your Excellency, I beg to move: That this Council approves the payment of an ex gratia gratuity of £30 to the dependants of each of the following members of the Kenya Police, all of whom lost their lives as a result of police duty:—Nos. 1629 2/Constable Kalebe Chalo; 3049 3/Constable Akoth Gimode; 599 Corporal Mohamed Sheikh; 1721 3/Constable M'Twamwari M'Muteria; 2492 3/Constable Abdi Osman; M.G. 406 3/Constable Mugo Murithi; M.G. 523 3/Constable M'Waruchia Barata; 543 2/Constable Abdulla Hussein; 714 Bugler Shabani Sulemani; 2635 3/Constable Gudiwa Asudi.

All these constables lost their lives as a result of police duty. Until yesterday, when Council approved the Police (Amendment) Bill, there was no legal provision under which gratuities could be awarded to African constables who have lost their lives in these circumstances. Consequently a special resolution is necessary. This Council has already accepted the principle in the case of other constables and these cases are endorsed by the Standing Finance Committee.

MR. HARRAGIN seconded.

MRS. WATKINS: Your Excellency, I wish to speak about the sum of £30. It may be the legal amount to give, but it does seem to me awfully little. It would not buy six cows at present prices; it would not even provide for the education of a native child at school from beginning to finish. It seems to me very little, and I think we shall have to revise these rates to something that is more adequate to the circumstances. Some native women may not get married again, especially elderly widows, and six cows or so many goats corresponding to the cows is too little for their maintenance.

MR. TROUGHTON: The sum of £30 is taken from the regulations regarding military pensions and is exactly the same

amount that would be paid to the relatives of a deceased African soldier. There is no justification for treating the police more generously than members of the K.A.R. That is the reason for the figure of £30.

The question was put and carried.

LAND EXCHANGES

NATIVE LANDS TRUST ORDINANCE, 1938

MR. MORTIMER: Your Excellency, I beg to move: Be it resolved, that this Council approves of the proposal for the exchange in accordance with the provisions of section 7 of the Native Lands Trust Ordinance, 1938, of a portion comprising approximately 1,400 acres of the Kikuyu Native Land Unit for land on the Maragua Ridge comprising approximately 2,418 acres, viz. (i) approximately 1,611 acres at the western end of the Ridge and being farms L.R. Nos. 3492, 3493, 1964, 3494, 3495 and 3496, at present held on leasehold tenure by the East African Power and Lighting Co., Ltd., and (ii) approximately 807 acres at the eastern end of the Ridge, being farms L.R. Nos. 3516, 1986, 3518 and 3519, which are now held on leasehold tenure or on option to purchase by the East African Power and Lighting Co., Ltd., and that this Council agrees that the circumstances attending the exchange are such as to require that the said exchange be permanent.

This resolution is associated with the proposal of the East African Power and Lighting Company to establish at the confluence of the Maragua and Tana Rivers a rather large hydro-electric scheme which would be for the benefit of all races in the country. It is primarily for the benefit of the Nalrobi area and the district lying between here and Fort Hall. For the history of this proposal we must go back a little way to 1927, when the East African Power and Lighting Company realized the need of expansion of its power resources. The proposal was then put forward that the Maragua-Tana scheme should be carried out and, as it involved the flooding of certain areas in native occupation, the natives concerned had of course to be consulted. There were serious and almost unanimous objections from the natives concerned, and because of that His Excellency the Governor appointed a tribunal to inquire into the necessity of the scheme and the adequacy

(Mr. Mortimer) or otherwise of the compensation proposed. That tribunal, under the chairmanship of the late Sir Jacob Barth, completed its work in 1928, and the majority reported in favour of the scheme on the ground that it was necessary in the general public interests. The minority objected to the scheme, not because of its objectionable character but because they did not deem it to be necessary in so far as there were alternative proposals which could presumably have been carried out, and also because of the inadequacy, in their view, of the compensation which was then proposed.

As a result of the differences of opinion the proposal was held in abeyance for a considerable period. In 1935 it was again revived, and the natives concerned had by this time changed their views somewhat. The area to be flooded comprised about 1,400 acres, 700 of which lay on the Fort Hall side of the Tana River and about 700 on the Embu side. The Fort Hall natives who were concerned in this flooding by a majority expressed their willingness to acquiesce in the scheme and to remove to other land, provided adequate compensation was given. The Embu natives concerned persisted, however, in their objections. These objections were overridden by their own Local Native Council and by the Local Land Board. The proposals came before the Central Land Board at that time and received general approval. There were on the Fort Hall side 255 natives who were held to have rights on the land that was to be flooded, but only 13 natives actually resided there. On the Embu side there were 145 natives who had rights and 97 who were actually living there. Agreement was ultimately reached with all the natives concerned. An assessment was made of the compensation which was desirable, and I may say that that compensation was assessed on a very generous basis and everybody was satisfied with the amounts that were actually awarded. Compensation was awarded for huts and other improvements and for crops and also for grazing rights. The total amount assessed for both sides of the river was £950, or thereabouts.

It was intended at that time to carry out the exchange under the exclusion

provisions of the Native Lands Trust Ordinance of 1930. Now that Ordinance required for exclusion that compensation must be given in land. The East African Power and Lighting Company, in collaboration with the Government at that time, offered certain lands in exchange—land lying on the Maragua Ridge—which was acceptable to the natives. That land was already either held by the East African Power and Lighting Company or was the subject of options in their favour. At this stage a difference in native opinion became manifest. The Fort Hall natives were offered 1,611 acres in exchange for the 700 acres which they would surrender. The Local Native Council and the Local Land Board asked for an additional 350 acres, making nearly 2,000 acres in all in exchange for 700 acres. The Central Lands Trust Board, on the advice of the Provincial Commissioner and the Chief Native Commissioner, considered that the compensation in land originally offered was entirely adequate, and the opinion was then expressed that the request of the Local Native Council and of the Local Land Board was made on principle only—presumably the principle of "there is no harm in asking"—and that they did not really expect that their application would receive approval. On the Embu side the offer was 2,215 acres in exchange for their 700 acres. Now, the Embu Local Native Council did not want land in exchange. They said: "This particular land is of no special interest to us; it is outside our tribal area, and we prefer that a cash grant be made to the Local Native Council in compensation for the land surrendered". But the law then required that for exclusion land must be given in compensation. Therefore a compromise was arrived at whereby 807 acres were to be given to the Local Native Council in exchange for the 700 acres surrendered, and the East African Power and Lighting Company was to pay to the Local Native Council the cash value of the remaining farms which the Embu did not wish to take up. That amounted to Sh. 3,526.

I have laid on the table a map showing the proposed areas, both the area to be flooded and the lands offered in exchange. In addition to paying cash compensation for crops and huts and disturbance, in addition to the compensation in land

[Mr. Mortimer] which the company was providing, part of the agreement with the company was that they should construct a light traffic bridge over the Tana for the benefit of the Embu natives, in order that they might have access to the land that was given in exchange. They were also to construct two suitable bridges over the canal to enable the native cattle to use the crossing between the canal and the river and to provide two suitable drinking places for stock. All these conditions the company agreed to accept and carry out when the time was ripe.

Because of the difference of opinion between the Local Native Council and the Central Board on the matter of land compensation, the Secretary of State had to be consulted upon the whole proposal. This time there was an intervention, which has caused a considerable amount of delay, from many of the European landowners on the Maragua Ridge. They petitioned the Secretary of State on the ground that their interests would be adversely affected if native occupation was brought a little nearer to their farm boundaries than it had hitherto been and they raised a general objection to the whole scheme on that account. In the opinion of the Government at that time there was no ground for this claim on the part of the European landholders and the Secretary of State was so informed. He was not, however, quite satisfied with the information supplied to him at that time and asked that it should be further examined and that he should be informed of further details after that examination had taken place. In the meantime a new Lands Trust Ordinance had come on the statute book—the Native Lands Trust Ordinance of 1938—and there was also promulgated at the same time the Highlands Order in Council of 1939. These two measures between them required that before an exchange of land that embraced land in the highlands could take place the consent of the Highlands Board must be obtained. The Highlands Board was therefore consulted in this matter, and it also had the task imposed upon it of considering the claims of the European landholders on the Maragua Ridge. After very protracted examination of those claims, the hearing of evidence from all quarters and the reception of a deputation from the Maragua landholders, the Highlands

Board came to the conclusion that there was no real ground for complaint and that the scheme should be proceeded with on the exchange proposals previously approved, and that the European landholders had no ground for claiming either compensation in cash or an exchange of land, and that in general their interests would not be adversely affected by the carrying out of these proposals.

The Government agreed with that view and expressed that opinion to the Secretary of State after furnishing him with all the evidence that he required. The Secretary of State, after considering the whole situation, has now expressed his approval of the exchange and his agreement with the findings of the local Government on this question of European interests on the Maragua Ridge.

Although the East African Power and Lighting Company is not at present able to carry out the scheme, for financial and other rather obvious reasons due to the war, it is the intention to carry out the scheme at the earliest possible moment. It does seem important, however, on all grounds to get this land exchange question settled as soon as possible and to get the compensation paid to the natives concerned. It has already been far too long delayed. It is very important in matters of this kind, I aver, not only that compensation should be just, even generous, but that the compensation should be paid as expeditiously as possible, and in this case there has already been a delay of seven years. It is important that the delay should not continue longer and that the cash which the East African Power and Lighting Company are ready to pay as soon as it is asked for should be paid over to the natives concerned forthwith. The natives were in fact removed from the areas to be flooded a long time ago and they recognize that they have no further right or interest there, but I presume they do expect to be paid the compensation that was assessed and that they agreed to.

The precise area cannot be given with great accuracy at the moment. It is believed to be 1,400 acres, but it may vary a little either way when the actual survey takes place after the flooding has been carried out. The word "approximate" has therefore been included in the resolution and that is intended to cover a slight variation on either side.

[Mr. Mortimer]

There is no doubt whatever, and I am sure hon. members will require no convincing, that the need for this scheme will be a permanent one and therefore that the exchange of land should be regarded as permanent also and should be carried out by permanent exclusion from the Kikuyu Native Land Unit and for the permanent addition to that Land Unit of the land to be given in exchange. Section 7 of the Native Lands Trust Ordinance requires that for a permanent exchange to be carried out the approval of the need for permanency must be expressed by the Local Native Council, by the Local Land Board, by the Central Trust Board and, in cases such as this, by the Highlands Board, in addition to obtaining the approval of this Council. All the other approvals have been obtained, and what is now required before Your Excellency can issue the proclamation necessary to make this exchange a final one is for the approval of this Council to be obtained. I therefore now ask for the approval of hon. members of the exchange proposals I have outlined and of the need for permanency in the exchange of land.

MR. TROUGHTON seconded.

MR. BLECHER: Your Excellency, I very much regret that it is only a reserved approval that I can give to the motion that is now before the Council. I had considered the possibility of asking this Council to consider an amendment, but I realize that that would both embarrass the Government considerably and set back an already over-delayed decision. I had in conversation with my friend the hon. mover made remarks about this proposal now before the Council and in the course of them I insisted that it seems to me essential that, in the administration of justice, justice not only be just but that it should be seen by the persons concerned to be just, and that justice should be administered expeditiously. It is quite clear in this case that there has been considerable delay.

I had not proposed to ask hon. members to go back in history further than 1935, but the hon. mover when he said he was going to take us back a little in history took us back 16 years to 1927. If we go back to 1939, however, it will be remembered that on the advice of the Attorney General's Department the

matter was not referred back under the new ordinance to local native councils or local boards, but was merely placed before the newly constituted Trust Board, and on the 4th April, 1939, that board passed a minute approving the transfer by permanent exclusion. Now a further 4 years have passed. In a measure the hon. mover has explained the reason for that delay. It would not be to any purpose if this Council were to seek to apportion the responsibility or blame as between local delays or delays in Downing Street, or even inactivity or indecision on the part of the company, but now this motion is before Council and it will doubtless be approved, I do ask on behalf of the people concerned, although I have had no opportunity of consulting with them, that Government take every possible opportunity of expediting action by the company. The hon. mover has outlined those things which yet remain to be done, and I think the Africans concerned are entitled to have those things done as soon as possible in present circumstances. The African expected swift retribution in the case of certain offences against a tribal custom, more particularly in disputes where recourse had to be had to the tribal oath, and under the British crown he is entitled to expect that expeditious administration of justice which has not altogether been apparent in this case and for which one now asks.

MR. COOKE: Your Excellency, I should like to support what has been so eloquently expressed by the last hon. member. I did not intend to speak this morning until I heard the hon. mover draw attention to the fact and by implication appear to cast aspersions on the natives concerned—that these unreasonable creatures objected to the exchange of land. But the hon. gentleman appeared to overlook the matter of the comparative worth of this agricultural land. I am, of course, quite unaware of it, but I think when the hon. member presented the case he might at least have told us whether the land surrendered was equal in agricultural value to the land which it is proposed to give them. I can quite well suppose that my hon. friend the Member for Aberdare, who owns or is in partnership, valuable tea land in the Kericho area, would very strongly object if proposals were made to give him even

[Mr. Cooke]

100 acres of land in the Northern Frontier District in exchange for one acre in Kericho district, and he would not unreasonably be annoyed if it were suggested by the Commissioner for Lands and Settlement that he was acting unreasonably. It was also a somewhat caustic remark that it was "a try on". It might or might not have been, but I do not know that the hon. member has any reason to suppose it was. Again, the hon. member omitted to refer to tribal custom. It might or might not have been that the Embu on the other side of the Tana had a great love for the land in question. It might or might not have been the home of their ancestors, associated with spirit worship, or something of that nature. I, of course, am quite ignorant of that. However, my feeling about the whole matter is that the hon. Chief Native Commissioner and Provincial Commissioner, who settle these problems, are both satisfied, and I know they have the interests of the natives at heart, and I am therefore satisfied a square deal has been given. At the same time, I think the hon. member might have drawn some attention to or given some assurance about the value of the agricultural land surrendered.

COL. GROGAN (Ukamba): Your Excellency, I should like to compliment the hon. mover on his very clear portrayal of a number of additional facts in support of the vulgar belief that the "law is a hassle".

MR. AMIN (Central Area): Your Excellency, I desire to associate myself with the remarks made by the hon. member representing Native Interests, to the effect that in cases such as the one we are discussing it is not enough that justice is done, but that the peoples concerned, those primarily affected by the transaction, are also of the opinion that it is in fact done and that they clearly express themselves to be so satisfied. I feel it is desirable that we should be assured that all the people concerned have given their consent individually as well as through their local and central boards; in addition, when this Council is being asked to give its approval to the proposed exchange, it is essential that the Council should be satisfied that all aspects of the matter have been kept in view. I feel that

the hon. Commissioner for Land and Settlement should give us information asked for as to the nature of the land being taken. It is not enough to say that the area of the land which is being given the people who are being shifted is practically twice as large as the area of the land which is being taken from them. The value of the areas in question depend on many considerations. Some of the land being taken may have been under cultivation, and some of it may be cultivable, although not under actual cultivation at the time, and the land being given in return may not be under cultivation to the same extent, and part of it may not be easy to develop at all. The land which is being taken is a valley and good for crops which these people are accustomed to grow, while the land which is being given them might, for all we know, be a barren hillside and entirely eroded of soil. The rainfall on the one land also might not be as good as the other, the altitude of the two areas might not be the same, and the crops which can be grown on one could not perhaps be grown on the other. When people are being shifted from an area where they have been settled for a long time to another area, availability or otherwise of certain social amenities of life such as educational facilities in the new area have also to be considered. If the Native Lands Trust Board has approved of the exchange, it does not mean that they are also satisfied on all aspects of the transfer.

I am sure the hon. mover has had all these considerations before him, but I consider it is important this Council should also know that all those considerations were before him, so that they can be fully satisfied. One further point, that of compensation. Government have agreed to assist new settlers of other races on agricultural land in regard to the development of the land. If that principle is accepted, I think it should also be given to these people who are being put on this new land, and I hope that this consideration will be kept in mind by the people concerned. I am quite certain that the hon. Commissioner of Lands and Settlement would not have proposed that this Council should approve of this exchange unless he was fully satisfied that it was just and fair. But I should like this

[Mr. Amin]

Council to be informed that these and other similar considerations as to the relative values of the lands being exchanged and the amount of compensation have been borne in mind by Government and the boards concerned before giving their approval to this exchange.

MR. TOMKINSON (Provincial Commissioner, Central Province): Your Excellency, I should like to refer to the remarks made by the last speaker in the first instance. If it is realized that the acreages involved are very considerable and you take the amount of compensation paid for certain disturbances, and that compensation was generous, it will be realized that the land in question is not of very great value. In fact, one might say that that area, which is similar throughout and known generally as the Maragua Ridge, is not good farming land. In the neighbourhood where farms were given out I think under the Soldier Settlement Scheme, the area is the same as that which is going to be flooded, and I think I am correct in saying that of all those farmers only one European is now resident there. The other point raised by the last speaker was the question of educational facilities to the people who were moved. I do not think that in view of the small number who were in that area that this is a very important point, because they have moved further away from the somewhat deserted lands into the higher and better lands in the Fort Hall and Embu districts. I do agree that the delay has been most regrettable, and in fact in early 1938, when I went to the Central Province, I discussed with the hon. mover whether we could reach finality on this point. He asked me if there were any natives there then. I was not able to give an assurance on that point, but I inquired immediately, and discovered there was only one native there—the natives had readily accepted this generous compensation. I may say that though we have had various difficulties over land as hon. members know during the last five years, this question has never once been raised. I am therefore perfectly satisfied that the interests of the natives have been safeguarded and the compensation given has been generous, and I trust that Council will adopt this motion.

MR. MORTIMER: Your Excellency, I have little to add to what has been said by the hon. member Mr. Tomkinson. I can assure hon. members that I would not have brought the motion before Council with such confidence had I had any misgivings whatever that the compensation offered either in cash or land was other than generous. The land, considerably in excess of the area of the land to be taken from the natives, is as the last hon. member has said, of approximately equal value acre for acre, but it should also be pointed out and should be perfectly obvious to anyone who thinks about it, that the area to be flooded must consist of somewhat steep hillsides, whereas the area to be given in exchange consists of large stretches of fairly flat land in open country, with hillsides on the north and south going down to the respective rivers, but not nearly so steep as those on the area to be flooded. The land is approximately in the same locality, and all the areas concerned are within a few miles of each other; consequently there can be little variation in general conditions. I have nothing more to say except to express agreement with hon. members that the long delay in payment of compensation to the natives is deplorable, and to add that it has largely been due to the intervention of the European landowners with their claims in opposition to the scheme as proposed.

The question was put and carried.

ADJOURNMENT

Council adjourned till 10 a.m. on Tuesday, 21st September, 1943.

Tuesday, 21st September, 1943

Council assembled at the Memorial Hall, Nairobi, at 10 a.m. on Tuesday, 21st September, 1943, His Excellency the Governor (Sir Henry Moore, G.C.M.G.) presiding.

His Excellency opened the Council with prayer.

MINUTES

The minutes of the meeting of 16th September, 1943, were confirmed.

PAPERS LAID

The following papers were laid on the table by MR. RENNIE: Judicial Department Annual Report, 1942; list of committees and boards in pursuance of reply to part (a) of question No. 33 asked by the hon. Member for Central Area (Mr. Amin).

ORAL ANSWERS TO QUESTIONS

No. 26—GUARANTEED PRICE OF EUROPEAN GROWN MAIZE

COL. KIRKWOOD:

Is it Government's intention to guarantee the price of European grown maize at Sh. 12 per 200 lb. bag for the duration of the war and 12 months afterwards?

If the answer is in the negative, what is Government's Agricultural Policy as regards European grown maize for 1944 and onwards?

MR. RENNIE: The Government appreciate the need for an early announcement regarding a guaranteed price for European maize for 1944 and regrets that it cannot make such an announcement immediately. In view of the effect upon the price of maize throughout East Africa of any decision taken in respect of a guarantee either in respect of 1944 or for the duration of the war and one year afterwards, it is essential that the question should be considered by the East African Production Committee before a decision is taken by the Government of Kenya. The Committee is to meet to consider the question on the 29th of September. After receiving the recommendations of the Committee, the Government will make an early announcement of its decision, in respect of maize planted in 1944 at least.

MR. COOKE: Arising out of that answer, would Government consider a flat rate to Europeans and Africans alike, a fair rate for the native and paying the Europeans a direct subsidy from the Colony's revenue?

MR. RENNIE: I shall require notice of that question, sir.

COL. KIRKWOOD: Arising out of that answer, cannot we have a straight issue and Government explain why they cannot take a long range view of a guaranteed price for European maize?

MR. RENNIE: I am unable at this stage to add anything to the answer I have already given.

MR. COOKE: Arising from that reply, I merely ask would Government consider this particular suggestion of mine?

No. 30—COMPULSORY REGISTRATION

MR. VINCENT:

Will Government give an assurance that a Bill to provide for compulsory registration of all non-native residents of the Colony will be introduced at the earliest possible moment?

MR. RENNIE: Consideration is being given to the preparation of a scheme for the compulsory registration of all non-native residents of the Colony. A substantial amount of work is involved, and this will be completed as soon as possible; thereafter the necessary draft legislation will be prepared.

COL. KIRKWOOD: Arising out of that answer, may I ask whether Government is aware that in parts of the Empire there is already compulsory registration, and there is also compulsory voting with a penalty attached for the non-voters?

No. 31—BANKRUPTCY ORDINANCE

MR. VINCENT:

Will Government state if the amendments to the Bankruptcy Ordinance have been drafted and when they will come before the Council for consideration?

MR. HARRAGIN: A Bill to amend the Bankruptcy Ordinance has been drafted and its introduction into Legislative Council approved in principle by the Governor in Council. It is being sent to

(Mr. Harragin) the other East African Governments for their information as it is considered most desirable to have uniform legislation on this subject in the four territories. It is hoped to introduce this Bill at the budget session.

No. 33—INDIAN REPRESENTATIONS ON BOARDS, ETC.

MR. AMIN:

(a) Will Government please give a list of committees, boards, and other Government appointed or statutory bodies on which no Indian members are appointed?

(b) Will Government take steps to appoint Indian member or members on such committees, boards, or Government appointed or statutory bodies?

(c) If the reply to the second part of the question is in the negative, will Government please state the reasons therefor?

MR. RENNIE: (a) I am laying on the table the list asked for.

(b) and (c). I will answer parts (b) and (c) of the question together. The desirability of Indian membership on all important committees and boards is kept carefully in mind by the Government, and it is always ready to give due consideration to any representations made on the subject in respect of any particular board or committee.

No. 35—ASIAN SPECIAL GRADE POSTS

MR. AMIN:

Will Government give a comparative statement of the number of special grade posts held by Asians from time to time at each general revision of their terms of service since the year 1920?

MR. RENNIE: No Special Grade post existed at the time of the general revision of the "Terms of Service for Non-European Officials" on the 1st April, 1920, nor was that Grade introduced as the result of that revision.

The Special Grade for the clerical service was first introduced under the revision of "Salaries of Asiatic Staff" with effect from the 1st August, 1923, but it was not until 1928 that an establishment of twenty-five posts throughout the Service was provided.

As the result either of the abolition or of the placing in abeyance of certain of these posts the number was reduced in the following years until it stood at twenty at the time of the next revision which took effect from the 1st January, 1935. Subsequently, the establishment has been increased and the number of Special Grade posts for which provision is made in the 1943 Estimates is twenty-eight.

No. 36—LOCAL CIVIL SERVICES

MR. AMIN:

Will Government state the number of European and Asian personnel at present serving on Local Civil Service terms of service in their respective grades?

MR. RENNIE: The following are the details required by the hon. member:—

Europeans—	
Grade I Clerks	19
Grade II Clerks	106
Learner Grade Clerks	1
Serving in grades other than the clerical ones	393
	519
Asians—	
Special Grade Clerks	2
Grade II Clerks	410
Learner Grade Clerks	44
Serving in grades other than the clerical ones	362
	818

The above figures do not include officers who are serving on a purely temporary basis.

No. 37—ATTA

MR. KASIM:

(a) Is Government aware that the consumers of atta complain about constipation and indigestion due to the inferior quality of the atta supplied?

(b) Would Government please state whether it is due to the inferior quality of the wheat or an admixture of other grain?

(c) If the reply is in the affirmative, would Government state what kind of admixture is being made and the percentage thereof?

(d) Will Government consider issuing wheat instead of atta to the coupon holders should they so desire?

MR. RENNIE: (a) The Federation of Indian Chambers of Commerce and Industry of Eastern Africa has informed the Government that complaints have been made to it alleging that atta supplied as rations has caused abdominal troubles.

(b) No inferior quality wheat is being supplied to mills. Under the Defence (Control of Wheat Products) Order, 1943, Government Notice No. 245 of the 5th of March, 1943, all atta offered for sale must conform with the specification laid down in that Order and the admixture of other grain is in consequence prohibited.

(c) In view of the answer to (b) this part of the question does not arise.

(d) The issue of pure wheat to coupon holders cannot be approved at the present time because of the urgent need for bran and pollards.

No. 35—ASIAN QUARTERS, NAKURU

MR. KASIM:

(a) Is Government aware that there are no adequate residential quarters for Asian Civil Servants at Nakuru nor private residential quarters which can be rented as a result of which these servants experience great hardship?

(b) Should the question of building material arise would Government consider building quarters even of a temporary nature until building materials are available?

(c) Will Government make adequate provision in the next budget for building more quarters?

MR. STRONACH: (a) It has recently been reported to the Government that the number of Government quarters for Asian officers at Nakuru, is insufficient and that some officers entitled to free Government quarters have had to make their own housing arrangements, contrary to their wishes, and at some inconvenience to themselves. The Government therefore decided that three additional Government quarters should be built this year; they are now under construction, and, when completed, should help to relieve the position to which the hon. member refers.

(b) and (c). The question of building more quarters is being examined.

No. 41—ASIAN CIVIL SERVICE

MR. AMIN:

1. Has Government received any representations regarding the revision of the terms of service of the Asian staff appointed under the terms of Secretariat Circular No. 26 of 1937? If the reply is in the affirmative, will Government say when the representations were received and the approximate period it would take to reach decisions?

2. In view of the similarity and importance of duties of this staff with those of other technical staff appointed under the Asian Local Civil Service terms, will Government consider the desirability of amalgamating the two service branches under the Asian Local Civil Service? If the reply is in the affirmative, (a) will Government take early steps to reach final decisions? (b) If the reply is in the negative, will Government state reasons therefor?

MR. RENNIE: Representations were first made by the Director of Public Works concerning certain of his staff in February, 1942. He was informed in reply that when a decision was reached regarding certain variations in the terms and conditions of service applicable to the Asian Local Civil Service then under consideration, his representations would be examined. It was not possible to announce that decision until May, 1943; since then the Director's representations have been under examination. The question is complicated but it is hoped that an early decision will be reached.

The hon. member may rest assured that the points raised in the second part of his question will be taken fully into consideration before any final decisions are reached.

No. 47—AGRICULTURAL ADVANCES

MR. PAROO:

Will Government please state what amount was advanced each year under the provisions of the Agricultural Advances Ordinance, 1930, and what amount was written off therefrom each year as being unrecoverable since the year 1930?

MR. TROUGHTON: The amounts advanced each year since 1930 under the

[Mr. Troughton] Agricultural Advances Ordinance, 1930, and the amounts written off as irrecoverable are as follows:—

Year	Advances Made	Amounts written off
	£	£
1930	51,323	Nil
1931	69,492	Nil
1932	33,349	Nil
1933	16,895	2,957
1934	10,685	4,294
1935	7,184	4,892
1936	8,779	10,594
1937	5,379	4,327
1938	3,781	12,072
1939	2,024	5,334
1940	1,558	4,268
1941	850	Nil
1942	Nil	1,557
Total	£211,299	£50,295

SCHEDULES OF ADDITIONAL PROVISION

STANDING FINANCE COMMITTEE REPORT

MR. RENNIE: Your Excellency, I beg to move: That the report of the Standing Finance Committee on Schedules of Additional Provision No. 5 of 1942 and Nos. 1 and 2 of 1943 be adopted.

As regards Schedule No. 5, as hon. members know this is the fifth schedule for the year. The four previous schedules covered the calendar year and the fifth deals with items that came along after the fourth quarter. The amount referred to Kenya, £448,311, appears to be very large, but when one realizes that, as explained in note, £360,000 odd out of that total is really being placed into reserve—namely, £300,000 to the War-time Contingency Fund, and £61,000 to the Forest Replanting Fund—one realizes that this very large total is not direct expenditure in the ordinary sense of the word. A third large item again is £43,000 in respect of unallocated stores. As hon. members will note from page 5 of the

schedule, that expenditure was incurred in respect of certain stores procured during 1942 which arrived too late to be issued to the votes during that particular year and so had to be taken into unallocated stores. I need not comment on the other items in this schedule, which was carefully examined by the Standing Finance Committee which recommend that it be approved.

The second schedule covered by the motion is No. 1 of 1943, which deals with the first quarter of this year, 1st January to 31st March. The total that applies to Kenya is £155,000 and, as stated in the note, £114,000 odd is covered either by increased revenue which is expected or by expected reimbursements, leaving an amount of some £39,000 not covered by savings or revenue. In this case the Standing Finance Committee carefully examined the various items and recommend approval of the schedule.

No. 2 of 1943 refers to the second quarter of the year. The total additional provision is in the region of £174,000, and the Kenya share is rather less than that amount. As is stated in the note, some £20,000 will be covered by increased revenue, leaving an amount roughly of £149,000 not covered by savings or expected increases in revenue. The main items making up that £149,000 are detailed on the first page of the schedule, and I need not go through them item by item. I would merely add that, as in the case of the other schedules, the Standing Finance Committee carefully examined this one and recommend its approval.

MR. HARRAGIN seconded.

The question was put and carried.

THE PALM WINE BILL

SELECT COMMITTEE REPORT

MR. BROWN: Your Excellency, I beg to move: That the majority report of the select committee on the Palm Wine Bill be adopted.

Hon. members will recall that as this Bill stands at present the tapping of every species of palm tree would be prohibited absolutely within the scheduled districts except the tapping of coco-nut trees which would be permitted under licence. In the debate on the second reading the

[Mr. Brown] those three districts the position of the *doum* and other palms will be exactly the same as the position of the coco-nut palm. Three members of the select committee have signed a short minority report in which they say that "it is absurd to have an Ordinance which is known to be unenforceable and to suspend its operation. The correct procedure, as it appears to us, is to drop the bill and re-introduce it if and when it is considered possible to carry out its provisions". I cannot agree with that purely procedural view. There are many ordinances which come on the statute book because there is general agreement with them in principle, but which, because the machinery to enforce them is not ready or for some other reason the time is not ripe, contain a suspensory clause as is contained in this bill.

MR. HARRAGIN seconded.

MRS. WATKINS: Your Excellency, I am very interested in this particular bill, because, as a very old resident of this country, it has seemed to me that the deterioration of the coast native is absolutely appalling. I was at the coast a short time ago. I walked along the beach to see the fishermen; they had not got any fish but their fish baskets contained pots of *tembo* they were selling. I walked up the drive behind the house, and there was a drunken *ngoma* going on. I had brought my boy from up-country, but he got so drunk I had to send him back. As I look around the coast and see the deteriorated native living in squalor and filth, his children half starved and the whole population rotten and riddled with drink, it seems to me that even if the machinery be not ready the time is most certainly ripe to take action, and we should take a more serious view in this Council of what is happening to the coast native. It is a deplorable situation. There was not one native after six o'clock I saw during the whole time. I was down there who was not drunk. There was not one child who was properly fed. The situation was appalling. With the exception of the houseboys at the hotel near the house where I stayed, I did not see one native on that coastline who was not drunk after six o'clock in the evening. I would not mind drink so much if it did not affect the children and the whole race. Thirty years ago when I came here

[Mr. Brown] the hon. Member for Ukamba made the point that the *doum* palm flourished over an extensive area where the coco-nut palm was almost non-existent and that as the Bill was drafted it would deprive the natives over an extensive area of any opportunity of getting any palm wine at all. That was a point which I think forcibly impressed all of us who heard it, and certainly in the select committee very little time indeed was occupied in accepting it. We decided to ask the Coast Advisory Committee, at whose instigation this Bill had been drafted, to reconsider the whole Bill, particularly in reference to the hon. member's point and also to consider the fact that it appeared, under existing conditions of shortage of staff, that it would be very difficult to implement the provisions of the Bill, particularly the provision which required the marking of licensed trees. The Coast Advisory Committee, without any qualification, accepted the hon. member's point. But they adhered to their view that in view of the drunkenness prevalent at the coast it was necessary that this Bill should be on the statute book, and although it might be difficult and indeed impossible to bring it into operation now, they saw no reason for postponing it necessarily until after the war, because it might be that as this war goes on men might be discharged from the army unfit for further military service but not so disabled as to be unable to take employment as supervisors to enforce the provisions of this Bill. There is, as hon. members will have seen, a suspensory clause in the Bill providing that it shall come into operation on such date as the Governor may by notice in the Gazette appoint.

The majority of the members of the select committee have acceded to the wishes, and accepted the advice, of the Coast Advisory Committee, and the effect of our recommendations will be as follows: firstly, the tapping of coco-nut palms will be prohibited throughout the scheduled areas except under a licence; secondly, the tapping of *doum* and other palms will be permitted without control except in the districts of Kilifi and Digo and the sub-district of Malindi, and in those three districts the tapping of the *doum* and other palms will be permitted only under licence. In other words, in

[Mrs. Watkins]
the natives of the coast were in better condition than they are to-day after thirty years of our administration. The situation is direly serious and I should like very much to see a proper appreciation of the situation and action taken to control it. We know the staff is not sufficient at present, but I think it is one of the most urgent problems in this country. The question was put and carried.

THE INCOME TAX (AMENDMENT) BILL

SELECT COMMITTEE REPORT

MR. HARRAGIN: Your Excellency, I beg to move: That the select committee report on the Income Tax (Amendment) Bill be adopted.

At first sight this report may appear a very lengthy document, but in fact it is deceiving to this extent, that although there were very few amendments the select committee thought it wise that, for the sake of clarity, instead of putting in three or four small amendments to section 8—which we are in fact doing—it would be clearer if we were to re-enact the whole section and set it out in its amended form. That is why the report appears to be so lengthy. There are in fact only four amendments of any interest. The first deals with the winding up of a company. Where a company is, being wound up say in 1943, and let us say that it starts to be wound up in June of that year, clearly it will have made profits up to June, and is therefore taxable to that amount. If the law remains as it was, and the liquidator is an active-minded and competent gentleman, he might succeed in getting the company wound up before the 1st of January next year when the tax is due. We have therefore made it possible for a company (indeed we have made it obligatory) before being wound up to pay the income tax which would in fact have been due in the next year. One should note in this connexion that it is the first duty of the liquidator to pay off all debts due, and I should imagine all liquidators would welcome this innovation, which would permit them to pay off a just demand before it is actually necessary to be paid according to the law.

The next point is regarding the date, and we have inserted the date of the coming into force of the amendments to

the bill as the 1st January, 1943. No one dislikes retroactive legislation more than I do, but in this particular case I do not think my objections can hold water, for the simple reason that we are only dealing in this bill with the way in which you are making up your accounts for 1943. We are not asking you to pay any extra tax, and as it has no actual effect on a taxpayer's bank balance I do not think there can be any objection to this really accounting measure being made retroactive. The third point is in regard to the penalty section, and there, although we have provided penalties for people who put in false returns, and the particular penalty I am referring to is where the Commissioner of Income Tax has the right to double or treble the tax, we have made no provision for those who, although liable by law and by law obliged to notify their presence in the country and to request the Commissioner to send them the necessary forms, do not do so. These persons are now brought within the provisions of the penalty clause I have just mentioned.

The last amendment is entirely a drafting amendment and is really scarcely worth mentioning. As the law stands at present, in general the penalty deals with those who wilfully evade the income tax law. This bill sought to penalize those who sent in a return without reasonable grounds for believing it was true. It was pointed out in select committee that if anyone sent in such a return he was on the face of it wilfully evading the income tax and was therefore already liable under the general penalty section. Hence the deletion.

MR. TROUGHTON seconded.

MR. NICOL: Your Excellency, there is just this point I should like cleared up. I am not quite clear from the hon. mover's remarks, taking them in conjunction with the remarks of the hon. Acting Financial Secretary when he introduced the bill, in regard to the question of the date it becomes operative, with particular reference to clause 5. I thought the hon. Acting Financial Secretary when he moved the second reading said it was not Government's intention to make it retroactive, particularly in regard to that clause, and I understood him to indicate that it would operate in respect of dividends earned or declared in 1943

[Mr. Nicol]
but would become operative as from the beginning of next year; therefore it could not be dealt with until the returns for 1944 were being considered by the Income Tax Department. If I have misunderstood what he said I am sorry, but he more or less gave an assurance that that was Government's intention, or I misinterpreted it as an assurance, and perhaps the select committee have gone against it. Could we have that cleared up?

MR. TROUGHTON: Your Excellency, the short answer to the hon. member is that that clause affects profits earned after the 1st January, 1943. The tax on those profits is normally payable in 1944. Profits actually made in 1942 are not affected by the clause.

The question was put and carried.

BILLS

THIRD READINGS

MR. HARRAGIN moved that the Palm Wine Bill and the Income Tax (Amendment) Bill be read the third time and passed.

MR. BROWN seconded

The question was put and carried.

The bills were read the third time and passed.

EX-SERVICE MEN'S PENSIONS

SELECT COMMITTEE ON

LORD FRANCIS SCOTT (Rift Valley): Sir, I beg to move: That the regulations framed under the provisions of section 2 of His Majesty's Forces Pensions Ordinance, 1941, known as the Pensions and Gratuities (European Personnel) Regulations, be amended and that additional and/or alternative methods of pension allocation be adopted as follows:— (1) That it is considered essential that the Kenya European rates of military pensions be increased to a figure which will allow a member to live in reasonable conditions; (2) that all East African military pensions must bear some relation to the cost and standard of living in East Africa, and recommends that the rates in certain other countries in Africa be taken as a model rather than the Royal Warrant; (3) that the following pensions and/or allowances require revision: (a)

pensions payable to widows of deceased Kenya members, (b) pensions payable to orphans, (c) allowances payable to dependants, (d) that a reasonable gratuity should be paid as soon as possible to a widow to enable her to meet possible commitments to adapt herself adequately to her changed circumstances, and also, if necessary, to tide over the period between her husband's death and payment of widow's pension—this should be a straight-out gratuity with no reservations, (e) that pensioners should not be restricted to their place of residence, and once an assessment has been made permanent the amount of a Kenya pension should not be reduced by reason of the pensioner taking up his residence in some other part of Africa other than Kenya; (4) that Government agree to establish independent pensions appeals tribunals to hear appeals of claimants whose title to a pension has been rejected or who do not consider that the pension awarded them is equitable; (5) that this Council wishes to stress its conviction that a reasonable pension is the right of the disabled ex-service man and that it is the duty of the Government to see that he is accorded that right for himself and/or his family; (6) that a select committee be appointed to take evidence and to make recommendations in regard to such alterations and/or additions as it may deem necessary, and to consider an additional scheme which will be submitted providing for an optional allocation for widows and children and to recommend such legislation as it may consider necessary.

This is a motion which I think must meet with the general acceptance of this Council so far as the spirit of the motion and the object of it is concerned. Some of the detailed wording of it may not be so acceptable, but what we are asking for is that the whole question of pension rates to European personnel of the Forces shall be considered afresh by a select committee of this Council. The basis of the argument is in section 5: "that this Council wishes to stress its conviction that a reasonable pension is the right of the disabled ex-Serviceman and that it is the duty of the Government to see that he is accorded that right for himself and/or his family". That is a position which I am quite sure nobody will contest, and it is on that this

(Lord Francis Scott) motion is based. Conditions in Africa for Europeans are quite different from the conditions of ex-soldiers in Great Britain and, so far as Kenya is concerned, are very much more closely allied to conditions in other African territories such as Southern Rhodesia and South Africa, and just to give Council some idea of the differences as they exist to-day I will give a few figures. I do not want to give a lot of figures or go into a lot of detail. Women members of the Forces: the minimum pension rate for 100 per cent disability in Kenya is £100 per annum; in South Africa £150, and in Southern Rhodesia £180 per annum. For male members of the Forces in Kenya it is £120; in South Africa it has now been raised to £200 and they also have an alternative pension which can go up to a maximum of £450 per annum, and in Southern Rhodesia it is £240 per annum. To give another comparison—a Kenya person with 100 per cent disability, with a wife and two children, gets a total of £181-2-0 per annum; in South Africa he would get £290, and in Southern Rhodesia £370. I just give those figures to show that there is a very marked disparity and, while I am not asking Council to-day to commit itself to any definite sums or rates, I do ask that this select committee should be appointed to hear the evidence of everybody who has studied and who is interested in this matter, and then to make recommendations to this Council. As is well known, the British Legion, which is the body which looks after the interests of ex-Service people, has gone into this question very thoroughly and will be prepared to come forward and give evidence and make proposals before the select committee.

I do not think there is any need for me to go into any more detail on the first three sections of this resolution, but when it comes to section 4, we do wish to have independent pensions appeals tribunals established in this country. This is an old-standing fight which has been going on at home in the United Kingdom for a long time and the Government have now given way—I may say it is the Treasury I think—and these appeal tribunals are being appointed in Great Britain to-day, and it is felt there should be a similar appeal tribunal in this country. At present ap-

peals do go to the Governor, and I think it is to the Governor himself. Personally, I do not think anyone would suggest that the question of ex-Service people's pensions should have to be decided on by either His Majesty the King, the Prime Minister, or the Speaker of the House of Commons, and as you, sir, represent those three people in one person I think it is improper that the onus should rest entirely on the Governor, and that there should be these appeal tribunals established which should consider the cases. We have at present the Additional Awards Board which does very valuable work and whose work is much appreciated, but they can only go into the question of people who have already been allotted pensions and not those who had theirs turned down. The appeals tribunals are able to hear the cases of those whose pensions in the first case have not been granted and who feel they have not had justice done to them. They can put up their case to these tribunals and get a fair hearing there. So I trust very much that Government will accept that proposal.

The last section, section 6, is the one asking for the appointment of a select committee "to make recommendations in regard to such alterations and/or additions as it may deem necessary, and to consider an additional scheme which will be submitted providing for an optional allocation for widows and children and to recommend such legislation as it may consider necessary." That last part refers to a scheme which has been worked out by the hon. Member for Kiambu, and I do hope that the select committee will give a full hearing to her case. I do not propose to deal with her scheme at the present moment because she can do that much better than I can, but it has got attractive features in it and I think it should be thoroughly considered as to whether it can be put into practical application or not.

There is one other matter, which has not a direct bearing on the motion I admit, and that is the question of the rates of pensions for Asian ex-Service people. At present no rates have been settled, they have been dealt out a certain amount of money at rather low rates, and it is right and proper that they should have their rates settled also at this time. That has nothing to do with the motion before this Council which is dealing

(Lord Francis Scott) purely with European personnel, but I trust that the Asian personnel will also have their rates settled by Government at the earliest possible time.

COL. KIRKWOOD seconded.

MRS. WATKINS: Your Excellency, I ask for the most careful attention of this assembly to the outstanding importance of educational support of the families of those men who will not return. Times are changing, and we have to keep abreast of those times and vary the allocation of our pensions if we want to do the best we can for those families with the money that has been made available by the Government at home and the Government of Kenya. I am not considering any possible ramifications of other dependants, I am considering solely the straightforward case of a widow, probably with children, or even the case of some children who may have lost their mother as well as their father.

There is no reason in the modern trend of opinion why a woman should be paid a monthly sum by the Government until she dies, for at her working years simply because she was once married to a man who fell fighting for his country. But there is every reason why the three main anxieties contingent upon her widowhood should be lifted from her shoulders; and these three main anxieties are, quite briefly, that she should be able to devote the first years to her children through their early childhood, shall we say, to the age of 7; that thereafter she could obtain, at Government expense if she needs it, a training to enable her to earn her living in a better position than an untrained person can do; that the education first and then the training of her children should be undertaken by the State and that when, through advancing years, she becomes incapable of earning her own living, she should get at least double the pension that would otherwise be allocated to her had she drawn it all during all the years she was working. That is briefly the scheme that I think will be acceptable to the younger women of this country who are so courageously facing what has already happened to some of them and what may happen to many more before this war is finished.

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The present system of small monthly payments does none of these things; it

takes none of these anxieties from them. A pension of £12 a month or £10 or £8 a month, plus £35 to £70 for each child, according to the Army rank of the father, does not cover education; it provides very little for old age, and nothing for the training of the children. I am thinking particularly of an old woman in this country who lived on a double pension that amounted altogether to £9 a month; her false teeth were rattling in her head and she could not afford to replace them; she had the worst room in the cheapest boarding house; when her spectacles were stolen by a boy she went two months without reading because she could not afford to buy new ones and she was much too proud to ask for charity. That is the old age which I have seen going on in this country, that is still going on in this country with certain elderly citizens through no fault of their own. This particular case was a nursing sister I am thinking of; she saved others but herself she could not save, and she went through it to the bitter end. If that is the future we are offering later on to some of the widows in this connexion I say it is not fair. I am perfectly certain they are willing to make some sacrifice themselves in their working years to enable their old age to be better provided for, and also so that the children should receive some training.

Your Excellency, I am perfectly well aware that we are not competent in this country to alter the King's Regulations as regards pensions, but I am also aware that this Government is perfectly competent to take the money that may be paid by the British Government, and also the money of the Kenya Special Awards Board, and allocate it with the consent of all concerned to the better support of the families concerned. I think particularly the thing that is wanted is elasticity—we want alternative schemes. I think that is one of the most important points. The alternative I am suggesting is that a woman at once upon her widowhood should be assured of a sufficient sum to keep her at home until the youngest children is 7, on the condition she remains at home; that when the youngest child is 7 the education of all the children should be lifted from her by the State; that she should be given a training; that at the end of her training she should not receive any pension until she is 55 or 60, and at the end of the child-

(Mrs. Watkins) ren's education they should receive a training, with a ceiling of say £700 for each child allocated through three pension commissioners in consultation with the widow or guardian, so that these children may be trained. That is the alternative suggestion. I only want it permissive; I do not want it forced. I am not asking for that. It must be admitted at once that the State is more interested in the children than in the widow because they are the future citizens. It is here I think that the main results can be seen.

I will take one brief example of the widow of a lieutenant or a captain, who are on very much the same level in regard to pensions. If she was 28 years old and if she had three children, aged 6, 4 and 2, the figures, the most recent figures, given me by the officer responsible for the administration of the King's Regulations—that is working on the pensions rates figures—are that during her life and during the children's education, if she lived to the age of 70, Government would have paid out the sum of £7,812. For the same widow in the same case under the alternative scheme, if she lived to the same age Government would have paid out £8,500. That is a difference of some £700 spread over 40 years. Also to Government would accrue at compound interest part of the pension that she had not drawn in her earlier years, which would help to close the gap; so the difference is not enormous. I admit at once that by giving different examples, allowing for different dates for the widow to re-marry and letting the children get burials, it is possible to alter the financial advantage to the other side. I am taking the perfectly straightforward case of the average.

Of the results of the two schemes, in the one case of the old-fashioned pension, you would have women having to leave home almost at once to earn the children's living. You would have education shortened by the lack of funds and you would have no training at all provided. You would have a widow who receives £10 a month or approximately £12 perhaps during her working years, but that would not help her not to earn her living, but make her pernickety about her job. There are thousands of my own generation who when old age comes have

nothing on which to live reasonably. Under the new alternative scheme you would certainly have a woman who had to earn her living for many years of her life, but she would be relieved of the terrible strain of education, and she would be relieved of the terrible disappointment of no training for her children when other people's children start off well trained. That is the main thing to my mind. The all-important result from the point of view of your Government, Your Excellency, is that you would have trained citizens at the end; for very little more money you would have in the case quoted three trained citizens. That I think is all-important.

I have before me here a letter from the Executive Council of the Women's League supporting these suggestions of mine. They made a few alterations in the original that have been incorporated in what I have said to-day, so I think I have got support there; also I am in touch through my own younger generation with many of those women, some of whom have already lost their husbands, and feeling is very strong that they would like this alternative. I readily admit that in some cases, where there may be a private income or property, it is quite possible that the old dole system would be preferable, and in that case it could be allowed. I am foreseeing in this consideration that there may be many relevant facts.

We do want three pension commissioners; not just one or two; and I think, if I may say so, that they should be chosen, at least two of them, by the public, because after all this concerns the civil population. Those men who fall and have come from the Civil Service would be provided for, and here we are considering the needs of the widows of civilians or Service men who went out and joined again during the war and who are not covered by Civil Service regulations. Therefore I think it should be allowed that one pension commissioner should be chosen, first and foremost by the British Legion, secondly by some public body, or Rotarians or some fit and proper society. These three pension commissioners should be allowed elasticity even between children of the same family. The father of a family has that elasticity and it does not follow that he spends penny for penny the same on each

(Mrs. Watkins) child, and if there are several children in a family it might be necessary that one should receive more than the others, and we should trust the pension commissioners entirely on that subject, with the agreement of course of the widow and of the guardian, if there was one.

My object is to secure legislation to make this alternative possible. I would also stress in reply to criticism that may come from those steeped already in rule of thumb methods, that we are not attempting to limit the King's Regulations; we are only attempting to make a different allocation, augmented or supplemented to the extent of a few hundred pounds by the Special Awards Board. I have not been into the actuarial extra risks of the Government, and I believe that the extra risk lies in this, that if a widow re-marries Government would under my alternative still be left with the education and training of the children. That is an extra expense, but I do not consider it an undue burden. I consider it a very right burden that the community in general should educate and train the children of those men who have saved the community with their lives. I need not elaborate here the case of motherless children because everything I have said with regard to the widow and her children will apply even more strongly to motherless children.

Looking down the avenue of the years into the rather misty future we can see very little with certainty, but there is one thing that is dead certain, that educated and trained citizens of the British Empire will be at a premium, and I dare to say that there is no one in this assembly and no one in this country who does not agree with me when I claim for those children the best education and the best training of which they themselves are capable. Your Excellency, I beg to support the motion.

MR. PAROO: Your Excellency, the motion appearing on the order paper looks rather deadly, but its whole contention is very clearly stated in the fifth section, which reads: "That this Council wishes to stress its conviction that a reasonable pension is the right of the disabled ex-Service man and that it is the duty of the Government to see that he is accorded that right for himself and/or his family". That applies equally to the

Indians who are serving in the Army, and I am glad to note that the hon. mover has made reference to the Asian personnel of the Army. Two cases have already been brought to our notice of Indians who were disabled, who were offered Sh. 3 a month as compensation, which is very ridiculous and inadequate for the services they have rendered. I trust that the hon. Acting Financial Secretary will also state how much compensation is payable to disabled Indians and how it is made. I trust that Government will accept this motion and give an assurance that a similar committee will be appointed to go into the question of Indians serving with the Army and decide on the pensions to be awarded. With these remarks I support the motion in principle.

MR. SHAMSUD-DEEN (Central Area): Your Excellency, just before the hon. mover made his remarks about the Asians, I was wondering whether what was sauce for the goose had ceased to be sauce for the gander. I do not agree with the last speaker about another committee being appointed. The principle is the same in both cases, whether a person serving in the Army is a European, Indian or African, and I would appeal to the hon. mover the advisability of moving an amendment so that one select committee can deal with the whole question. The last speaker stated that Sh. 3 had been granted to two Indians as pensions. As a matter of fact, I think his memory appears to have made the amount on the generous side. My own knowledge is that there were more than two people who were offered the generous pension of Sh. 2 and some odd cents. One was a blind man and the other was a cripple. I should like to take the opportunity of mentioning here that had it not been for the keen interest taken by the British Legion these blind and crippled people who come to my office and have no place to put up their case would have starved, let alone their families. I wish especially in this connexion to mention Mr. Boddy, the present Secretary, whose sympathy knows no racial distinction, colour or nationality, and who treats these people with the utmost consideration and sympathy. I think the hon. Member for Kiambu mentioned something about these people being able to put up their cases, but it is unfortunately not fully realized that, for

[Mr. Shamsud-Deen]

an Indian artisan who, as a rule, is illiterate, it is extremely difficult for him to put up his case as a European can. I entirely agree with the hon. member Mr. Paroo that we are completely in accordance with the principle of this motion, and my only hope is that instead of doing the job piecemeal we shall do it properly and thoroughly at one and the same time.

MR. BLECHER: Your Excellency, embolden by the remarks of the last two speakers urging that if Government is to set up a committee in order to take into consideration the facts which have been set before Council this morning by the hon. mover in proposing this motion, consideration should also be given to a matter which has been before this Council already during this session. I refer to the inadequacy of the gratuities which are paid on the decease or disablement of African personnel serving in His Majesty's Forces. When the adequacy of compensation in the case of death of African police was questioned, the answer the hon. Acting Financial Secretary gave indicated that the figure was governed by that obtaining in the case of military personnel and he saw no reason for more generous treatment of the police than was meted out to those serving in His Majesty's Forces. It was not opportune then to make reference to the inadequacy which obtains in the case of the military personnel, but I should like to point out at this stage that even a reference to native customary law as obtaining in the early days reveals that compensation handed over for African personnel was inadequate in kind and in conception. I should be very grateful on behalf of the African community, which has so very nobly come to the service of the Empire, if in the appointment of the select committee it would be possible slightly to enlarge its terms of reference as already suggested by the two previous speakers, in order that it might include reference to the African situation. This is not a racial issue and when the call came men of all races came to the service of the Empire, and it would be a very generous gesture on the part of Government if in accepting the motion before Council it might enlarge its terms of reference.

MR. TROUGHTON: Your Excellency, if we get to the bare bones of the resolution proposed by the hon. Member for Rift Valley this morning, it seems to me, as indeed I think it will to hon. members, to come to this, that there is a *prima facie* case at any rate for revision of the rates of pensions and of the organization and of the method by which they are computed, and that a select committee should be appointed to consider the whole matter. With those principles Government is in the fullest agreement, and I am authorized by Your Excellency to say that you agree to the appointment of a select committee. The matter that we have been discussing this morning is one of very great importance, and I think we would all agree that the members of this Council would not be doing their duty if they did not take steps to ensure that dependants of those who have given their lives in this war and those who as a result of the war are suffering from physical disability are granted reasonable awards as part of the debt—we can never pay the whole of the debt—as part of the debt which this community will owe to them.

This question of pensions to the members of the Armed Forces has a long history, and I do not propose to burden the Council with it now. Suffice it to say that the present rates were approved by this Government after consideration by an inter-territorial committee, of which I was a member, and of which the then member for Nairobi South, Col. Modera, was also a member. That committee sat in 1941, and I would ask hon. members to bear in mind the background at that time. At that time East Africa was an active theatre of war and we feared, and quite rightly feared, that casualties might be heavy. Happily, so far that has not proved to be the case, but who knows what the future has in store—let us hope that it will continue to be the case. But the possibility of heavy casualties had to be taken into account, and that had an important bearing on the rates of pensions which were then adopted. In the United Kingdom pensions are governed by a document known as the Royal Warrant, and I think all hon. members know that the rates provided in that warrant are very small. In fact, to complete the picture made by the noble lord, the hon. Member for Rift Valley, this

[Mr. Troughton]

each case and need not be tied down by regulations. There is, apart from other considerations, a case for the revision of awards of all three races (I will deal with the Indian question separately), but so far as all three races are concerned we have been working on the present rates since the end of 1940. Admittedly they did not come into Regulation form until 1942, but Your Excellency gave administrative instructions in 1941 that we should work on those rates. We all know that the cost of living has risen since then and there is therefore a case for the revision of the awards on the ground of the increased cost of living; if indeed on no other ground. Moreover, hon. members have probably seen in the Press that the subject of military pensions has been hotly debated in Parliament during recent months. As a result of those debates, the United Kingdom Government has produced a White Paper which materially amends the United Kingdom rates and the manner in which the computations are made. It is quite obvious we will have to amend our rates, or at least consider amending them, and our methods in consequence of this decision by the United Kingdom Government. That is a further argument in support of the appointment of a select committee. The noble lord mentioned that a system of independent tribunals has been introduced into the United Kingdom, or is being introduced, and expressed the view, as indeed it is incorporated in this resolution, that a similar system should be introduced here. As he pointed out, Your Excellency has power under the regulations to vary any award made by the Board or in a case where no award has been made you may require the Board to make an award. I mention this because I do not want hon. members to have any impression on their minds that there is a real need for the appointment of a tribunal because of the inadequacy of the present system. You, sir, have on more occasions than one been pleased to direct that awards made should be increased and that in cases where no awards have been made awards should be made. That has been done on several occasions in exercise of your powers. As to whether the appointment of a special tribunal would be a simpler administrative procedure is a matter which the select committee can inquire into.

That is the machinery which has been set up, and I do contend, and I think members of the British Legion would agree, that that machinery does meet the fundamental point, that the award can be related to the individual circumstances of

each case and need not be tied down by regulations. There is, apart from other considerations, a case for the revision of awards of all three races (I will deal with the Indian question separately), but so far as all three races are concerned we have been working on the present rates since the end of 1940. Admittedly they did not come into Regulation form until 1942, but Your Excellency gave administrative instructions in 1941 that we should work on those rates. We all know that the cost of living has risen since then and there is therefore a case for the revision of the awards on the ground of the increased cost of living; if indeed on no other ground. Moreover, hon. members have probably seen in the Press that the subject of military pensions has been hotly debated in Parliament during recent months. As a result of those debates, the United Kingdom Government has produced a White Paper which materially amends the United Kingdom rates and the manner in which the computations are made. It is quite obvious we will have to amend our rates, or at least consider amending them, and our methods in consequence of this decision by the United Kingdom Government. That is a further argument in support of the appointment of a select committee. The noble lord mentioned that a system of independent tribunals has been introduced into the United Kingdom, or is being introduced, and expressed the view, as indeed it is incorporated in this resolution, that a similar system should be introduced here. As he pointed out, Your Excellency has power under the regulations to vary any award made by the Board or in a case where no award has been made you may require the Board to make an award. I mention this because I do not want hon. members to have any impression on their minds that there is a real need for the appointment of a tribunal because of the inadequacy of the present system. You, sir, have on more occasions than one been pleased to direct that awards made should be increased and that in cases where no awards have been made awards should be made. That has been done on several occasions in exercise of your powers. As to whether the appointment of a special tribunal would be a simpler administrative procedure is a matter which the select committee can inquire into.

[Mr. Troughton]

The case of awards to Indians is a peculiarly difficult one. In the Indian Army there is a document known as the Indian Warrant, and it is a document running to about 500 pages, an extremely complicated document and quite unsuitable for adaption to East Africa's needs. As some arrangement had to be made and to be made quickly, under which awards could be made to Indian members of the Forces and to their dependants, it was decided as a rough and ready measure, a purely administrative measure, to grant awards on the basis of one quarter of the United Kingdom Royal Warrant awards which, so far as could be seen, was roughly in line with the Indian Warrant. That was an interim measure, and it was intended and it is intended to revise that. But something had to be done to make immediate provision and that, rightly or wrongly, is what was done. The hon. members Mr. Paroo and Mr. Shamsud-Deen have mentioned cases where former Indian members of the Forces have been granted awards of the order of Sh. 2 or Sh. 3 a month—

MR. SHAMSUD-DEEN: On a point of explanation, a week.

MR. TROUGHTON: I beg the hon. member's pardon. Without notice I regret that I cannot deal with those particular cases, but if the hon. members will give me the details I will be happy to investigate the matter. But I must point this out, that the Additional Awards Board applies to all races, and that there is no reason at all why, if the awards originally made were inadequate, these cases should not be fully examined by that Board and an award made suitable to the circumstances of each particular case.

I have left to the last the speech of the hon. Member for Klambo. I think that that speech touched all our hearts, and we all must feel under a debt of gratitude to the hon. member for the care and thought which she has given to this matter. I listened to her speech this morning, and as I listened I did feel there was a very great deal in what she said, and I feel it should be a function of the select committee, one of their first duties, to get the hon. member to give them details of her scheme, to consider it in all its aspects, and I sincerely trust the com-

mittee will do that; in fact I can give an assurance that they will.

It is not possible to accept the noble lord's motion exactly as it stands, as I think the hon. member admits. I do not think it is necessary for me to go into meticulous detail as to why it cannot be accepted precisely as it stands but I might mention one point only by way of illustration. His motion asks that pensioners should not be restricted as to their place of residence, and goes on to say that "the amount of a Kenya pension should not be reduced by reason of the pensioner taking up his residence in some other part of Africa than Kenya". Well, if the rates of pension are related to the high cost of living in East Africa, that ceases to have any relation to fact if the pensioner lives in South Africa. Again, if we imagine that in South Africa a Kenya widow proceeds to live next door to a South African widow, the latter might well have a serious grievance if she saw her neighbour getting a larger pension simply because of the accident of the fact that her husband joined up in a different place. That is a point that requires consideration, and I do not think Government can possibly commit itself to such points as those without careful consideration by the select committee. The question of Indian pensions I have already admitted is a matter which requires further consideration, and I am able to give an assurance that if necessary a select committee will be appointed to consider that, but in any case the matter will be taken up without delay. The hon. member Mr. Beecher, has raised the question of African rates. Government also agrees that there is a case for the examination of those rates with a view to revision, and that examination will be undertaken.

I think it would probably meet the wishes of all concerned if I move an amendment to the noble lord's motion, which will have the effect of retaining the essential principles and yet leaving the committee complete freedom in regard to their recommendations. I therefore beg to move: that the motion be amended to read as follows:—That a select committee, consisting of the Financial Secretary, chairman, Mr. Robins, Mr. Lacey, Mr. Brown, Lord Francis Scott, Mr. Wright, Mr. Nicol, Mr. Patel and Mr. Beecher, be appointed to examine the regulations under which pensions and

[Mr. Troughton]

gratuities are paid to European members of the armed forces and their dependants, and to make such recommendations as they consider necessary or desirable. That I feel sure will meet the wishes of this Council.

MR. BROWN seconded.

MRS. WATKINS: It this only for the Europeans? I thought the Indians and Africans were to be included?

HIS EXCELLENCY: As I think the hon. Financial Secretary made clear, this particular select committee is only to deal with European cases, but Government is prepared to appoint committees to deal with both Asian and African cases. I think probably as a matter of procedure, owing to the technicalities of the different awards, we shall probably more efficiently deal with the matter in that way. I will now put the question that the amendment be adopted.

LORD FRANCIS SCOTT: On a point of order, if the amendment is adopted do I get an opportunity of replying?

HIS EXCELLENCY: Yes.

The question of the amendment was put and carried.

LORD FRANCIS SCOTT: Sir, I feel extremely gratified by the very good reception which this motion has received from all quarters of the Council. I am quite satisfied with the amended motion as it stands because it will achieve the result which I had hoped for.

With regard to the remarks by the hon. Indian members, I should like to say that I am most thoroughly in sympathy with their point of view and I do hope that the Asian ex-Service men will get a fair deal and that it will be decided as soon as possible. I think it would be a mistake if this particular select committee was to go into the cases of all the other races at the present time, but I do feel that the results of this select committee will be of great use in getting the proper formula for the other races in getting their rates on a fair basis. The same applies of course to the African; we must see that the African gets a fair deal too, and it will not be right unless we are quite satisfied that all races who have served in this war get an absolutely fair deal.

With regard to the point about the Additional Awards Board, everything of course that the hon. Financial Secretary said is quite correct, but it is felt that there are still cases which cannot go before them and which the appeals tribunal could deal with, and I trust it will be given a very fair hearing when the select committee sits.

I do not think the case suggested by the hon. Financial Secretary in regard to South Africa was a very good one, because I understand the cost of living in South Africa is much higher than here—at least that has been put up by Civil Servants sent on leave there—and also the South African rates are very much higher than ours, so I think it would be a question of our widow living in South Africa having a grievance that her neighbour next door had a very much higher rate from the South African pension rates in comparison to her own.

I do not think there is anything else to deal with in reply, and I am very grateful to Government for agreeing to appoint this select committee.

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

MOMBASA VISITORS' PERMITS

MR. NICOL: Your Excellency, under Standing Rule and Order No. 28, I beg to move the amended motion standing in my name appearing on the supplementary order paper of the day, which is in substitution for the original notice of motion that I gave and which appears on the main order of the day. Have I your permission, sir?

HIS EXCELLENCY: Yes.

MR. NICOL: I beg to move: Be it resolved that Government do make representations to the Military authorities requesting them to relax the restrictions on the entry of visitors to Mombasa.

The ban on visitors to Mombasa was introduced primarily for two reasons; the first was security and the second was the lack of accommodation, and later on of course the question of food supplies did arise. Those reasons were very sound and very sensible. The position has somewhat changed now in that accommodation has eased and the food position has also eased, and it is just as easy to feed a person incidentally if he lives on the

[Mr. Nicol]
island as if he lives just off the island on the mainland.

If the ban is to continue for security reasons I submit that this is rather stupid, because there is no check at any place of entry on to the island of people coming in. There is no check at the railway station, there is no check at Makupa Causeway, at Nyali Bridge, or at the Mtongwe or Likoni ferries. Again, if it is for security reasons, why is an African allowed to pass without let or hindrance? It is considered that the African has neither eyes nor ears and that he, or any community for that matter, should be held free of suspicion in a war such as this? The main difficulty of enforcing this ban is that of checking up. I submit that there is not enough staff to do it, and this applies rather more perhaps to members of the Indian community because there are so very many more of them living in Mombasa and it is easier for a person to, shall we say, stow away. As far as Europeans are concerned, it is easier to check them up because there are so few that a stranger is easily spotted, and in any case you can take it from me that if Mrs. so-and-so finds that Mrs. X has somebody staying with them and they have been refused permission to have a friend to stay with Mrs. so-and-so, Mrs. so-and-so very soon gets on to my hon. friend the Provincial Commissioner for the Coast and wants to know the whys and wherefores of it. Again, it is rather stupid—and this applies to both Europeans and Indians—you could book your train fare to Mazaras and get off at Mazaras and come into Mombasa by bus or have a car to meet you, and as I say there is no check when you come to the entry into Mombasa.

Again, I am afraid that this has happened in the case of Europeans—perhaps it has happened in the case of other races—they have got permission to come down to Mombasa on business. There are always those who like to enjoy the sea breezes and to snatch a few days holiday if they can and who might quite easily save their consciences by staying on these extra two or three days on the plea that they have got to see that an otherwise perfectly competent agent does not slip up on some particular issue, and they defeat the object of the regulations deliberately. Again, it is possible to stay just off the island, to stay over on the

Changamwe Ridge or over at Nyali, and to come in and spend the whole day in Mombasa—in fact many spend more than the whole day. I know you are limited to 12 hours, but there are not the people to check up, and I submit that that is not particularly good.

I fully appreciate the desire for keeping a check on people coming into the island; and that is why I am asking that the regulations pertaining to Mombasa restrictions are relaxed rather than washed out altogether. I fully appreciate that it is highly desirable that the authorities who know should have the opportunity, if it is considered necessary, to refuse permission to people coming in. I should like to ask my hon. friend, the Provincial Commissioner for the Coast two questions. First, does he consider that he has enough staff to operate these regulations? and is he satisfied that they have been reasonably well enforced to be effective for all races in the past?

Finally, sir, I would finish up a note of interrogation. Is it sound policy to endeavour to enforce rules and regulations when Government know they are not in a position to so enforce those rules and regulations, and is the continuance of what has come to be regarded as a farce calculated to enhance the prestige of Government and their Service advisors?

MR. COOKE: Your Excellency, I second the motion with a certain amount of reservation because I am not quite certain that the word "relax" is quite strong enough. However, I do so. Now there are, of course, reasons both in favour of and against such a motion. In favour of a motion such as this there is the fact that the hotels outside Mombasa are at present completely full, and there is the fact that a great many people have friends with whom they can stay in Mombasa; and there is this, that often people are sent to the coast for medical reasons and must be within easy reach of medical advice. On the other hand, of course, there are military considerations, but I do submit, sir, that those military considerations must be reasonable military considerations and they must not be based on the caprice of any Colonel Blimp or any perhaps dug-out general or colonel that may happen to be responsible for giving decisions in this matter. When I and others take up the cudgels

[Mr. Cooke]
on behalf of the civilian population in this country we are often asked "do we know there is a war on", and we are told that "people are very lucky that the position is not worse than it is at present. But that does not seem to me to be any reason why we should deliberately try to make it any worse. I can quite understand the argument in favour of rationing food because the food so saved may go to saving people outside this country, but I cannot see any valid reason for rationing the legitimate pleasures of the people of this country.

It is often complained that the great ones of this earth have the advantage in this respect over the poorer sections of the Kenya community. Now, if I may say so, rumour has it that Your Excellency likes when you get away from the cares of state to battle with the fierce breakers at Diani, and I know that my hon. friend the Chief Secretary has been seen sunning himself on the beaches of Malindi, and of course my hon. friend the Member for Nyanza has predilections also for seaside and sanity! If these important people can enjoy these privileges I do not think they should be denied to the less fortunate people. That is an argument that is frequently put forward. I hope that this argument about excessive travel may not be put forward by my hon. friend the General Manager of the Railways. I am one of those who feel that if those who are young enough and lucky enough to be in the war at present can get good holidays, people who are slogging away in an office or factory should be just as much entitled to a holiday; and the trains are at present more than crowded by young soldiers and sailors travelling from Mombasa to Nairobi and back again, and some people seem to think that there should be every accommodation for these soldiers and sailors which civilians demand in peacetime. I personally was in the last war for two years before I travelled in any carriage better than a third class carriage or a van and I do not see why the pleasures or the needs of the civilian population of this country should be sacrificed to those of the young soldiers and sailors who can quite well, in the vigour of their health, travel in crowded trains.

With those words I plead for a reasonable interpretation of the relaxation of

these restrictions, and that we may be assured by the Government that they will be reasonably enforced, and that those people who wish to travel for pleasure, just as much as those who travel on business, should be allowed to reside on the island.

MR. PATEL: Your Excellency, I beg to support the motion before the Council. I regret very much that the hon. mover has amended his original motion and replaced the word "lift" by the word "relax". In my opinion the circumstances prevailing at Mombasa do not now require the present restrictions. Even if we consider the question of security, if persons are allowed to go and stay at Likoni I do not see how the needs of security are served. A man staying at Likoni from the point of view of security will be more dangerous because he will be able to notice, hear and see things far more than on Mombasa island, but the present restrictions do not prohibit an up-country person from staying at Likoni where he can see all the ships going out and coming in. He can even see all the movements in the harbour. He can go and stay at Mtongwe, from which he can have a complete picture of the harbour. Therefore I do not see any reason why persons should be prohibited from going to Mombasa island and staying there.

Assuming that for needs of security it is felt necessary to have a certain amount of restriction, I agree with the hon. mover that there is no check and that any person can get down at Mazaras and can go from there by bus or car, or any person can apply for a permit to go to Malindi or Mariakani or Kisauni and can stay on the island and, if that is so, I submit that a case is not made out for relaxation only but for removal of the restriction. If the authorities agree to relaxation I think they should seriously consider certain cases where there should be complete exemption. In the past people requiring to come to Mombasa for medical treatment have been refused permits. I know of a case where an Indian married girl of 18 years of age came from Bombay and landed at Mombasa because the ship did not carry her to Dar es Salaam where she desired to go to rejoin her husband; she was given notice that she must leave at once. To go to Dar es Salaam by railway took four days and there are two services every

(Mr. Patel) week, and an acquaintance of that girl requested the Provincial Commissioner's office for a permit for her to stay a few days until her husband could come and take her away to Dar es Salaam, but no, she was compelled to travel by air as the only lady passenger along with military persons. That was not proper discrimination; no discretion was used, and I submit that if relaxation is allowed sound discretion should be exercised in the administration of these regulations.

With these remarks I support the motion, but at the same time I submit that there is a greater case for the removal of the restrictions.

MR. KASIM: Your Excellency, I rise to support the motion before Council. At a recent session of the Federation of Indian Chambers of Commerce a resolution on the subject was adopted which I should like to quote here: "This Federation requests Government to relax the existing restrictions imposed on entry into Mombasa Island as these are imposing an undue hardship on the commercial community". I hope the Government will accept the motion.

MR. COULDREY: Your Excellency, I should like to support this motion. I think the hon. mover, and the hon. Indian member who spoke one before last—I am afraid I do not know whom he represents—made it perfectly clear that this ban cannot in effect be any measure of security whatsoever, if indeed there be any case for keeping a measure of security at this juncture. I think therefore it is up to us to ask: why is this ban still maintained?

Very recently, with a permit and on my lawful occasions, I did visit Mombasa and I did what I have heard described in other circles as a bit of snooping. I did endeavour to find out from persons down there whom I met—and I met a lot—what the real reason was for the ban continuing to be maintained, and I found that there was a very general impression that the ban was being maintained due to, shall I say, a quarrel—anyhow a state of bad relationship—between the civil Government and the senior military commander. I should not have raised this point except that I notice in two English newspapers at least articles saying that the G.O.C. here was caustically critical

of Kenya. Now I have in front of me a cutting from one of these papers—*East Africa and Rhodesia*—where in headlines it says "G.O.C.'s criticism of Kenya". I therefore think, if that be the case, if he is caustically critical of Kenya, it does lend colour to the suggestion that this ban has been maintained because the relationship between him and the civil Government is not good. Normally speaking, if there is a very distinguished outside authority that quarrels with the civil Government that may not matter too much to members on this side of Council, except that we should naturally feel a sense of resentment that any outside authority should but in on our prerogative: But in this case I suggest it matters very much indeed. There is a Swahili saying to the effect that when elephants struggle it is the grass that suffers, and in this case it is the public which is the grass and which does the suffering.

Although this motion sounds very innocuous and quite straightforward, in actual practice it raises a very big principle indeed, and a principle that I think we must seriously consider. The hon. Member for the Coast pointed out that whenever a civilian dares to utter a word in which any military authority is concerned, he is immediately told that there is a war on, and I frankly admit that it is somewhat invidious for a mere civilian—and distasteful also—to have to make any remarks that could be in any way interpreted, or rather misinterpreted, as any stricture on such a distinguished and gallant military authority as the G.O.C. For centuries, however, it has been a cardinal principle underlying all British Governments, not only the British Government in England but the Dominion Governments also, that their Governments should refuse to be dominated or even unduly influenced by military commanders as such. Of course, in time of war that cardinal principle has to give way to expediency, and it is only right and proper and only natural that in time of war Governments such as this in particular should be very considerably influenced by a military commander as such. But obviously the time has got to come when the exigencies of war render it possible for the civil government to resume its normal functions and not to be influenced, or unduly influenced, by a military commander as such. It is im-

[Mr. Couldrey] possible for me to know—and impossible for anybody on this side of Council to know—whether or not this Government is in fact unduly influenced by any military authorities, but it is our duty—if we have any duty at all—as the watchdogs of civilian rights, to ask the Government to be meticulously careful that if the exigencies of war do permit (I think they permit now, but of course my opinion may not be the correct one in this particular instance) that they shall be meticulously careful to see that they are not unduly influenced by military authorities.

I support the motion.

MR. HODGE (Provincial Commissioner, Coast Province): Your Excellency, as hon. members are probably aware, a considerable time ago and long before this motion was tabled, owing to the general change in the position at Mombasa, Government did approach the Services authorities with a view to seeing whether some relaxation of these regulations could properly be permitted. In view of the arguments that have been put forward in to-day's debate, these points will once more be brought to the notice of those authorities. I would, however, like to stress the point of view that, although we hope the threat to Mombasa has been very considerably lessened, yet it must be remembered that it holds great importance as a port of call for shipping, and for many reasons will probably become more and more important. I know that all hon. members would be the last to press for anything in the way of relaxation of those restrictions if they thought that by doing so it would endanger allied shipping still more. Government fully realizes the importance of Mombasa both as a shipping port and also as a place where residents from up-country can get rest and relaxation. Everything that can be done will be done to assist those residents, but once again I would stress the most important thing, and that is that security must come first, even if civilians are inconvenienced. Originally those regulations were asked for by the Services, but it was then found unfortunately that the Army could not produce the necessary bodies to implement them. That is one of the reasons why it has not been found possible to put a check on all approaches to the

island. On the civil side we were also hampered by lack of staff, but in certain cases which have been brought to the notice of the authorities action has been taken in the courts and convictions obtained.

The hon. Member for Mombasa asked why Africans were allowed free entry whereas restrictions were placed on Europeans and Asians. There are two points in connexion with that. One is that at that time and even to-day labour is scarce, and the labour that is down there is extremely touchy, and it was felt most undesirable to take any action which might cause a stoppage of the flow of labour and also, as I previously said, owing to lack of staff we could not possibly have carried out any check at that time. The hon. Member for Mombasa has also asked me two questions. The first was, whether I had enough staff to operate the regulations, and the answer is no. Following on that, the answer to the second question is also in the negative. I am afraid I did not quite follow the argument of the hon. Member for the Coast when he said the poorer people were denied privileges which the more exalted obtained and instanced cases where certain people could go, to Diani, Malindi and elsewhere.

MR. COOKE: Perhaps I did not make myself clear. I meant people better off could afford to go to outlying parts, Malindi and places like that.

HIS EXCELLENCY: We are discussing the question of the regulations, not whether an individual's pocket makes it impossible for him to go to those places.

MR. HODGE: The hon. member Mr. Patel gave an instance of an Indian girl who came over from India and stopped at Mombasa because the ship was not proceeding to Dar es Salaam, whom he thinks received rather rough treatment. The actual facts as far as I know are that she landed on a Saturday night and was given on the Monday permission to remain until I think the following Friday, when the train left for Moshi. Representations were made to me to extend the time, and permission was extended until the following Tuesday when the next train was leaving, as she expected her husband to come and fetch her. After I extended the permit I was informed that she had booked her passage by B.O.A.C.

[Mr. Hodge]
flying boat, so I do not think she was ill-treated over the matter. In conclusion, I would state that Your Excellency has authorized me to say that Government will accept this motion.

MR. SHAMSUD-DEEN: Your Excellency, hon. members who have spoken so far on this motion have not got the experience of the hardships to which the poorer class of people in Nairobi have to submit. I do not know what the hon. Member for the Coast had in his mind when he referred to the hardships of the poorer people but, as far as Nairobi is concerned, in the case of the poorer people—I mean those poor working people who are in most cases working for the military or in essential war work—who find it necessary to go to Mombasa, the details of the present method are very harsh and unnecessary on them. They have to go to the office of the District Commissioner where in fact they apply to some lady who has a reputation for being of an irritable nature. They have to stand for hours and hours until the lady is pleased to give one permission and refuse the other, and in those cases where a person is not capable of explaining himself he is not listened to. Not only that, but in the case of business people who have branches in Nairobi and Mombasa, they cannot get permission to go to Mombasa, and have to go to the office of the District Commissioner where ultimately this particular lady in charge issues a permit.

Where the question of security comes in such inconveniences have to be borne, but the question has been challenged, that security does not warrant the civilian population being subjected to all these hardships. I do not think it worth my while to wait on this great lady at the District Commissioner's office or to demean myself by asking her for a permit and so I have not been to Mombasa for the last 18 months, but there are other people who are really tired and there is no justification for the continuance of these regulations in view of the changed circumstances. My personal experience is that the hon. mover has not got the experience of remedying these things from the practical point of view where the military are concerned, otherwise he would have known that a resolution in this Council will have very little effect on the military people.

I know of one particular instance, the case of the Indian secondary school which was requisitioned by the military. As I understand, Your Excellency and the Director of Education tried to get the Military authorities to release that school which was badly needed for the Indian children, who were receiving their education in a tin shanty and under very aggravating circumstances, but the attempt failed. I don't think I can be accused of exaggerating when I say that I accomplished the job where Government failed—I did so by approaching a lady friend of the G.O.C. who pleaded for me! (Laughter.)

MR. PAROO: Your Excellency, I am not quite certain that I like the motion in its amended form. In my opinion, the restriction in the last few months has been even more strict than in the early days when military security required the regulations more than. The hon. member Mr. Patel cited one example, of a young lady who arrived en route for Dar es Salaam and was asked to go away after two days in Mombasa; subsequently, after representations had been made, she was allowed to stop first to the Friday and then to the Tuesday. How can one expect a newcomer not knowing the language of the country to take the route to Dar es Salaam via Morogoro and Dodoma? Another case was that of a teacher who recently arrived from India on agreement. The teacher was allowed to land in Mombasa without any information from the immigration officer or authorities that he had to report to the Provincial Commissioner. I have verified this fact, that the immigration officers do not inform anybody coming into Mombasa that they have to report. This teacher did not report until a week later, until he was informed by the authorities concerned that the regulations existed, and he should have reported. When he reported in the Provincial Commissioner's office he put up the plea that he had no information or did not know the regulations. He was, however, allowed to stop in Mombasa, and a permit was so granted, a teacher being considered essential, yet an action was filed in the court for reporting late and he was fined, so that the relaxation is not in existence or has not been exercised in the last few months, and I am not satisfied that it will be even after the adoption of this motion to-day. There is another case of a person

[Mr. Paroo]
who wanted a permit to come from Zanzibar. An application was made, so that the specialist who had operated on this person a few months before could operate again in Mombasa. The permit was refused, although an offer was made to stay on the mainland or to go to Nairobi, as he preferred the same doctor again, but he could not make arrangements to stop on the mainland nor was it possible to have the operation performed on the mainland, the application was refused. These are the hardships people have to undergo, and what discretionary powers the Provincial Commissioner has I am afraid he does not exercise them. It has already been argued that the regulations are only for the sake of security, but if people are allowed to stay on the mainland or at Likoni this argument does not arise. I would rather have seen the motion moved of which notice was originally given, with the word "lifted" instead of "relaxed". However, I support the motion and hope that not only will the ban be relaxed in the near future but lifted entirely.

MR. NICOL: Your Excellency, I am very gratified at the general support which has been accorded this motion, and would also express my satisfaction that Government have accepted it. Most of the points raised have been covered by the hon. member Mr. Hodge, but there are possibly two that I might touch on which were raised by the hon. members Mr. Shamsud-Deen and Mr. Paroo. The question of the school raised by the hon. member Mr. Shamsud-Deen does not come within the scope of this motion, but the hardships on the poor people, on behalf of whom he was making representations, and also the instances enumerated by the hon. member Mr. Paroo, should be alleviated if the representations which Your Excellency's Government are going to make to the Military authorities have any effect. Just one other point. I would stress that security is, of course, the most important thing. Mombasa is a very important town, a very important port of call, and people must realize that while so far we have been free from attack, it does not mean we might not be subjected in the future to sporadic or spasmodic attack.

HIS EXCELLENCY: Before I put the motion, in view of the remarks of the

hon. Member for Nyanza I feel I should make this statement. The suggestion that in considering the question of the relaxation or otherwise of restrictions in Mombasa the attitude adopted by the Military authorities has been influenced by personal difficulties in the relations existing between the Military authorities and the civil Government, is completely unfounded. My personal relations with the G.O.C. in C. have always been admirable, and that such a suggestion should be made in respect of so gallant an officer, namely, that in matters of really very high importance, he is actuated not by the security aspect but by such petty personal considerations is to be deplored. I can only regret that public expression should have been given to such sentiments. I should like, however, to add that in this matter the views both of the Navy and Air Force are of equal or even greater importance at the present stage of the war than those of the Army, and that the Governor of this Colony in deciding any matter of this kind has to do so completely impartially in the interests of what he believes to be the best prosecution of the war, and with secret information as to the general strategical position, which necessarily he is in a position to have but which other members of the public are not. I would therefore ask all hon. members to believe that while I am as anxious as any of them to see that unnecessary hardship or inconvenience is not caused to the civil population, the over-riding consideration in this matter as in all other matters must be the speedy winning of the war.

The question of the motion was put and carried.

ADJOURNMENT

Council adjourned till 10 a.m. on Wednesday, 22nd September, 1943.

Wednesday, 22nd September, 1943

Council assembled in the Memorial Hall, Nairobi, at 10 a.m. on Wednesday, 22nd September, 1943, His Excellency the Governor (Sir Henry Moore, G.C.M.G.) presiding.

His Excellency opened the Council with prayer.

COMMUNICATION FROM THE CHAIR

STANDARD RATION SCALES FOR AFRICAN LABOUR

His Excellency made the following Communication from the Chair:—

Hon. members are, I believe, aware that the Government has been giving the most careful consideration to the possibility of restoring the standard ration scale for African labour to 2 lb. of meal per head per day, and I am now in a position to make an announcement on the subject.

If the 2 lb. ration is restored, the quantity of meal which will be required for issue by the Kenya Maize Control during the forthcoming year is now estimated at 2,200,000 bags. It is not possible at this stage to estimate with any accuracy the quantity of maize which will be marketed either by European or African producers, but it is apparent that requirements may not be met by the use of maize alone. It is intended, therefore, to continue to mix maize with other ingredients such as mtama, wimbi and cassava flour, and the Maize Control further reserves the right to issue foodstuffs such as beans in substitution for some part of the standard meal ration when complying with consumers' indents. It is further necessary to issue a warning that unless the yields from the short rains crops are favourable, it will not be possible to maintain this 2 lb. mixed meal ration with safety during 1944.

Hon. members will all agree that the reduction of the standard ration to 1½ lb. was loyally accepted by African consumers to deal with the food shortage due to a drought which affected the native areas themselves. The reasons for the cut in the ration were therefore apparent enough to the African himself. But at the present moment, while it is true there are parts of Kenya where the supply of native foodstuffs is still very

short and where famine relief measures are necessary, there are at the same time other large areas where food is for the present abundant. In these circumstances it is felt that the African will no longer appreciate the necessity for continuing the restriction of the ration to 1½ lb., and indeed might well regard the failure of the Government to restore the full 2 lb. ration as a breach of faith. It is proposed therefore to restore the standard ration to 2 lb. at as early a date in the month of October as distribution can be arranged, but on the clear understanding that should the short rains crop prove unfavourable the ration will be reduced to 1½ lb. as from the 1st January, provided that the supply outlook at that date shows such a restriction to be necessary in order to avoid the risk of having to import foodstuffs in 1944.

MINUTES

The minutes of the meeting of 21st September, 1943, were confirmed.

ORAL ANSWERS TO QUESTIONS

No. 44—FOOD SHORTAGE IN UKAMBA RESERVE

MR. COULDRAY:

Is Government aware of the serious food shortage in the Ukamba native reserves and, if so, will they state what steps are being taken to cope with the situation?

MR. RENNIE: Government is aware that there is a serious shortage of food in the Machakos District of Ukamba and has been importing foodstuffs, mainly cassava and wimbi and potatoes, into that area since May. In the last 50 days over 1,300 tons of food has been moved into the district by Government, recently with the assistance of military transport, while other supplies are now coming forward in increasing quantities from neighbouring districts.

MR. BEECHER: Your Excellency, arising out of that reply, is Government prepared to consider the closing of certain areas recently opened in the Central Province for the free sale of maize and of encouraging facilities for the sale of the recently harvested maize from those areas to the Kamba at other than black market prices?

HIS EXCELLENCY: Government will take that suggestion into consideration, but without notice we cannot give you an assurance this morning.

MR. COOKE: Arising out of that reply, were steps taken last year to encourage the natives of Machakos to plant cassava and other drought resisting foodstuffs?

MR. TOMKINSON: Yes.

PROVISIONAL INTERIM PENSION S. H. FRIESLICH

MR. TROUGHTON: Your Excellency, I beg to move: This Council approves the payment until further notice of a provisional interim pension at the rate of £99-4-6 a year, with effect from 27th July, 1943, inclusive, to Mr. S. H. Frieslich, formerly clerk, Inland Revenue Department, in respect of his service from 1st October, 1927, to 26th July, 1943, both days inclusive, in lieu of his own and Government contributions amounting in all to £535-16-6, which would revert to the general revenues of the Colony.

Two similar motions were approved by Council last week, and no new principle is involved in this one.

MR. HARRAGIN seconded.

The question was put and carried.

THE TEA ORDINANCE, 1934 CONTINUATION IN FORCE OF

MR. KILLICK: Your Excellency, I beg to move: Be it resolved that the Tea Ordinance, 1934, as amended by the Tea (Amendment) Ordinance, 1938, shall remain in force for the duration of the war and for one year thereafter.

I would like in the first place to refer to the provisions of the 1934 Ordinance, the life of which this motion proposes to extend. There are two main provisions in the 1934 Ordinance. The first limits the acreage which can be planted to tea in this Colony to a figure agreed as between this Government and the International Tea Committee. The second main provision provides for control of the planting of tea locally to ensure that tea is established only in areas suited to the cultivation of the crop and to provide for the organized development of the industry by the establishment of what has been termed economic units. With regard to the first provision, as hon. members

are aware the Ordinance limits the planting of tea in Kenya during the restriction period which began in 1934 and which terminated at the end of March, 1943, to a figure of 3,500 acres, and of that 3,500 acres some 3,200 acres have been planted, leaving a balance of some 300 acres which remain unplanted to date.

In the remarks which I made in introducing a somewhat similar motion in March of this year, I referred to negotiations which were at that time taking place as between Government and the International Tea Committee, and in those remarks I indicated the attitude taken by Government in response to a request by the International Tea Committee that this Colony should agree to a continuation of the scheme for the duration of the war. I would like to inform hon. members of the final reply received on the 9th September from the International Tea Committee. The reply indicates that the Committee proposes a grant to Kenya of an acreage allocation totalling 3,232 acres which can be planted during the period of the war and for what the Committee term "a reasonable period after the termination of the war", which they suggest should be a period of two years. I know that a number of hon. members feel that the main objection to the 1934 Ordinance is the restriction which the restriction scheme has imposed on tea planting in this Colony and which, in the opinion of some members, has in view of the limited acreage granted to the Colony retarded the legitimate development of tea. I feel sure, however, that it will be agreed that control of planting in the Colony is desirable, whether such control is imposed by international restriction or by local legislation and, in fact, even if there were no restriction scheme Government considers that the Ordinance should be kept in being to permit of a measure of control over the planting of tea for the reasons which I have previously indicated. I would mention in this connexion that it is the intention of Government at the next session of this Council to introduce an amending bill to provide for the increased acreage allotment of 3,232 acres to which I have previously referred.

I would like for a moment to examine the position as it will exist for the remainder of the war as a result of this acreage allocation proposed of 3,232 acres, because I feel that if I can satisfy

[Mr. Killick] hon. members that this acreage allocation is in fact adequate for the period in question a great deal of the objection to the extension of the Ordinance will be removed. It will be remembered that prior to the institution of restriction in 1934 the acreage which was planted to tea in the Colony at that time totalled 12,662 acres, and during the restriction period, 1934 to 1943, that acreage was increased by the allocation made of 3,500 acres, of which as I have previously indicated 3,200 acres have been planted. The acreage suggested of 3,232 represents therefore a 20 per cent addition to the total permitted planted acreage, that is to say, the acreage pre-restriction and acreage allocation provided during the 10 year restriction period ending March, 1943. And I would mention that in the proposals now made for an extension of the international restriction scheme for the period of the war the additional acreage allocation made to India and Ceylon represents only one half of 1 per cent. It will be appreciated that this grant of 3,232 acres is not far short of the total allocation held by this Colony during the past 10 years of restriction. In connexion with the actual allocation of this extra acreage as between the various interests in the Colony, I would mention that the Government takes the view, a view which has been accepted by the International Tea Committee, that these allocations can be made and will be made in accordance with the provisions of the 1934 Ordinance. That means that Government is entirely free as it sees best to allocate such acreage either to new growers or to assist smaller growers, or again to bring partially developed areas to development. Personally, I am sufficiently optimistic as to the development of the war situation as to consider that these 3,200 acres plus the unexpanded balance will be as much as Kenya can make use of until the end of the war. There is no need for me, I think, to emphasize such matters as man power and labour difficulties or the difficulties of getting tea machinery. I agree that probably some members will not accept my view, and of course the actual position cannot be ascertained until applications are received for allotments under this grant, but an assessment of the probable position as it is likely to occur indicates

that this acreage grant should prove adequate.

I would mention that when these negotiations were taking place, it has been made quite clear that Government takes the view that this tea question will have to be reconsidered at the conclusion of the war, and this view is accepted by the authorities in the United Kingdom. It has been made clear in the correspondence that has taken place that if this Government accepts the new acreage allocation this will not represent this Colony's final answer to demands for increased acreage and that Government reserves the right to reopen the whole question after the war when, in all probability, it will be necessary to ask for a substantial increase in the permitted acreage. I would summarize therefore—

COL. GROGAN: Will the hon. member tell us who and what is this International Tea Committee?

MR. KILLICK: I should perhaps have given some indication of the scope of the International Tea Committee, but I did not do so for I did not want to go too far back into past history and I thought that hon. members would have been aware of the position following on the original introduction of the restriction with the introduction of the 1934 Ordinance. The majority of tea producing countries participate in this international restriction scheme which is controlled by a body in London called the International Tea Committee.

COL. GROGAN: Which countries?

MR. KILLICK: The countries in question are India, Ceylon, the Netherlands East Indies, and Malaya.

If I may summarize the remarks which I have made in introducing this motion, I would suggest that control of planting, locally or otherwise, is necessary for the proper development of the tea industry, and for this purpose, apart altogether from the question of acreage allocation, the 1934 Ordinance is satisfactory in this respect. There may be a difference of opinion as to the adequacy or otherwise of the new acreage grant, but I have endeavoured to make the point that under present circumstances this acreage grant proposed of 3,232 will be adequate for the purpose. Finally, it has been made clear, a view which has been accepted by

[Mr. Killick] the authorities at home, that the whole subject must come up for review on the termination of the war, and that this Colony has made it clear that the acceptance of the present offer will in no way prejudice its claim to reopen the whole question at the conclusion of hostilities.

Mr. Harragin seconded.

MR. WRIGHT: Your Excellency, this is a subject which I have talked a good deal about in the past, and I should like now to inform hon. members of developments. The hon. Member for Ukamba has asked who are the International Tea Committee, and the hon. mover has given an indication. The signatory countries are, as he states, India, Ceylon and the Dutch East Indies, the latter being dominated by Japan at the present time. This country and the two neighbouring countries are not signatories in the international sense, but through some strange arrangement whereby the International Tea Committee have dominated the Colonial Office in London these territories have been victimized by the rule prevailing.

I am rather disappointed that the hon. mover has not gone further into the question of what is considered an economic unit. He is well aware, as other members are, that the local Tea Association have asked that, in accepting this 20 per cent increase, the 3,200 acres should be allotted on a pro rata basis. That, I hope hon. members will agree, is unfair and unjust to these smaller growers who cannot in that way reach an economic unit, for several growers whom I know in Sotik have licences to plant 40 acres, and a 20 per cent increase would give them a paltry eight acres whereby they will never achieve that economic unit which would justify the erection of a central factory. I trust, therefore, that special consideration will be given to the smaller growers rather than an undue attention paid to the large vested interests whose home is overseas and whose money goes there and whose dividends are distributed there.

I want to tell you of one thing. I have an extract from *The Times* about the Consolidated Tea and Lands Co., Ltd., a big company of which Mr. Langford James, also a managing director of the National Bank of India, is chairman.

This is one of the big five famous James Lindlay group who have the biggest tea interests in this Colony, the African Highlands, and here is an extract from his speech: "In view of the very successful administration of the tea regulation scheme by the International Committee, it is unfortunate that an attempt is being made by a body of individuals in East Africa to sabotage the scheme, a movement which appears to have received some backing from a local administration which might have been credited with a greater breadth of vision. East Africa entered the international scheme as late comers on generous terms, and it is impossible to conceive the growers in that part of the Empire can have any grievance so far as the crop basis is concerned. When the full significance of the present demand to be permitted to plant out new areas of an unrestricted acreage is appreciated—involving, as it does, breaking faith with our partners, the Dutch East Indies growers, now, unhappily, dispossessed of their properties—it is to be hoped that we shall have heard the last of an ill-conceived movement. The contention by those sponsoring it that it is a laudable attempt to further the war effort, is not impressive to those who realize that no appreciable weight of crop can be looked for under, say, 10 years from the planting of the seed". That last statement, the hon. mover will support me, is a very gross exaggeration. Since the Ordinance was imposed in 1934 and people clamoured for the right to plant more, we could have added enormous areas to the tea producing districts. It is nine years ago since the Ordinance started, and five years ago we were plucking tea from areas then planted.

In reference to the new tea agreement, I have received a recent number of the *Economist*, which states *inter alia*, "In fact, tea supplies are short; last autumn the Combined Food Board had to introduce a tea pooling scheme to secure a fair distribution of supplies"—"I am only reading the relevant extracts"—"The prolongation of the agreement without any significant changes has caused some surprise. Unlike the wheat, sugar, rubber and tin control agreements, the tea scheme has never been a Government scheme. The first two agreements (and now the third) had been concluded between the main tea planters' associations of British India,

[Mr. Wright]
Ceylon, and the Dutch East Indies. True, they required official sanction, and the governments of the three chief tea exporting countries have supplemented them by Acts and Ordinances, and are appointing the members of the International Tea Committee. But as for four-fifths of these appointments the approval of the planters' associations is required, the scheme remains largely a producers' scheme. That makes very much clearer what should be known and which I could not previously tell hon. members here, and I would take this opportunity of congratulating the Kenya Government on its degree of resistance to some of the proposals of that International Tea Committee. I was very much encouraged when I saw the definite degree of objection to several of the points put forward by the Committee whereby our markets or any surplus tea in future should be restricted and definitely limited. One gets worried about the activities of these great vested interests overseas, more especially when evidence comes along as to what their real purpose is, and at the risk of boring Council I will read an article from the August number of a Calcutta paper called *Capital*, which refers to the same Findlay group in these words: "The practical importance to British investors of the repatriation of British-owned Indian securities appears to be illustrated by the recent annual report of James Findlay and Co. This shows that part of the shareholdings in three of James Findlay's subsidiaries were sold in 1942"—then it gives the details, and continues: "*The Financial News* comments that, while this disposal of long-standing British interests in Indian industry is regrettable from the broadest standpoint, it may, if carried to the extreme lengths which Indian public opinion appears to envisage, bring into the open the results of the conservatism which James Findlay have exercised in running these concerns. Is it to bolster up the price for the vendors of these British Indian estates, is it to cash in in India while the going is good, that restriction is being kept on in these young tea growing territories, and can it conceivably be deemed to be a worthy war effort? Those are questions I ask myself. I am not sure of the answers, but when one of the biggest vested groups of this kind begin to cash

in on their tea and other estates at very remunerative prices to the Indian Nationalists who aspire to own their own properties, not unnaturally, I say we must go warily: As to whether this continuance of the tea restriction can long be justified, Mr. Morrison, the Home Secretary, said recently, almost alone among ministers, thinking on clear democratic lines, "We must turn our backs for ever on schemes of restriction, of goods or of labour", and with that repeated expression of my opposition to restriction, while in favour of control, I now sit down!

Mr. NICOL: Your Excellency, I am not too happy about the wording of this resolution because it is a very loose phrase "duration of the war". The war with whom—with Germany or with Japan or with both? I think that if we pass this we are tying ourselves for a period over which we have got no control whatsoever. "And also for one year thereafter"—is that one year from an armistice with Germany or Japan or both, or with whom? I feel that we must have that cleared up.

Again, I have not got the Tea Amendment Ordinance, 1938, in front of me, but I think it lays down the acreage which is allowed, and if we pass this how is the hon. mover going to reconcile the further bill to which he referred which he is going to bring in at the next session increasing the acreage by 3,232 acres, I think it is? I am not certain on that point. Also this additional acreage which is being allowed, I think the hon. mover said that that acreage would be allowed to continue for two years after the war. If the war, as defined or to be defined, ends next year, the tea planted will not be in bearing by the time the two-year limit comes to an end, so it looks to me as if the tea planter is going to be forced into a gamble.

I should like to know, particularly in view of my hon. friend the Member for Aberdare's quotation from Mr. Langford James' speech, what is the position at the present moment in Portuguese East Africa, and I should like to know—they are not signatories to this tea arrangement so far as I know—what increased acreage there has been in Portuguese East Africa over the last three years, as I am told it is very very considerable. It is financed by powerful in-

[Mr. Nicol]
terests in London, and they are not restricted in any way as the unfortunate grower in Kenya is.

MR. VINCENT: Your Excellency, far be it from me to accuse the Government of being inconsistent, but in a recent session I remember when I proposed that the Increased Production of Crops Bill be brought in for the duration of the war and one year thereafter, Government took the greatest exception to it, especially in committee, and that is why we extended it to 1946, and in their reply I should like the Government to let me know the reason why in one case they are satisfied it can be done and in another case they are satisfied it cannot.

MAJOR CAVENDISH-BENTINCK: Your Excellency, in view of the assurance given that the necessary amending bill will be introduced in the next session making alterations for the provision of these increased acreages marketing areas, and so on, I am prepared to support the motion. At the same time I should like to corroborate all that has been said by the hon. Member for Aberdare. He did not, however, make one point, nor did the hon. Director of Agriculture, which is that this increased acreage was not freely given us by the International Tea Committee but was wrung out of them by our refusal to have anything further to do with their arrangements unless they at least showed some signs of being fair to this country. (Hear, hear.)

Speaking as Director of Non-Native Production, it is rather difficult to ascertain the real views of those interested in tea growing in this country because, quite naturally I suppose, the Kenya Tea Growers Association is largely composed of gentlemen who directly represent the big vested interests of which we have heard. So much so is this the case that when Government wishes to ask for advice on matters connected with tea production and addresses the Kenya Tea Growers Association and asks them for such advice, the first thing that happens is that they wire to their principals in London to ask, "What are we to answer". I mention this fact because I note that in the most recent reply from the Secretary of State it is suggested we should strengthen this advisory body, make it East African and, in future, rely on it

entirely. Now, Sir, I am afraid I cannot agree with that because if we were to do so the small producer and the newcomer would be entirely ruled out of growing tea.

There is another point which was raised by the hon. Member for Mombasa which I think we should bear in mind, especially in view of the extracts which have been read from various people's speeches on this subject. They say that they sincerely trust that the last has been heard of this ill-conceived movement—referring to our agitation—and while they suggest that everything possible has been done in the interests of existing tea growers, they forgot to mention that for the last few years, while restricting us they, and largely with their money, have been opening up new areas in countries which are not signatory to the agreement. So ridiculous is the position that I believe I am right in saying that in Nyasaland there are places, or certainly a place, where one gentleman runs a tea estate in Nyasaland which is restricted, and he lives next door to a gentleman, also living in Nyasaland, who crosses the river every morning to go to his business in Portuguese territory, and because that estate is over the border it is unrestricted, although I believe it is largely supported by the same firm, which finances both estates. I make this point because with the best will in the world I think those of us who are connected with production in this country do have cause to regard the International Tea Committee with the gravest possible suspicion. (Hear, hear.)

MR. HARRAGIN: Your Excellency, two legal points have been raised which I should like to deal with. I will take the last one first. The hon. Member for Nairobi South asked why when we were dealing with the Crop Production Ordinance we would not agree to the wording as is suggested in the motion to-day and insisted on putting down a definite date, 1946. The reason is because we wanted a definite date, and I think everybody wanted a definite date and not a date which might be fluid. For instance, no one knows when the war is going to end. We all have ideas, but as a practical proposition it was absurd, if you wanted to review amendments, whatever happened, within three years, in 1946; it was

[Mr. Harragin] ridiculous to put in a date which depended on the duration of the war. The producers, who naturally did not want the Ordinance to come to an end, let us say, a year from to-morrow, if the war were to end to-morrow, were just as anxious as Government to fix a definite date when the matter would have to be reviewed.

LORD FRANCIS SCOTT: Could the hon. member say whether by the end of the war he means when the armistice takes place or when final peace is made?

MR. HARRAGIN: On a point of order, Sir, this is not question time, but I have every intention of answering the hon. member's question in the second half of my few remarks. That was why on that occasion we did not agree to a date uncertain.

The next point, which was raised by the hon. Member for Mombasa, was that as far as he remembered the Ordinance would have to be amended. He is perfectly right. In the Ordinance the number of acres that may be planted is laid down, and in due course, at the next session, it will be necessary to extend it by the number of acres the hon. mover has indicated.

The last point is who is to tell when the period of the war has ended, and whether it refers to Germany and/or Japan. The answer to that is this: His Majesty's Government is going to declare the date upon which war shall be deemed to have ended. That is most necessary because most of the Defence Regulations depend on that date either to come to an end altogether or for a period after which they shall cease to have effect, and it will depend on His Majesty's Government as to when that exact date will be, but I think I can say with safety that the period is the duration of the war with Germany or Japan, whichever is the later. That I think you will find to be the date which His Majesty's Government will declare, but that is not a statement of law that I am giving you; it is a statement of fact that I believe to be true.

MRS. WATKINS: Your Excellency, I should like to add a word or two on behalf of the smaller farmer. I am surprised to find that a *pro rata* increase has been suggested, and I should like to put up for consideration that perhaps smaller units might be allowed to come to an

economic basis first, say 100 acres, and then have it *pro rata* after that. It seems to me most unfair that these smaller growers should not be allowed to come to an economic unit so that between themselves they could have the opportunity of perhaps four or five joining together and having a factory.

There is one other point. It is always stated that control is desirable. I admit that control is desirable, but I want to know by whom that control is exercised, and when we realize we are under the control of the Colonial Office and the Colonial Office is under the control of the big magnates who control the industries, I am not so certain that that is the kind of control that the primary producer of this country wants to accept. I am speaking especially, as usual, for the smaller farmer and, like all small farmers, we are terribly frightened of monopolies and terribly frightened of vested interests in so far as they have the effect of pushing down wages through the small prices they allow the producer to obtain, and then they blame us for conditions on our farms resultant on that fact. They say, "Why do you treat the natives like that?" They say these things in the House of Commons, and the men who say it are all living on the proceeds of having made too much out of the crops we grow here. The whole thing is a rigged ring, and I think we have got to decide now that we want legislation brought in so that we can increase beyond even that 3,000 acres, if we can do so here. It is all very well to say we cannot do it because the war is on. We have just had the palm wine legislation brought in on which we cannot act at the moment because we have not got the staff, but they have quite rightly put the legislation through so that the moment the chance comes we can get on with it. I think that applies to tea acreages. Machinery does not come in to it for four or five years after the tea is planted. I think we want legislation for greater tea acreages right away now. It takes time to grow and plant tea and I cannot see any point at all in allowing Portuguese East to develop with London capital while we are restricted. We know when we go back to Malaya there will not be any tea left; the Japanese will have wasted it all.

There is going to be a very hungry Europe to feed after the war. We are all

[Mrs. Watkins] the time restricting our acreages so as to pay more money into the London market. We are playing the game of the vested interests, and I for one deprecate it. When they talk about the organized developing of tea, I am not so certain it is the organized developing of a monopoly which is going steadily forward, uncovered partly by the hon. Member for Aberdare, partly known to all of us and now stated in various papers, and I do not see why this Council should support these vested interests in London any longer than we can help. I should very much like to see the tea acreage increased and economic units allowed to the smaller farmer.

LORD FRANCIS SCOTT: Sir, I do not wish to take up much of the time of the Council, but the question of economic units has been raised on one or two occasions. I think it is generally accepted that an economic unit which justifies a factory is 500 acres, and the economic unit which one farmer can make a living out of, if he relies on tea and nothing else, is about 120 acres. I should like to suggest that before the allocations of these 3,232 acres is made Government should appoint an impartial committee to help in the allotment of the tea acreages, which are going to be available, so that the small people shall have an opportunity of getting a fair allotment.

COL. GROGAN: Your Excellency, I am entirely opposed to the whole motion, and I trust that the majority of other people—I am not certain of the members on the other side—are equally opposed to it in principle. The hon. mover read off quite easily in resonant tones "The International Tea Committee", and it was quite obvious that he was very much impressed by that term because he had not taken the trouble to find out what it conveyed. The purpose of my question was to satisfy myself whether this thing had any sort of substance in the world or not, and for that reason I ventured to intervene and ask if he would kindly give us a description of what it consisted of. I expected in answer to hear him read off Russia, China, and all the great nations of the world, but after looking at his handbook the only thing he could detect was three portions of the British Empire, one of which happens to have disappeared for the moment, and the Dutch

East Indies, in which a very large proportion of the plantation development has been carried out with London money. So when we really look at the thing as a picture relatively to the term "international" it is quite obvious it really means nothing international at all, but the dear old London money octopus. It does not seem to me that the people who insist on trying to carry on these octopoidal operations in these territories have ever heard of a little thing that has been talked about lately as the Atlantic Charter. I understood the principle of that Atlantic Charter was that the real international elements should be combined so that everybody could get a cup of tea whenever he wanted it and as fast as he wanted it. It seems to me that these restrictive demands to-day are entirely in opposition to the fundamental principle for which we are supposed to be fighting this war.

I sincerely trust we shall get on this side—I do not know about the other side because they cannot help themselves—a unanimous vote against this resolution as an indication that though we may be acquiescent in all these difficulties that arise during the war, after the war we do not intend any longer to serve as the fifth teat of the milch cow of the money interests in the city of London. I trust we will give a unanimous vote against it.

MR. AMIN: Your Excellency, there is one point which bears on the motion and that is that in the last year or two there has been a steady increase in the consumption of tea by the African population. I feel that Government have encouraged the African to consume more tea and sugar, at least in the past year, owing to the shortage of maize meal. If that has anything to do with the acreage of tea planted I think the Government should see that the consumption of tea is continuously increased in this Colony and that more and more acres will be required for the production of tea to meet the requirements of the Colony. The extension of tea planting is required not only from the point of view of international fairness and justice but also from the point of view of the Colony's interests.

MR. PATEL: Your Excellency, I did not intend to speak on this motion

[Mr. Patel]
until I saw that Council was divided and that there were opinions expressed for and against the motion. I am speaking because, if a vote is taken and recorded, I want to say why I am neither for nor against the motion. As a resident of this country, I am interested in seeing that the acreage of tea planted in this country should be increased, but I also join with the hon. Member for Aberdare in expressing my resentment against the International Tea Committee in controlling the acreage of this country. At the same time, I express myself neither for nor against the motion because the vested interests in London are preventing this country from increasing the acreage of tea, while the vested interests in this country are preventing the community whom I have the honour to represent from taking any part in the production of tea, yet in the adjoining territories the Indian community has been taking part in such production. That is the reason why it amuses me when people say vested interests in London are doing this or that while vested interests of a similar nature are doing so many things in this country. I am strongly against control by the International Tea Committee, but I hope hon. members who express their resentment against such control will bear in mind that when it affects other interests by controls exercised in other fields of activity we feel the same kind of resentment.

MR. RENNIE: Your Excellency, there is little that I propose to say in this debate. I received the impression before the hon. Member for Ukamba had spoken that, although there was very definite opposition to the activities of the International Tea Committee and to restriction in respect of production of tea, the general feeling of the Council was in favour of this particular motion. I may have been mistaken, but that was certainly the impression I got from the earlier speeches. The hon. Member for Ukamba seemed to have been under quite a different impression, and I hope that he is mistaken and that I am not.

I think the hon. mover made it quite clear why this resolution is necessary at the present time. One or two speakers on the other side of Council have stressed the necessity of looking after the interests of the small producer of

tea. I would suggest that if this motion does not go through and if the Tea Ordinance no longer remains law, the interests of those small producers of tea would be at a very serious disadvantage. For that reason I hope that all hon. members who feel they can do so will support the motion. The noble lord the hon. Member for Rift Valley made the suggestion that before the allocation of the additional acreage is made it would be advisable for the Government to appoint a committee to advise on the allocation. That is a suggestion which, I think, merits consideration, and I will see that consideration is given to it. As the noble lord is aware, the hon. Director of Agriculture himself has made it perfectly clear that he regards the allocation of this additional acreage as a matter of great importance and he had intended to exercise his powers under the Ordinance very carefully indeed in connexion with the distribution of that additional acreage. The noble lord's suggestion, as I have said, is well worth considering, and it will be taken up.

Finally, I would merely emphasize the point that has already been stressed, that there is general agreement among the East African colonies with the proposal that this Ordinance should be given a longer life, since they realize that it is impossible under present circumstances to come to final decisions in this matter. As has been stated, the question is left open, and any representations which this Government or the East African Governments will make will receive full consideration after the war. In the negotiations that this Government has had through Col. Walker in London with the International Tea Committee we have made perfectly clear this Government's attitude—that it is not satisfied that what has been done is necessarily the last word.

MR. KILLICK: Your Excellency, a number of points raised by hon. members on the other side of Council have already been dealt with by the hon. Chief Secretary and the hon. and learned Attorney General. There are, however, one or two points with which I would like to deal raised by the hon. Member for Mombasa. One was the wording of the resolution, to the effect that the ordinance should remain in

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[Mr. Killick]
force for the period of hostilities and one year thereafter, whereas I made in my opening remarks a reference to a suggestion that the International Tea Committee considered two years to be a reasonable period. The wording of the motion is so framed because, as has been indicated, immediately after the war it has been agreed that the whole question should be reconsidered. The hon. Member for Mombasa also asked if information was available as to the actual extent of tea planting in Portuguese East Africa. On that I have this information, that in January, 1939, 5,000 acres were under tea and at that time 1,000 acres extra were under contemplation. I regret I have no later information. The hon. Member for Kiambu said she hoped there would be no question of a *pro rata* allocation in accordance with established acreages under tea. There is no question that in future acreage allocations to be made within the Colony should be on a *pro rata* basis. As I indicated in my opening remarks, Government is entirely free in the matter as to how this acreage should be allocated, and although under the Ordinance as it stands the Director of Agriculture is vested with the allocation of this acreage, it is my intention to recommend that he should be assisted by an advisory committee when the question of allocation of acreage is under consideration.

The question was put and carried by 22 votes to 9.

Ayes. — Major Cavendish-Bentinck, Messrs. Brown, Daubney, Gardner, Harragin, Hebden, Hodge, Hosking, Izard, Killick, Lacey, Montgomery, Mortimer, Northrop, Paterson, Pedraza, Rennie, Robins, Lord Francis Scott, Messrs. Stronach, Tomkinson, Troughton, 22.

Noes. — Messrs. Cooke, Couldrey, Col. Grogan, Major Hill, Col. Kirkwood, Mr. Nicol, Mr. Vincent, Mrs. Watkins, Mr. Wright, 9.

Did not vote. — Messrs. Amin, Beecher, Kasim, Paroo, Patel, Shamsud-Deen, 6.

MAJOR CAVENDISH-BENTINCK: Your Excellency, I beg to move: That this Council, after carefully considering Kenya Despatch No. 78 of 8th June, 1942, and the Secretary of State's reply (Despatch No. 50 of 2nd March, 1943), recommends implementation at a reasonably early date of the recommendations of the Land Tenure Report as modified by the minority note appended thereto. In the meantime, however, this Council remains satisfied as to the impracticability of determining with any degree of fairness or accuracy unimproved or prairie value of developed farms in the widely differing classes of land and circumstances prevalent in Kenya, and remains of the opinion that the present revisable rent conditions applicable to agricultural land are a hindrance to new settlement, and therefore recommends the immediate rescinding of the revisable rent provisions of the Crown Lands Ordinance, 1915.

I would like to preface my remarks by recalling that the subject of land tenure and the Land Tenure Committee's report was last discussed in this Council on 22nd and 23rd April of last year on a motion proposed by the hon. Member for Aberdare. On that occasion European elected members were not unanimously agreed in detail, in that a majority were in support of the majority report, whereas some of them, of whom I was one, supported the minority report. Nevertheless, the debate which took place on that occasion was instructive and it produced a valuable consensus of agreement and resulted in a despatch being sent by this Government to the Secretary of State in which the views generally held in this country as a result of the experience of living here were conveyed to the home Government. On this occasion I have been asked to propose this motion now before Council on behalf of the European elected members as a whole, all of whom are prepared unanimously to subscribe to its terms.

The subject which we are about to discuss can, I think, be said to be of fundamental importance to this country and its future. Any conclusions we may

[Major Cavendish-Bentinck]

reach to-day may have far-reaching effects both on those who are here at the present time and those who may come hereafter. It may therefore be asked, in view of our recent request for a general election, how it is that the present body of elected members have the temerity on the virtual eve of a general election to venture into a swansong on so important and so essentially long range a topic. The attitude of elected members can, I think, be easily defended. In the first place, I would point out that Government's policy as regards land tenure has been continuously brought into question from one quarter or another since about 1897, and I need only quote the Land Regulations, 1897, the Crown Lands Ordinance of 1902, the changes in Government policy that took place from 1908 onwards, the new Crown Lands Ordinance of 1915, the one we are working under now, the criticisms occasioned by that Ordinance and the consequential Land Tenure Committee No. 1, which sat in 1922, the recommendations of which were turned down by Government, the debates here in Council in 1929, 1932, 1936 and 1937, and the Crown Lands (Amendment) Ordinance, 1939, the Land Tenure Commission, or what I call Committee No. 2, of 1939-41, and our debate last year, to show that this subject has been continuously before elected members and this Council for years past, and that on many occasions the subject has been discussed by existing elected members. How can we therefore possibly justify the ignoring of the very important White Paper laid this session, which in fact was occasioned by our debate last year, which contains the Secretary of State's very able but, I would submit, somewhat detached and somewhat theoretical thesis on our views. We contend we should without doubt be doubly failing in our duty, in our responsibility to the country, if we were to allow the Secretary of State's comments to lie on that table without comment; in other words, to be accepted by default and thus become imposed on our successors or be taken as accepted by this Council at the present time.

Coming to the Secretary of State's despatch, he did not in that despatch specifically deal with the recommenda-

tions of the Land Tenure Committee in his reply. He pleaded for mature consideration before any decisions were taken, and he then proceeded to set out his observations under headings which facilitated his making certain general remarks on the subject of land tenure. I would say, before trying to criticize his remarks, that I think we will all agree that this despatch is a very able despatch and it has obviously been written by a person or persons who have had a good deal of experience of land tenure and land tenure legislation, and possibly recent land tenure legislation amendments, in the United Kingdom. It is therefore deserving of very careful consideration. Nevertheless, the Secretary of State's general remarks, though in some cases only vaguely related to the Land Committee's specific recommendations, lead one to conclude that he disagrees with most, if not all, of the recommendations and conclusions, which I will again stress as the result of experience emanated from this country.

The Secretary of State's first heading deals with the subject of "freehold". It contains many allusions to and quotations from Lord Justice Scott's and Mr. Justice Uthwatt's reports, neither of which reports I might add was accepted by the United Kingdom Government. Freeholding does not really come within the terms of the motion to which I am speaking. Personally, for reasons which I gave during the last debate in this Council on this subject, I am averse to granting freehold titles in perpetuity for agricultural land in that, as apparently the Secretary of State also does, I hold the view that the State must retain the right to intervene if the public interest demands a change in the use to which any particular land is put. Many people in this country besides myself share this view. The minority note of the Land Tenure Committee report which we are supporting, openly expresses that view. I therefore do not think that I need comment on the Secretary of State's remarks about the freeholding of land.

The Secretary of State's next heading deals with "leaseholds", and his remarks in that section of his despatch are far more challenging and far more contentious. Under this heading he first draws attention to Viscount Harcourt's alleged disinclination to bow to pressure from this country and agree to the

[Major Cavendish-Bentinck]

policy implemented in the Crown Lands Ordinance, 1915, that is, the extension of the period for leases of agricultural land from 99 years to 999 years. He goes on to quote the United Kingdom Agricultural Holdings Act, 1923, and lauds the policy of recognition of a tenant's claim to compensation for unexhausted improvements, as well as the landlord's, by which I presume he means the State's, claim to dilapidations on the termination of a comparatively short term lease. If I may say so, in his arguments he mixes up urban property with agricultural property and treats both alike, and contends that no leases, whether for agricultural land or for township plots, should in any case exceed a term of 99 years, provided that certain so-called safeguards in respect to unexhausted improvements are introduced as a measure of security to the leaseholder. He apparently expresses a desire to stop any further conversions from the 99-year leases under the 1902 Ordinance to 999 years under the 1915 Ordinance, and wishes us to revert to the upper limit of 99 years for all new agricultural leases. I would like to place on record that the elected members profoundly disagree with those suggestions in so far as agricultural land is concerned. The Secretary of State apparently wants us to depart from the 1915 Ordinance altogether. We do not wish to depart from the basic principles which that Ordinance contains. We categorically support Recommendation 7 which was put forward by the Land Tenure Committee, which reads as follows: "That an option be given to the holders of all existing 99-year leases of agricultural land under the Crown Lands Ordinance, 1902, to have their titles converted by such means as is considered necessary into leases for 999 years at the rent of 20 cents per acre per annum, or such smaller amount as may be decided on appeal to the 'Crown Rents Board', but" (and this is important) "subject to development to the satisfaction of the Commissioner of Lands". Indeed, I would go further than that, and I would only give a short period for the exercise of this option. Crown land which has been alienated is still held under the 1902 Ordinance partly to avoid the revisable rentals and partly because I think existing leaseholders, who want to get as much as

they can out of the 1902 Ordinance, are under the impression that they can at the last moment, or their successors, convert to a 999 years lease under the 1915 Ordinance. I feel that a satisfactory position will not be reached until we get the maximum conversion in the shortest possible time. As regards urban titles, for reasons given we support the recommendation which was made by the minority note of the Land Tenure Committee: "As regards urban titles, we are satisfied that the maintenance of the present system of leases for terms not exceeding 99 years is in the best interests of this Colony, and we therefore record our disagreement with the committee in recommendations 8 and 9".

One of the main reasons why we felt that this motion should come before Council at the earliest possible moment after the laying of this document was that we should have an opportunity of expressing our opinions on the Secretary of State's suggestion that 99 years is the upper limit which leases can be granted for agricultural land.

The Secretary of State next dealt with the question of the "revision of rents", and this is a matter on which we feel very strongly indeed as will be seen from the wording of the motion now before Council. Moreover, this was, if you will permit me saying so, one of the few matters on which you, sir, in your despatch were truly specific and positive. You stated in your despatch: "It was further decided that your lordship should be informed that the Government is not in favour of continuing the revisable rent system". That is a statement of fact which is not capable of being misinterpreted. The Secretary of State, however, in his reply does not favour the abandoning by the State of the right to review rents; and he asks us to give further consideration to Sir Robert Ball's scheme for staggering dates for such revision. The Secretary of State even appears from his despatch to favour rent revision every 25 years even during a 99 years lease for agricultural land. Having considered his arguments, we have seen fit to put into this motion that "in the meantime this Council remains satisfied as to the impracticability of determining with any degree of fairness or accuracy unimproved or prairie value of developed farms in the widely differing classes of

[Major Cavendish-Bentick] land and circumstances prevalent in Kenya, and remains of the opinion that the present revisable rent conditions applicable to agricultural land are a hindrance to new settlement, and therefore recommends the immediate rescinding of the revisable rent provisions of the Crown Lands Ordinance, 1915". In other words, we adhere to and support the recommendation made by the Land Tenure Committee in its report, the first recommendation which appears in the summary of recommendations, "That the present system of the revision of agricultural rents after every 30 years, the first revision to take place in the year 1945, be abandoned, and that those portions of the Crown Lands Ordinance, 1915 (Chapter 140), putting into effect the periodical revision of agricultural rents, be repealed". We thoroughly support that which, after all, is a conclusion come to after many years and during many years by members of this committee which sat for two years considering it, and we see no reason whatever to change our minds.

The next question with which the Secretary of State dealt in his despatch was that of "redemption of rents", and he put forward certain arguments in opposition to those put forward by the Land Tenure Committee. This particular section of his despatch is not very long, in fact it is only two paragraphs, and the arguments he puts forward in those two paragraphs are to my mind the least convincing of any he put forward in the whole of his despatch, more especially as he found it necessary to base most of them on the assumption that the revisable rent system would be continued in this country in some form or another. Again, all I can say is that, after carefully considering the Secretary of State's objections, we adhere to the view which was well expressed by the Land Tenure Committee that, subject to certain "conditions enumerated below, agricultural lessees be permitted to commute the whole or any part of their annual rent. The investment of trust funds in Kenya leaseholds with more than 40 years to run at a rent not in excess of the maximum laid down by the Crown Lands Ordinance, 1915, is permitted by section 4 (c) of the Trustee Ordinance, 1929, but under the English Trustee Act a trustee is not allowed to invest in leaseholds carrying more than a

nominal rental of Sh. 1 per annum. If this redemption privilege is adopted, the main objection to the investment of English trust moneys on the security of Kenya agricultural leases will be removed". The Secretary of State brushes this argument aside, because he says it does not affect many people. True, we do not know how many people it might or might not affect now or in the future, but obviously it is undesirable to maintain a system in this country which prohibits the investment of British trust funds in agricultural leases.

The recommendations which we support are: "That all lessees from the Crown holding land under ordinary conditions be permitted to redeem the whole or any portion of the Crown rent payable under their leases at any time during the currency of the lease, subject to the fulfilment of prescribed development conditions"; "That the amount payable for redemption shall be a sum in shillings arrived at by multiplying the annual rent prescribed by twenty"; and "That, subject to Recommendation No. 2 (the first recommendation quoted) the lessee shall be entitled at any time to submit payment for the whole of the redemption amount or any portions hereof in multiples of Sh. 100 and not being less than Sh. 500 at any one time".

Lastly, sir, the Secretary of State dealt with "religious sites", and this is a subject on which I do not feel quite so strongly and there may be a good deal to be said for the Secretary of State's point of view. Nevertheless, the Secretary of State in his arguments did overlook the recommendation of the Land Tenure Committee that such sites should only be leased for long periods or given freehold with a strictly restricted user, which provision would I think overcome the risk quoted by the Secretary of State of borderline cases arising where religious organizations indistinguishable from social clubs, might develop on a freehold or long-term leasehold plot, originally granted for religious purposes.

We have already debated the Land Tenure Committee Report within the last 18 months and I have endeavoured today to give a few comments, a few answers to the Secretary of State's essay in reply to that report, but I would again like to say that in both these documents we have had two very well expressed and

[Major Cavendish-Bentick] carefully prepared memoranda which gave one a great deal of food for thought. I would suggest that the first one—the Land Tenure Committee's Report—is perhaps a practical solution of problems with which we are all familiar, and the other one, although it gives us a very good indication of the trend of modern thought on land tenure in Europe, is rather an attempt to deal with land tenure in Africa on land tenure in Europe lines. I personally hold fairly advanced and unconventional views on land tenure and the desirability of a very considerable measure of State control not only in matters of land tenure but also in other directions for the good of new settlement and for the benefit of people who are already in this country. For instance, I feel that the future well being of the people here may depend, even more than on the abolition of revisable rents, on a controlled agricultural policy, on the amount of financial assistance that will be given in developing and preserving the land, on scientific research, and perhaps on assistance in co-operative marketing. If, for instance, guarantees of minimum prices of agricultural products are to be a feature of planning in the future, as well they may, it is logical to assume that the output of the product concerned will have to be regulated in accordance with possible consumption. It is also clear that, to meet the needs of the increasing population and to improve standards of living, the most efficient methods of production and the best possible use of the land will have to be insisted upon. But the best possible use of the land will not in my opinion be encouraged by giving a 99-year lease or by the retention of a system of revisable rentals.

I think we are just as much alive to the needs of the future, or try to be, as are the Secretary of State's advisers, and we have at any rate, sir, this advantage, that in making plans and suggestions we at least are conversant with local conditions; whereas they are not, however well instructed and however well intentioned may be their comments on our proposals.

LORD FRANCIS SCOTT seconded.

MR. MORTIMER: Your Excellency, I was glad to learn from the hon. mover's opening remarks that he had been asked by the elected members as a whole to

put forward this motion in support of the minority report of the Land Tenure Committee. Only about 18 months ago we were debating a somewhat similar motion from that side of Council supporting the majority report. Now it appears there has been conversion of a considerable number of the elected members—not the hon. mover, as he has been consistent throughout. But I am glad to recognize at any rate the conversion of the hon. Member for Ukamba.

COL. GROGAN: Nothing to do with me, sir.

MR. MORTIMER: Evidently, then, the hon. mover was not speaking for the whole of the elected members!

COL. GROGAN: Untrue, sir; he was!

MR. MORTIMER: The hon. mover has explained in detail the background to the motion. There is therefore no need for me to run over the historical aspects of the subject, or to refer in close detail to the various recommendations of the Land Tenure Committee's report. An assurance was given during the last debate that the Secretary of State would be advised of the course of the debate, and also of this Government's views on the various recommendations of the Committee. The Secretary of State was in the despatch covering these points asked for his advice and his views on various aspects of the question. We had some time to wait for a reply, but I submit that the reply was well worth waiting for. We have now had a reasoned, logical reply which is a most interesting exposition of a somewhat difficult and intricate theme and one that is deserving of the very closest study.

There are a few preliminary observations which the Secretary of State makes that I think should be brought home to the whole of the farming community of this country. In his general outline of modern tendencies with regard to land tenure and the relation of the State to the land, the Secretary of State refers to reports of recent committees sitting in England and to the Scott Report's categorical statement that the extension of national planning will inevitably involve some increase in interference with private interests, and again a quotation from the Uthwatt Report where the members of that Committee say that they have "based their report on certain assumptions, the first of which is 'that national

[Mr. Mortimer] planning is intended to be a reality and a permanent feature of the administration of the internal affairs of this country; that it will be directed to ensuring that the best use is made of land with a view to securing economic efficiency for the community and well-being for the individual, and that it will be recognized that this involves the subordination to the public good of the personal interests and wishes of landowners." Those are sentiments with which I find myself in profound agreement. They are sentiments which I am sure would have warmed the heart of the *bête noire* of the hon. member for Ukamba, the late lamented Henry George.

An interesting suggestion is made in the Uthwart Report to which the Secretary of State refers, that all freeholds in England should be converted to 99-year leases on a peppercorn rental. The Secretary of State winds up this particular section of his despatch by a categorical statement that His Majesty's Government is quite definitely opposed to any extension of freehold titles throughout tropical Africa wherever the Governments were not committed, and although it is irrelevant to the present debate, I think it well that that statement should be repeated in order that there may be no future misunderstandings.

Leaving aside for the moment the question of the extension of 99-year leases to 999 years, and the future policy in regard to agricultural leases, I would like now to refer to the portion of the despatch where the Secretary of State quite definitely expresses himself as opposed to the abolition of revisable rents and asks us to think again before pressing further with our recommendations. The weight of evidence before the Land Tenure Committee was clearly in favour of the abolition of revisable rents and the reasons advanced appeared to be cogent and worthy of credence to the members of the Committee, and the Committee unanimously recommended abolition of revisable rents. Now, sir, I personally adhere to the recommendation to which I subscribed my name, at any rate for the severely practical reason that I think it would be a far too expensive and complicated business to endeavour to arrive with any degree of fairness and accuracy at the unimproved value of a fully improved form in the

middle of a fully developed area, and that is the problem with which whoever is responsible for attempting a revision of rents will be faced. The Secretary of State refers to the inquiry made by Sir Robert Bell in Nyasaland and to Sir Robert's suggestion of staggering the dates of revision. If revision is to be continued in this country then that proposal is worthy of consideration, though how it could be applied to existing leaseholders I really cannot see.

There is an argument which appears to me to have some cogency in paragraph 15 of the Secretary of State's despatch, where he points out the danger of a long leasehold system with fixed and low rentals. The danger of the springing up of a landlord class who would do nothing on the land or for the land, but would merely batten on the producers and live on constantly increasing rack rents is a danger, but one which I submit could be overcome by the introduction into this country of proper landlord and tenant legislation to safeguard the interests of both landlord and tenant, and to make sure that neither exploited the other and that neither exploited the land to the disadvantage of the country as a whole.

The Secretary of State also draws attention to the steady tendency of money to depreciate in value, and uses that as an argument against the abolition of revisable rents. These arguments are very well worthy of examination at any rate. The first revision is due to take place in 1945. It is obvious that for man power and other reasons, even if we were all agreed that such revision should take place, it would be quite impracticable to carry it out in 1945. The Secretary of State has, therefore, agreed to a suggestion that the first revision date should be postponed until 1950. That will at least give time for reflection on all the various arguments that have been put forward. It will also give time for returning soldiers to express their views through their elected representatives.

On the question of redemption of rents, the Secretary of State here again does not like the views expressed by the whole of the Land Tenure Committee. Those views were largely framed to meet the difficulty of the investment of English trust funds. The arguments against it are the decreasing value of money and the loss of revenue that the State will suffer by such

[Mr. Mortimer] conversion. Although it was no part of the report, the opinion was expressed in the committee—and I believe had the agreement of all members—that if and when such redemption took place the funds so derived should not be swallowed up in the current revenue and expenditure of the year, but should be definitely set aside as capital to be put back into production, presumably through the Land Bank as assistance for further settlement. Recent events have a rather important bearing on this point. It has recently been agreed that advances to new settlers under the settlement scheme of assisted land purchase shall be made at the rate of interest of 4 per cent per annum. Now our Land Tenure Committee proposed that redemption should be at the rate of 5 per cent. If the money were to be put into the Land Bank and advanced to new settlers at the rate of 4 per cent there would be an obvious loss of 1 per cent plus the cost of administration, which someone would have to bear—that nebulous body called the Government! (Hear, hear, and laughter.) I think it would be a salutary exercise in elementary economics—not of course needed by any member of this Council—if, whenever we say that the Government must pay for this, that, or the other, we substituted the word "taxpayer" for Government, and so we should reach the conclusion in this particular instance that the taxpayer would have to bear that loss of 1 per cent. I do not personally attach great importance to this recommendation for the redemption of rentals. The evidence brought before the Committee was not very convincing that there was any considerable amount of trust money in England waiting for investment in this country that was precluded from investment at present, but the whole subject is worthy of reconsideration in the light of the arguments put forward by the Secretary of State.

So far as religious grants are concerned, here again the Secretary of State does not favour our proposals. This I think is not very important because grants of land for religious purposes are at present made on 99-year leases. It would be unthinkable that on the expiration of the 99 years, if the land was genuinely being used for the religious purposes for which it was granted, any Government would termin-

ate the lease or impose more onerous conditions on renewal.

I turn now just for a moment to the very important question of the extension of leases from 99 years to 999. In the Crown Lands Ordinance, 1915, there is a proviso giving Your Excellency power to accept surrenders of 99-year leases and to issue in exchange 999-year leases under the 1915 Crown Lands Ordinance. Applications to that effect have been freely accepted and approved, the view of the Government being that it was desirable as far as practicable to bring all land-holding under one general Ordinance and one general set of conditions. There has therefore grown up a feeling that conversion from 99 years to 999 years is practically a lessee's option. No time limit has yet been fixed, and I am in agreement with the hon. mover that a time limit should be fixed regardless of what policy may ultimately be determined upon for future leases. A time limit, and a fairly early one, should be fixed after which no further conversions will be permitted, and that in any event conversion should take place only when the land is being properly used and developed on the best principles of husbandry.

The Secretary of State makes some very valuable suggestions in the portion of his despatch dealing with this subject. The main objection to the 99 years lease, whether urban or agricultural, is that under the present law, on the expiration of the lease the land and all that is on it by way of permanent improvements reverts to the State. In the case of urban property the assumption has been that the wise owner will write off his capital year by year, so that at the end of the 99 years it will stand at nothing on his books. I venture to say that very few landowners in this country have ever thought of doing that. There is still a very considerable period to go before even the earliest of Kenya's 99-year leases will expire. The earliest of them was about 1900 or 1902, so there is still a matter of over 50 years to run. I am not an actuary nor a statistician, but I am told that a 99-year lease begins to depreciate when it has reached a point where there are still about 40 years to run, so there is no need for alarm and despondency at present. The Secretary of State puts forward the suggestion to us on the lines of modern

[Mr. Mortimer]
legislation in England, that on the expiration of the lease the tenant should be entitled, if the lease has not been renewed, to compensation for the unexpired value of the improvements that he himself has put up. I earnestly recommend the Government of Kenya to adopt legislation on those lines, and I think that should remove the main objection to the 99-year leasehold system.

What I should like to see, speaking of urban properties, is that at the end of the 99-year lease the then tenant should, if the land is not required for public purposes, be offered a renewal of the lease at a revised rental based upon the value of the land, and not on the value of the land plus improvements. If the land is required for public purposes, then compensation should be paid to the tenant for the then value of his own improvements. At present I think there is no need to go into this matter in great detail because there are still many years to run before existing leases show any sign of expiring. I think an assurance should, however, be given that the whole subject will be very carefully reviewed and I trust that a Government policy will be enacted which will be fair and just to all interests.

I welcome the present debate because it does give an opportunity to hon. members to express their views in support of the Land Tenure Committee's Report, and I can give an assurance, sir, with your authority, that the views expressed now will be represented to the Secretary of State, that the subject will be taken up again and the arguments cogently dealt with. In view of this assurance perhaps the hon. member may feel that his purpose in bringing forward the motion and in inaugurating the debate will have been served. It must be obvious that in view of the Secretary of State's remarks the Government cannot at present accept the motion as it now stands.

COL. GROGAN: Your Excellency, I do not intend to waste any more of my time in this discussion, having spent a very large proportion of the last 40 years in discussing this thing without any conclusion or result, and I should not have intervened at all if it had not been that the hon. gentleman opposite paid me the honour of specific reference to myself. Apparently, if I understood him cor-

rectly, he assumed some measure of conversion. Well, I must explain to him that it is no measure of conversion whatsoever so far as I am concerned. We have, as I understand it, as a body agreed to support the hon. mover in advocating the adoption of the modicum of commonsense which was implied and inherent in the minority report, but it does not mean one is converted from one's wish now to see the whole of the commonsense applied which is indicated in the majority report.

It was interesting to me in a way to listen to the, if I may say so, emanations of the urban mind because they are a very dangerous trend of thought in the world as a whole. We have had two of them in this debate already, and the point of view naturally of people who do not own land and do not work the land and know nothing about the practice of the land is naturally rather distinct from those who work and live by the land and who incidentally support the rest of the community by so doing. (Laughter.) It is an interesting thing to me that after somewhere round about 25 years exploitation of the people who live and work by the land through the medium of enforced low price levels, the urban crowd, which is ever increasing in vocal strength as against the unfortunate rural elements, are not satisfied apparently with having been clothed and fed at less than the cost of production and at the expense of the resources of the land, are now determined to have every 25 or 30 years a capital levy on top which is what, after all, the revaluation represents on a rental basis. I venture to suggest to the gentleman opposite and others infected with the urban outlook that there is a limit to the goose, and that one of our main theses is that as a result of the last 25 years' use of the land in this country a very large proportion of the original fertility of the land has already gone down the drain, either into the mouths of the consumers of our products overseas or drifted away into the Indian Ocean. I say then there is no question whatsoever about it, everybody agrees that the urban elements of the world have lived very comfortably indeed on the basis of the exploitation not only of the operators of the land but also of the land itself, and if you really intend to intensify that process I can see nothing ahead but a very serious increase

[Col. Grogan]
of poverty and very serious complications.

There is one point that the last speaker made which I want to challenge, and that is I understood him to say that the wise owner will write off in his books the loss that is looming ahead on the termination of his lease. During our work on the committee this point arose again and again and again, and I am quite convinced at that time that the hon. gentleman was convinced of the fallacy of many of those things which he has repeated to-day, which I am sure he would have had clear in his mind had it not been for the unfortunate intervention of the illness which delayed the production of the report and allowed him to revert to type. In practice, sensible business people, whether they own a bit of urban or rural land, do not write it off in their books; they write it off on the buildings on the land. It cannot be any advantage to the community as a whole to permit any person to use the land for 99 or 999 years, or whatever it is, and at the end have it handed back as a skeletal wreck of what it had once been, because any intelligent farmer can extract from his land, if he farms for his bank as distinct from his future, a large proportion of the value of that land, and I speak with a considerable amount of knowledge of that particular subject, because I have been the unfortunate owner of land in England where I had to lease this land to tenants. In many cases I could not kick them out under the laws of the land, and they went into a bit of land I had brought to a very high state of perfection, and after a very short period of five years they had gone and left the land behind, but all the value of the land was in their bank balance and I had to recondition the land before I could get another predatory gentleman to come and repeat the operation. The exploitation and exhaustion of the fundamental values of the land as far as the community is concerned is a very expert job and there are a large number of expert practitioners, so that if the hon. gentleman still believes that there are a sufficient number of enthusiastic people who are prepared to hand over fully equipped farms in full fettle, and the buildings painted up to the top note, to people he is not particularly interested in, he is living in a land of dreams.

I was glad to hear he has now got to the stage of believing that one of these blackguards who takes a bit of land for a short period should be compensated, if it is for a short period of years, for what he has done to that land, or shall be given option of renewal. That is a very distinct advance, and if that is accepted as a principle most of our objections to long leases as distinct from freehold, especially in urban places, are automatically removed.

MR. AMIN: Your Excellency, when the motion was being moved by the hon. Member for Nairobi North I had no idea that it was going to meet with such complacency from the Government side. It appears that when the committee worked under the terms of reference before them they kept before them the circumstances of the farming community as they exist at the present time. I am glad to note, and I am quite sure that all those who look to the future of the Colony will be glad to note that, although the people who worked on the committee and the witnesses who appeared before the committee and gave evidence were mostly concerned about the self-interest of the present owners of the land affected, the Secretary of State had a wider vision of the future, and had before him the ideas which ought to govern the development of the land, not only in Kenya but in other parts of the Empire, and showed a greater confidence in the future of this Colony.

I submit that the recommendation for the abolition of the revisable rent system and the redemption of rent by payment in lump sum of so many years rent on the basis of the present rent betrays a lamentable lack of confidence in the future of the Colony on the part of the members of the Land Tenure Committee. The idea that there is no further prospect of the development of the Colony, or of the improved agricultural land values, could alone have justified the recommendations that the system of revision of rent every thirty years should be abolished and that the present rents are a fair basis on which the redemption of the rents should be taken up. In my view, these lands were alienated when land values were non-existent and the rents fixed therefore were very low, were only nominal, and that the Secretary of State is absolutely right when he states that he

[Mr. Amin]

opposes the abolition of the revisable rent system and the redemption of rents on the basis of present rents. He, at any rate, foresees great development of this Colony in future and the consequent rise in land values.

We can definitely say that this Colony started only about 30 years back so far as land values in agricultural areas are concerned. Since then, there has been an all-round increase in land values. The unimproved site value tax in Nairobi which has been continuously increasing at every revision after five years is indicative of the trend. What is happening in Nairobi is also happening in Mombasa and Kisumu. In all these towns, it is found possible to develop the necessary machinery to assess periodically the unimproved value of the land. It is, therefore, surprising to note that both the Government and the hon. members on my right find it impossible to do so in respect of the unimproved value of agricultural land. There are revisable rent systems of this kind in existence in various parts of the world in respect of agricultural lands, especially in India. Every 30 years in certain of the provinces of India a revision of land values is taken in hand, and the necessary machinery which has been created has proved to be successful over a period of 150 years. What is possible in respect of town properties in Kenya and agricultural properties in many parts of the world ought to be, also, possible here.

If the revisable rent system existing here at present is abolished as is proposed by the motion, we will create a class of landlords as exist in some provinces of India. In Bengal, there is in operation a tenure called Permanent Settlement under which the revenue due from the landlord can never be increased, but he may increase the rent due to him from the tenants as he pleases. Under these Permanent Settlements on an average about a quarter of the rent goes to the Government, the remaining three-quarters go to the landlord. In some districts, 55 per cent goes to the landlord as rent and the rest goes to the Government as revenue. Under such a system, there is no limit to what a landlord can charge the tenant as rent while what he pays to the Government is permanently fixed. And, in spite of this, the report makes no suggestions for any legislation whereby the

landlord will not be able to impose on the tenant anything more by way of rent than what he is getting at present. Having the confidence in the future of this Colony which I have, I consider that the values of agricultural land as well as township lands are going to increase continuously and that, therefore, the people of the country should not be deprived of the benefit of such increase.

When this matter was last discussed in this Council, it was the majority report which was recommended for acceptance. Now it is the minority report which is pressed forward. So far as the Indian community is concerned, the majority report had at least one merit. It dealt with the township plots on the same basis as the agricultural land in respect of the extension of the terms of leases or freeholding or the redemption of the annual rent. It was fair and equitable to both the town and the country. But the minority report has changed this position. The majority approved the extension of terms from 99 to 999 years both for townships and agricultural land. Now the townships have been taken away from that recommendation, and the acceptance of the minority report as it stands will mean that the owners of the agricultural land will alone be the beneficiaries by the proposed change. In view of the small number of the farmers who own the bulk of the agricultural land concerned, it appears the abolition of the State's right to revise the rent is not called for. The total number of farmers on the alienated land is in the neighbourhood of 2,000. If these farmers are given the benefit of redemption of rent on the present basis, I am quite sure that a class of landlords would come into being who would have no interest left in the land apart from rent they can get out of it.

I find that the report recommends the abolition of the revisable rent system mainly on the ground that such abolition will encourage increased settlement. I find it hard to understand why that point of view is not, now, touched at all either by the hon. Member for Nairobi North or by the Hon. Commissioner of Lands and Settlement. I refer to the summary of recommendations, paragraph 9, on page 19: "On our first term of reference, dealing with the capitalization and redemption of land rents, we are satisfied that the present revisable rent conditions applicable to agricultural land are a hindrance

[Mr. Amin]

to new settlement, a genuine cause of uncertainty and dissatisfaction among existing settlers, and a deterrent to the investment of capital in Kenya". It is surprising that this point is not now being raised. In my submission, the circumstances at present in the Colony are such that there are a great many inducements to new settlers to come and settle here. The Government has already got schemes in operation which meet the necessity. New settlers in the Colony are induced by advancing to them up to 90 per cent of the purchase price at 4 per cent interest and the amount is repayable over a long period. If this is not sufficient inducement to obtain settlers for the Colony, then the abolition of the revisable rent system has no value at all. There is no colony that I can think of where such inducements have been offered to new settlers, and if it is not enough I beg to say that I suspect there is some other motive in insisting on the abolition of revisable rent system than the ones put forward by members of the Land Tenure Committee. The arguments I have advanced also hold good in regard to the recommendation for the redemption of rents. I am quite sure that the land at present held by the small number of farmers will be able to bear a larger number of farmers in future, and the redemption of the rent on the basis of the present rents as recommended will result in the creation of a class of landlords who will live as parasites on the produce of other people's labour. The Committee recommends the redemption of rent on payment to the Government of 20 years' rent. But that is not enough. Rents when fixed were fixed in view of the then total absence of transport and other facilities in the Colony. There were no railways as we have now, nor roads. We did not then have the social amenities of life that we have now. The time when these rents were fixed this was a totally undeveloped country.

There is one more argument I would advance. We have waited for so many years, as the hon. mover said, and at the end of the life of this Council we are pressing for an acceptance by the Government of the recommendations on which opinions are clearly divided. We have a majority report and a minority report, and there is the view expressed from London. In my opinion, a number

of people in the Colony, perhaps, belonging to all the races, would be willing to accept the view of the Secretary of State rather than the views of the people who have been carried away by the present circumstances and the immediate considerations. There are people in the Colony who think of the future of the Colony on lines which differ considerably from the lines followed by the members of the Land Tenure Committee, and therefore there should be no hurry in coming to any decision at the present stage of the war whereby the future prospects of the Colony are jeopardized and the revenues of the country deprived of a legitimate share in the prospective improvement of land values. There are new ideas spreading in the world, ideas based on the general good of the people rather than the immediate self-interest of the few. These ideas are likely to be the dominating factor in the world in matters such as these immediately after the war is over. There are people who want to have a say, but cannot have it because of the war, and I am voicing the feelings of those who cannot at present speak their minds. The rights of the future generations should not be written off as is proposed by the report by any assurances given by Government at this stage.

MR. SHAMSUD-DEEN: Your Excellency, as far as the motion goes it does not express any difference of opinion as regards the Secretary of State's despatch wherein he differs with the report regarding churches and mosques, but as far as the minority report is concerned they do not differ in any manner from the report of the majority on this subject, although the Secretary of State does differ, and I hope it will be quite clear that, whatever may be the result of this motion, even the hon. mover or minority report has nothing to say on that subject at all. Therefore I do not know whether I am labouring the point raised by the Secretary of State who, with all due respect to him, is either not interested in what the recommendation of the majority report was or has not read that report at all. He certainly is very far wrong when he talks about the difficulties arising out of Zoroastrians applying for freehold plots and the accusation against Government of discrimination, because the majority report is quite clear on the point, that after the conditions for improvement

[Mr. Shamsud-Deen] have been fulfilled each religious denomination should be at liberty to get their leasehold converted into freehold. I do not know whether the Secretary of State knows much about religious customs of people, but I make the definite and unequivocal statement in this Council which I challenge anyone who may be an authority on law to contradict, that as far as the Mohammedans at any rate are concerned the worship that is performed in a mosque which is not freehold is not worship at all. Therefore the provision under which Mohammedans in this part of the British Empire perform their worship is a great handicap to them, and it is only right that according to their law any place where the land is owned by a friendly power and not by the enemy or a power at war with that Mohammedan community, the land on which mosques are built must be freehold. I think if the Secretary of State or Government made inquiries they would find that all mosques throughout the Empire are on a freehold system absolutely. Otherwise any worship performed therein is not worship at all.

MAJOR CAVENDISH-BENTINCK: Your Excellency, the hon. Commissioner of Lands and Settlement in his comments first of all produced a number of instances quoted from the Uthwatt and Scott reports, and I will again repeat that those reports were not accepted by the United Kingdom Government. Although they may have in theory a desire to do away with private property and convert long leases to 99 years, they have not yet found even in England such a policy to be practicable. In this country I think any idea of going back to 99 years' leases will not encourage people to come out, and it will do a great deal of harm.

It has been suggested that having had this debate, I should withdraw the motion as obviously Government, in view of the Secretary of State's despatch and in view of the considerations he has brought forward, could not be expected to accept the motion as it stands. With that I must say I do not agree. I have said that I consider that the Secretary of State's suggestions deserved a very large measure of most careful investigation, but I was hoping that in view of the extent to which this Government had already committed

itself—and I presume Government has some rights to make up its own mind as to what is best for the Colony—and in view of the fact that Government had decided that it was not in favour of continuing the revisable rent system, Government would adhere to that decision, despite the arguments which have come back at us from the Secretary of State. All I could adduce from the hon. member's reply was that the Secretary of State having agreed that the revision of rents need not take place now until 1950, Government now considered that we had plenty of time to think about it and that we should let the matter drift for another number of years. I had hoped Government would give a decided assurance that they would forward to the Secretary of State the gist of the discussion which has taken place here to-day and would go back determinedly at him to try and do something about the revision of rents forthwith. If I could get some such assurance, it may be out of order because another Government speaker cannot really speak after me, I think I would with the leave of my seconder withdraw the motion, but if I get no such assurance at all except that we should wait until 1950, the best thing to do is to call for a division.

HIS EXCELLENCY: I should like to make it clear to the hon. member that there is no intention on the part of the Government to wait for that period, but equally in a matter of this kind, before Government finalizes its attitude, it is my duty under the Royal Instructions to consult my Executive Council in the matter. That has not yet been done, but I can assure the hon. member that I welcome this debate very much as giving us a further opportunity of gauging public opinion on this matter. The question will now be carefully examined further in the light of the debate by the Governor in Executive Council. If in view of this statement the hon. mover feels that, with the leave of his seconder, he can withdraw his motion, I will leave it to him to do so.

MAJOR CAVENDISH-BENTINCK: In view of that statement, with the leave of my seconder I should like to withdraw the motion.

The motion was by leave withdrawn.

Council adjourned at 1 p.m., and resumed at 2.30 p.m.

GOVERNORS' CONFERENCE

FUNCTIONS AND AUTHORITY

MR. COULDREY: Your Excellency, I beg to move: That the exact functions and executive authority, if any, of the Governors' Conference as defined by the Secretary of State be published for general information, and if not precisely defined, should be so defined and published, in order to establish the justification for the costs thereof being chargeable to the budgets of the territories concerned.

In speaking to this motion, sir, I must first very briefly trace the history of the Conference of Governors and its abnormal growth to its present position. The Conference of Governors was a direct result of the Ormsby Gore Commission which visited this country in 1924. That Commission, as you remember, advised against closer union, mainly on the grounds that communications were insufficient, and that they therefore thought that full union with a federal Government would be cumbersome. This Commission, however, did advise that the six Governors of the East African dependencies, Kenya, Uganda, Tanganyika, Nyasaland, and Northern Rhodesia, and the Resident of Zanzibar, should meet periodically. They recommended that they should discuss such common problems as native affairs, land tenure and agriculture and education. They also recommended that there should be periodical conferences of the heads of the technical departments, and in that respect they specifically mentioned education and agriculture. Now that was the beginning of the Conference of Governors, and conferences did in fact take place in 1926 and in 1930. In between two commissions visited this country—the Hilton Young Commission and the commission under Sir Samuel Wilson—and in 1931 a Joint Sub-committee of both Houses of Parliament was established among other things to consider the reports of those two commissions and also to consider the white paper which contained the conclusions of His Majesty's Government as regards closer union and native policy. Again this Joint Sub-committee advised against closer union, but they recommended that there should be periodically, at stated intervals, meetings of the Governors of the three territories and that there should be

further extraordinary meetings of the Governors of the six territories at unstated intervals. They also recommended that a joint secretariat should be created which would serve also for these inter-territorial conferences.

That was in 1931. Well, these periodical conferences were held. What actually happened at them of course none of us can possibly know. They met behind closed doors, no unofficial was present, and they published very brief reports of their meetings; but it did seem at the time—I think it seemed to everybody—that these meetings of the Governors of the respective territories could do nothing but good. Obviously the boundaries between the territories are purely artificial, there were common problems, and it seemed only sensible and wise that the Governors should confer. Unfortunately the meetings of the technical heads of the departments, although they were still held, were not held so frequently.

There is no doubt I think, if you read the report of the Parliamentary Sub-committee, that although the Sub-committee advised against closer union, they did visualize that this Conference of Governors should act as a sort of pale alternative and they did visualize that that would go some distance to coordinating the essential services and the policies of the three territories. Whether they succeeded or not, of course I cannot know. As I say, no unofficial was present at these conferences, but very luckily, although nobody on this side of Council, and funny enough on that side of Council, has first hand knowledge of what went on behind these closed doors, we have very recently indeed been given some indication by a very distinguished Governor who was chairman of that Conference. In the first week of July, Sir Edward Grigg, a distinguished predecessor of yours, sir, at a luncheon in London did talk about this Conference of Governors, and I will read out a newspaper report of what he said. He said he had been sent to Kenya to inaugurate federation, but when he got there the Home Government had changed its mind. He then said: "In his experience Governments could not make up their minds in peace at any rate. Instead of federation he found an East African Governors' Conference in full being. It was a silly thing from the very start, although I was

[Mr. Couldrey] chairman of it! (Loud laughter and applause.) They had endless discussions on the two competing railways: fancy any country spending its money on two railways to compete with each other!" That is the germane part of the speech in which Sir Edward Grigg, distinguished chairman of the Conference of Governors, called it "a silly thing", and it would be impertinence on my part to disagree with such an expert.

As I have stated, I do not think this Conference of Governors did in fact do very much to co-ordinate the essential services or even to get a co-ordinated policy in the three territories, and that view is borne out by Lord Halley who, as you know, came here and in 1938 published his African Survey, and this is what he says about the Governors' Conference: "From the purely administrative point of view some further measure of co-ordination clearly remains desirable. Some of the difficulties based on lack of communications are rapidly being reduced. There are many evidences of overlapping or duplication of work in the technical services of these territories; in some cases not only would a single directorate secure saving of overhead expenses, but it should ensure a more efficient use of existing resources. In a branch of work such as survey, the existence of separate establishments is almost an anomaly. The meetings of technical officers in connexion with the Governors' Conference are useful; but their resolutions have no binding force." I do think that, coming from a most distinguished visitor such as Lord Halley, does bear out the view that I take that this Conference of Governors did not really go very far to co-ordinate either the essential services of these territories or their policies.

In 1939 war broke out on us and we had not been at war very long before it was discovered that if a co-ordinating authority was necessary in peacetime it was doubly necessary in wartime. When Italy entered the field and when it looked as if the Italian army might be at our doorstep, this need for co-ordination of the services of these three territories became almost imperative, and so an attempt was made to utilize this Conference of Governors to get its authority defined and to get its functions defined.

As you will remember, sir, Sir Philip Mitchell became permanent Deputy Chairman—permanent because it lasted a short time!—and he did attempt to co-ordinate the essential services. He failed. I do not know why because I can only surmise, but I imagine one of the real reasons was, there being no direct orders from the Secretary of State for the Colonies in the matter, the secretariats of the different colonies differed somewhat in their definitions of co-operation and the desired co-operation was not very forthcoming. However, after he left for other fields, it became obvious that there must be some co-ordinating authority in this country. In other parts of the world, in West Africa, for instance, a Minister of State was sent to co-ordinate essential services. I do not know why a Minister of State was not sent here, but possibly it was because there was this framework of a co-ordinating authority in the Conference of Governors.

Anyhow, whether they received authority or not; whether their functions were defined or not, in practice this Conference of Governors did serve its purpose as a co-ordinating authority. It did become a sort of umbrella under which other East African Councils, such as the East African Supply Council, and so forth were established. It is no part of my case that that was a wrong move or that it has worked badly in practice. I think under the exigencies of war it was an entirely correct move, and I believe that had it been necessary for the Conference of Governors to have come to this Council and to have got approval for the measures they took under war conditions, they would have got that approval with acclamation. But I must point out that there has been grafted on to the framework of our Government a very expensive and a very powerful body indeed. In fact, from its humble beginnings in 1926 this Conference of Governors has in practice—whether it is so in theory or not is another matter—it has in practice all the powers of a federal council. It is again no part of my case that there should not be a federal council. I believe as strongly as anybody else that in the course of time, and perhaps not a very long course of time, complete economic unity of these territories is inevitable and essential and desirable, and it may be that a federal council

[Mr. Couldrey] would be the right body to preside over the destinies of such a union. But it is pretty obvious that if in fact the Conference of Governors is going to take the place of the Federal Council, then it has these very great drawbacks and it has very great dangers. It has firstly drawbacks because, after all, although the personnel of the Governors' Conference are necessarily very distinguished and able men—men who have made a success in the walk of life which they have chosen—it may so happen, and it does so happen, that the combined experience of those four gentlemen altogether may not have contained any experience, or very little experience, of purely African problems as such. Again, it may so happen, and it has so happened, that of this very small council of four, a quarter of them or even a third of them—I do not know what position the Resident of Zanzibar takes in these things, whether he is counted as a full Governor or as three-quarters of a Governor—it may so happen that one of the four may have had no experience whatsoever of any civil administration, distinguished though he may be in other spheres. It will recall to mind that your distinguished predecessor, Sir Robert Brooke-Popham, a most distinguished and experienced Governor, had in fact no experience at all of civil administration. Had the Governors' Conference been alive in Sir Edward Northey's time the same could have been said then. Then again, in such a small council there is the danger that there will be lack of continuity. Governors are appointed for comparatively small periods of time and if they do last out those periods it is almost a certainty that among the four of them there would be at most times at the meetings they have at fairly long intervals a new face.

But the drawbacks to it are nothing as compared to the dangers. As I have pointed out, these Governors meet behind closed doors. We do not know what they are going to discuss. Latterly we have not even known there is going to be a Governors' Conference; no agenda is published. It is true that we do get a very small report of what they have discussed, but that is all. These Governors, moreover, have in practice, if not in theory, complete autocratic powers over the different territories which they

govern. Only in this Colony, in Kenya, is there any elected representation whatsoever in the Legislative Council, but even here of course the Governor can and does use the permanent majority on every occasion, and that is so in the other territories, and therefore it is obvious that if these four distinguished gentlemen, or three distinguished gentlemen, sit together and decide on any legislation or any other matter, they can in practice, whatever the theory may be, autocratically force it through their respective Legislative Councils. When this Conference of Governors first started, I do not know, of course, but I do not think they ever initiated legislation. Had they done so they disguised that fact very cleverly. What it seems to me in practice happened was that they examined existing legislation and considered how far that legislation could be applied and co-ordinated to the other territories, and quite possibly they examined the legislation in contemplation. But as far as we know they did not themselves initiate legislation.

In course of time that has entirely changed. There is no doubt whatsoever that at the last—I do not know whether it was the last one—but at a recent Conference of Governors the Governors did decide to initiate legislation and to force that legislation through by the process which I have described into all the colonies, whatever the Legislative Councils of those colonies might say. You will remember, sir, at the last budget session you yourself from the chair, speaking on the budget, announced that there would be no fresh taxation. The Government of the country and this Council of course accepted that. Then, as you will remember, there was a session of the Conference of Governors, and suddenly, quite constitutionally according to our present constitution—but to my mind entirely autocratically—legislation actually interfering with the financial policy of this Colony was introduced, and we were told it had to be passed because similar legislation had been agreed upon by the Governors of the other territories and that it was at the same time going to be introduced into the other territories. There is no doubt whatsoever that, whatever may be the theory of the Conference of Governors, in practice it can drive a coach and horses, or four coaches

[Mr. Couldrey] and 100 horses, through any constitution or democratic safeguard we have ever established. Again, sir, it is not part of my case that the Governors' Conference up to date has abused or used its powers against the best interests of the Colony, and of course to say it is anything but benevolent in intent would be stupid in the extreme, but the trouble about all benevolent democracies, however benevolent they may be in intent, sooner or later—and I do not believe there has been an exception to this in history—sooner or later, unless these democracies are subjected to democratic safeguards, they cease in fact to be benevolent, while if they are subject to these democratic safeguards they of course cease to be autocracies.

That is why I have tabled this motion on behalf of the elected members, asking that the functions and the executive authority of this Conference of Governors should be defined. I would repeat that I am not concerned with the activities of the Conference of Governors and its wartime duties. To be perfectly frank, I believe that it was luck that we had in existence that Conference of Governors so that we could establish these inter-territorial councils and so on under its aegis, but I am very concerned indeed, and I think we must be concerned, at what I would call its peacetime activities and the part that the Governors' Conference is likely to play after this war is over. We have to be very careful of this because, whatever may be the constitutional position of the Governors' Conference, as I think you will agree, very few countries in the world are really in practice governed according to the written theory of their constitutions. Were that the case, Great Britain, the United Kingdom, would to-day be governed by a king, when we all know in practice it is governed by the King's ministers. What always happens is that customs slip in and traditions become established by consent, and in course of time those traditions and those customs become as much part of the framework of the Government as the written constitution itself. Again, to take an example in Great Britain, there is nothing in the written constitution to provide for a Prime Minister, but by custom and by tradition, which has been

established by consent, as we know the Prime Minister has become as much part of the Government of Great Britain as anything in the constitution. Now, in these new countries particularly, unless we are careful, these customs and these traditions become established very quickly. The innovation of yesterday very quickly becomes the precedent of to-day, and the precedent of to-day is but the tradition of to-morrow, and so whatever may be the actual written definition of the functions of the Governors' Conference, we this side of the Council have got to be particularly careful we do not give assent to any suggestion that it should be a permanent and lasting part of the framework of the Government of this country, for the reason I have advanced that it is too dangerous.

So much for the reason why we have tabled this motion asking that the Secretary of State's definition of the functions and executive authority of the Governors' Conference should be published. There is one other small point before I sit down, and that is the financial aspect. As I pointed out, this Conference started in a very modest way. The suggestion that it should have a secretariat of its own was not made until, I think, in 1931. Anyhow, in 1931 that secretariat was established, I think that date is correct, but I speak with diffidence because I have not been able to confirm it. What did happen was that the Conference of Governors started with a part-time secretary imported from England and one stenographer. That was the beginning. I believe when Col. Walker arrived he was also secretary to the Minister of Transport and a second stenographer was employed locally, but that was the beginning of the Governors' Conference secretariat, which has now grown to such a very big extent. In 1932, I think it is reasonable to suppose that the total cost of the Governors' Conference to all the territories concerned was under £5,000—the Kenya budget for that year showed £1,250, and I believe I am correct in saying that at that time the Kenya budget contained a bigger proportion than the other territories. It is almost impossible for me to know what the present cost of this Conference, because so many of its expenses are shown in the budget under other headings, war expenditure and so forth, and I do not believe that

[Mr. Couldrey] any spokesman on the other side of Council will attempt to disagree with me when I say that the expenditure must be very great indeed and that this secretariat from humble beginnings with one part-time secretary and possibly two stenographers has grown to a bureaucracy superimposed on an already very large secretariat. Again it is no part of my case that this secretariat is unnecessary or does not do its job. In my opinion, the Governors' Conference is singularly lucky to have had, with one notable exception, excellent service from what is now called its Chief Secretary when it started with a part-time secretary. As long as we on this side of Council can regard itself as trustees of the public purse or trustees for the indigenous and resident population and perhaps of Government we must, I think, whatever the answer to this motion may be, be careful to protest and to show our dissent to a state of affairs where a big secretariat can be imposed on us actually without our consent at all, and where a federal council can in fact be set up which can autocratically render the proceedings of this Council in practice absolutely farcical.

MR. NICOL: Your Excellency, I beg formally to second the motion.

MR. TROUGHTON: Your Excellency, two matters concerning finance have been raised by the hon. mover in his speech. The first is the question of the initiation of taxation, and as I understood the hon. member the implication of his observations on that subject was somewhat like this: that Your Excellency, he said, had announced last year that Government did not intend to introduce any increase in taxation. Then the Governors' Conference, through its sinister influence, changed Your Excellency's mind—

MR. COULDREY: I never suggested the Conference had any sinister influence. I went out of the way to say it had not.

MR. TROUGHTON: I am happy to withdraw the word "sinister". But it induced Your Excellency to change your mind, with the result that the additional taxation was introduced. I must make it very clear that that is a complete distortion of fact. In Your Excellency's Communication from the Chair in column 24 of

Vol. XV of Hansard, you said: "The Draft Estimates do not provide for any increase in taxation". That is a very different thing from saying that no increase in taxation was contemplated. Then, in moving the budget, the Financial Secretary, Mr. Tester, said: "When the Standing Finance Committee examines the estimates they will probably make some changes, and I shall be grateful for any views on this broad question as to the necessity for increased taxation". When the estimates were being considered by the Standing Finance Committee, and I personally was present as an observer at the time, the Committee expressed the view that Government should consider increasing the taxation on certain luxury items. Hon. members will remember that when the tobacco duties were imposed during the latter stage of the budget session, the question of the method of their initiation arose. In dealing with that question the hon. Chief Secretary was very specific, and he made clear the exact role the Governors' Conference had played. Perhaps with your permission, sir, I should read what he then said in order to recall it to the minds of hon. members and to give the quietus to any suggestion that this Government had not complete autonomy in its attitude. The hon. Chief Secretary said: "I should like to make it clear to those hon. members who have said that this was a decision of the Governors' Conference that such an impression is entirely incorrect. At the most recent meetings of the Governors' Conference the Governors gave consideration to the question of additional taxation and of curtailing expenditure on luxuries. This particular method of taxation was one that they considered, but"—(and the "but" is important)—"they left the question to be investigated by the Commissioner of Customs in consultation with the Financial Secretary of each territory. The Commissioner of Customs carried out that investigation and each of the territories independently, as it were, on his advice and on the advice of the financial Secretary concerned, came to its own decision, and so far as Kenya is concerned it was informed at a rather later stage than the other territories of the decision that Uganda and Tanganyika had taken". Those are the facts regarding this particular increase in duty which was imposed last year, and those facts

[Mr. Troughton]

apply *mutatis mutandis* to every other increase in customs or excise duty that has been imposed as long as I have had anything to do with it, and that is now some years.

The other point raised by the hon. Member for Nyanza was the question whether the present *Governors' Conference* Secretariat was such that we were getting value for money, and he suggested that part of the expenditure on the *Governors' Conference* was hidden in other headings such as War Expenditure, Civil, and the like. That is not so. The total cost of the *Governors' Conference* appears under the heading "*Governors' Conference*", and the total cost is divided among the participating territories in proportions which were laid down a considerable time ago. Kenya, Uganda and Tanganyika each pay the same amount towards the cost of the show, and Nyasaland, Zanzibar and Northern Rhodesia contribute rather smaller proportions. These proportions have been reflected in the estimates for many years, certainly for the past ten. I cannot without notice go back earlier than that, but I have been dealing with the thing personally for the last ten years, and these proportions have obtained all that time. It is perfectly true that the expenditure has gone up, and the reason is this, that the *Governors' Conference* is in fact doing a great deal more work than it did. With the war many questions arise which have got to be dealt with on an East African basis locally in East Africa, otherwise there would be endless congestion of the telegraph wires by each individual Government sending cables to London, when by a little co-ordination the thing could be done locally. The *Governors' Conference* to that extent has proved an economy and has carried out to my personal knowledge an enormous amount of valuable work at an extremely cheap cost. That is not simply a personal opinion of mine. Every year the estimates for the *Governors' Conference* are considered by the Standing Finance Committee, and every year when there are supplementary estimates they too are considered by the Standing Finance Committee, and if I searched through the Standing Finance Committee minutes I could not find any case where any one member has dissented from any proposal.

They who knew the facts, and were able to hear the arguments, reached the considered conclusion that the Kenya Government was getting excellent value for its comparatively small contribution and, so far as I know, that has been the case all along and it has never been challenged either in the committee or in this Council.

MR. HARRAGIN: Your Excellency, as I listened to the hon. mover's speech I was not at all sure that he was not making a better case for the *Governors' Conference* than I myself could make, and I must congratulate him on the fairness with which he has put his case, particularly when you realize how generous he was in stating that whatever may be the effect of the *Governors' Conference* in peacetime, at any rate in war-time it has more than justified itself. Be that as it is, he will agree that is all I need have said, that there was set up an organization which, when a time of stress came, a time of war, more than justified itself, and that came from the mouth of the hon. member in his very generous eulogy on the *Governors' Conference* during war-time. If I were not dealing with the matter in this Council and he and I had met somewhere else, and he had put the very same question to me that he has put to-day in the shape of this motion, I really think that I might have dismissed it in about two sentences, and dismissed it to his own complete satisfaction, particularly having heard what he had to say to-day. In fact, he has only asked two things, and I would ask hon. members to refer for a moment to the motion in which he wishes to know what the exact functions of the *Governors' Conference* are, and the executive authority. The first question can be answered very easily: The function of the *Governors' Conference* is to co-ordinate and permit co-operation between all the colonies which are associated in that Conference. Those are its functions, and you cannot expect any clearer definition. The hon. mover understands what that means as well as other hon. members in this Council, and that is what the Conference is there to do: I then come to the next point, when he asks what the executive powers are, and the answer is "None". Having said that, I would think it had disposed of the question entirely. When I say that their executive powers are none, it is subject

[Mr. Harragin]

to a small qualification that I will make later on in my speech.

I had intended to go into the history of the *Governors' Conference* at some length, but the hon. mover has very properly put it quite correctly before you. The Conference is, of course, no new thing. It started in 1926, and it was as a result of the Ormsby-Gore Commission that came out here in 1924. To suggest that it has hidden its light under a bushel is hardly correct. What I know about it I have only been able to discover from public documents which I am prepared to produce, and which hon. members ought to be able to get if they want to know what this body has been doing. In 1926 it had a meeting, and as a result of the meeting between the *Governors*, it was the first which they attended, there was set out every detail that took place, including the speech by each of the *Governors* who came, giving their views about particular subjects that interested them. The book was published in 1926 for the public to buy if they wanted to, and no doubt hon. members of this Council in those days got a copy for nothing when it was laid on the table. If the hon. mover had wanted to know what the functions of that first meeting were it would have been quite easy, because he would have looked through this document and have seen what they were considering. There was a long list set out, and they were asked to consider them, such as communications, defence, land and labour policy, native questions, administrative questions, customs duties, finance, research, legislation, conference organization, and technical conferences.

For the life of me I find it extremely difficult to understand the criticism of the hon. member when he suggests that because these *Governors* meet together they therefore have greater powers than each individual Governor in his own parish. Of course that is not so. All that happens when they meet together is that they discuss with one another presumably the best way of carrying out any object and whether it is advisable that they should take simultaneous action. When you realize that a country such as this has a Customs Union, what easier way is there going to be if one of the colonies is of the opinion that there should be an increase in customs, what

better place to discuss it than at a meeting of the three *Governors*, and for them to be asked to introduce similar customs duties? But that does not imbue them with any particular power. It gives them an opportunity of hearing each colony's point of view, but it does not take away in any way from the powers of this Council. The duties have got to be brought before this Council. Consider for a moment that some duty is going to be introduced by His Excellency here, that it was a duty that did not affect the other colonies, but it was one that had to be introduced at once. As you all know, duties of that description can be introduced by the Governor in Council, and it shows the extraordinary good commonsense of hon. members that on both sides of Council it was recognized that it should be possible for the Governor in Executive Council to impose those duties and debate them later in this Council. There were obvious reasons why that should be done: What difference would it make whether they were discussed with the *Governors* of Tanganyika and Uganda on some previous occasion or whether, for the purpose of argument you, sir, suddenly woke up one morning having seen nobody and thought it would be a good thing for Kenya to have them?

The *pièce de résistance* of the hon. member's speech was that quotation from one of your predecessors, sir, when he said, and I think I heard it correctly, speaking of the *Governors' Conference*, that it was a silly thing from the very start. Apart from anything else it has proved, and the hon. member has admitted it, that it was not a silly thing when the war arrived. But I will only say this: that if the hon. member had been appointed as governor of some colony and he was given a mandate to go to that colony and inaugurate federation with other colonies, if as a result of his labours he only managed to create a conference which met without any executive powers, I think he would be quite entitled to think to himself that it was a silly thing compared to what he had hoped to do. In this connexion I should like to say this, that I do not suppose there are many of us in this Council who have not got strong views in regard to closer union. I think it would be fair to say that if we were to put it to the free vote of this Council, you would probably find that a very large majority

[Mr. Harragin]

were in favour of it. If I say no more of the Governors' Conference than this, that it is at least the beginning, it is something on which to build, it is something which shows that a union of some sort is necessary, I would have thought it something that had justified itself if it went no further.

In this motion as it stands, I must treat it as it appears on the order paper, although in some ways I think the hon. member will agree he really has not stressed the main point of it, which is that the functions should be set out by the Secretary of State. I do not think that he can mean that the Secretary of State should solemnly get out a White Paper or whatever it was he was thinking of and reel off innumerable things of common interest to all colonies and say these shall be considered by the governors when they meet together. The short fact is that the Secretary of State has in effect said all he can say about the matter in two public documents. I regret that I shall have to be rather tedious in reading from those documents, but they do, I think, answer that part of the hon. member's motion. I refer first to the Joliet committee on closer union to which the hon. member referred, which made a report as he rightly said, and that report was accepted by His Majesty's Government, so that if you read that report you may take it that what it sets out is what it was intended the Governors' Conference should do, and it reads as follows—this was in 1931: "The Committee recommended that the machinery of the Governors' Conference should be increasingly utilized for the purpose of ensuring continuous and effective co-operation and co-ordination, not only of the particular economic services already referred to, but in regard to all matters of common interest to East Africa. They are of the opinion that the Governors of Kenya, Uganda and Tanganyika should meet regularly in conference, not less often than twice a year, and that the conference should be regarded as in permanent session, so that an intermediate meeting could be held at any time if so required by one of the Governors. They are also of opinion that periodical extraordinary conferences should be held to which the Governors of Northern Rhodesia and Nyasaland and the British Resident at Zanzibar should be invited.

The conference should take place in the capitals of the three dependencies in turn, unless special circumstances arise which would make this difficult in any particular instance; and that whoever is His Majesty's representative in the territory where the conference is being held should preside over it."

This was followed by another communication from the Secretary of State which appeared in the Colonial Office List. I think it was, a book that comes out annually. This extract was taken from the 1940 edition, and reads: "In pursuance of a recommendation of the Parliamentary Commission which, visited East Africa in 1924, a first Conference of Governors of the British East African Dependencies was held in Nairobi in January and February, 1926, for the discussion of matters of mutual concern. It was then decided that a permanent secretariat for the Conference should be established at Nairobi and conferences held as and when necessary. Subsequently the Joint Select Committee on Closer Union in East Africa recommended that the machinery of the Governors' Conference should be increasingly utilized for the purpose of ensuring continuous and effective co-operation and co-ordination in all matters of common interest to East Africa. As a result of this, it was decided that the Conference should be deemed to be in permanent session with a view to its being convened at any time when necessary, and that there should in any case be an annual meeting of the Governors of Kenya, Tanganyika Territory and Uganda, attended, if desired, by the Governors of Northern Rhodesia, Nyasaland, and the British Resident, Zanzibar. The cost of the Secretariat is contributed in varying proportions by the East African Governments and by the Kenya and Uganda Railway Administration. The Secretary is also Secretary to the Transport Policy Board, of which the members are the Governors of Kenya, Uganda and Tanganyika Territory, and to the High Commissioner for Transport, Kenya and Uganda."

So that there is no question of the light of the Governors' Conference being hidden under a bushel or failing to tell the public exactly what the Secretary of State expected them to do when they meet.

[Mr. Harragin]

That was the position on the 3rd September, 1939, and as the hon. member quite rightly said from that date onwards it became obvious to every thinking person that East Africa must work as a whole in the war effort and not independently. Probably the first thing I need call attention to was the Defence Council which was set up, it will be remembered at a time when the war was unfortunately nearer to us than it is at the present moment, and it was also clear that the other Governors fell in at once with the view that a Defence Council should not be for Kenya alone but that the other colonies should be represented and take part in the discussions, and you, sir, as Chairman of the Governors' Conference, were good enough to take the chair. That was the first effort at co-ordination in the war effort that took place here, and it came under the aegis or umbrella, as the hon. member called it, of the Governors' Conference. I you had not had the Governors' Conference, if there had been no such thing in existence, do you realize what a job it would have been to organize the whole thing? Don't you realize now that if there had to be a Defence Council, the Governors' Conference had to be brought into it at once and that it should be the post office, so to speak, with which we could communicate with all the other governments? Following on that, when the war receded and other things became more important, the Defence Council become something different in that it became the Supply Council and an industrial and research board, again with the sole object of advancing the war effort. Again it came under the aegis of the Governors' Conference, and again it is run through the Governors' Conference Secretariat, and of course all this must mean that that Secretariat will grow, and it has grown, very considerably during the war and for reasons which I am sure the hon. member is well aware of, because he particularly paid tribute to them, there are all sorts of things they have to deal with which the ordinary public never hears about. There are such things as political refugees—I give as one example *en passant* the arrangements for the Polish refugees with their camps and so on which have to be arranged through the Governors' Conference.

That takes us up to the point in the motion where the hon. member asks what powers the Governors' Conference have got. I earlier said none, with a reservation, and this is an important reservation. You will remember, sir, when you accepted the chair of the Defence Council and it became a Defence Council for East Africa, you issued a communiqué, and the point I am making all through my speech is that I have nothing from any secret document of any kind or description, but I have gleaned my information from various communications and publications issued from time to time. That communiqué you issued as a result of a telegram from the Secretary of State which set out your powers, and I will just read it: "In accordance with proposals made to the Secretary of State by the East African Governors' Conference in consultation with the General Officer Commanding-in-Chief, the Secretary of State has conferred upon the Chairman of the Conference the power to give directions to the Governors of Kenya, Uganda, Tanganyika and the British Resident, Zanzibar, in all cases in which, upon representation made to the Chairman by the General Officer Commanding-in-Chief, urgent military necessity requires such directions to be given, and in all other matters affecting the common interests of East Africa in the prosecution of the war where reasons of special urgency render immediate action imperative; and to give directions similarly to the Governors of Northern Rhodesia and Nyasaland in matters of communications (other than Railways) and movement of the civil populations within the East African territories in the event of military necessity, on representations by the General Officer Commanding-in-Chief, requiring such directions to be given. It is to be understood that this arrangement is a temporary one to meet the present emergency, and that, unless precluded by urgency, the directions given by the Chairman in the exercise of these powers will be based on prior consultation with the Governor concerned or British Resident. The arrangement will come to an end as soon as, in the opinion of the Secretary of State, circumstances permit of the Governors and the British Resident exercising their functions again in the normal way."

[Mr. Harrigan]

That remains true to-day, except that more recently the words "where reasons of special urgency render immediate action imperative" have been deleted by the orders of the Secretary of State for the very simple reason that if they had been left in it might have been argued that there never has been any urgency to do anything because the war had receded from us and there would be time to consult various governors and the Secretary of State and so on. So that in fact the Chairman of the Governors' Conference has under the circumstances indicated in this communiqué overriding powers with regard to these six territories.

That I think is all I can usefully say in regard to the executive powers, and I do not think I will tire the Council by going into details of the work done at the Secretariat, except to mention, as possibly most hon. members know, that they are in fact the liaison officers between the governments and the armed forces of the Crown. It must be obvious to everyone, including the G.O.C. or whoever it might be wishing to communicate with these Governments, the difficulties in having to write six letters to six governors, receiving different replies, and answering each, and having the greatest difficulty in getting concerted action among them, whereas the Chief Secretary to the Governors' Conference is in fact the liaison officer with the Forces. He has to deal with all matters connected with the military in which all the colonies are concerned, such as demobilization, refugees, and last but not least, the many controls that have been set up, all those whose contact is with other territories work through the Chief Secretary to the Governors' Conference. So that I think it will be agreed by everyone that naturally, under these circumstances, you would expect the Secretariat to grow abnormally during war time, but we hope the work will decrease in times of peace as quickly as it grew in times of war. But we must not forget that even in time of peace it is responsible for most important conferences and action to be taken as a result of such conferences, particularly with regard to such things as tsetse fly, yellow fever, locusts, and so on.

I do not think there is anything further to explain, except to agree with the hon. mover that it was extremely fortunate

that through the foresight of the Ormsby-Gore Commission there was a Governors' Conference created, that it was in being when war broke out, so that we did not have to go through the chaos of having to form its secretariat during a time of stress. I do not think the hon. mover can really expect Government to accept this motion, because I feel that having drawn us to the extent he has with regard to details (I did not know myself before about the tobacco duties, and that it was not the machinations of the Governors' Conference which caused them to be imposed on us) and having described the various duties of the Conference, I have answered his criticisms and answered them from public documents (because I have read nothing from any secret document) as voiced in this Council to-day.

COL. GROGAN: Your Excellency, may I compliment the hon. and learned member on having accepted this motion because, after all, all this motion asked for was that the powers and authority of this body should be defined, and if defined, should be published, and I hope that the elaborate explanation of its functions will be published in some simple form so that it will be available to the public. The point that arises, and which we want to get at is, if I understand the definition of those functions correctly, this—I am not talking about during war-time, which is quite distinct really from their ordinary peace-time functions—if I understand it correctly and clearly, their function is to advise the Secretary of State, as that is what it amounts to, because any Government, however new, dare do nothing without previous reference to the Secretary of State. Therefore if it is, as we are told, a co-ordinating body to advise the Secretary of State, then quite clearly it ought not to be charged to us as we have no control whatsoever over the body concerned. It is an entirely irresponsible body as far as we are concerned and the charges of that body ought to be on the budget at home where these people through the medium of the Secretary of State, are responsible to the taxpayer of England and not to us. That is the only point we want to know, and I compliment the hon. gentleman on the kind way in which he has given to us the information we asked for and I only trust it will be

[Col. Grogan]
put forward in a form to which we can refer in the future.

MR. VINCENT: Your Excellency, there are one or two points that have been touched upon, and although I did not intend to speak this afternoon I feel that I must. The hon. Acting Financial Secretary is under the impression that the whole of the ills of the Governors' Conference lies at the door of our poor unfortunate Standing Finance Committee. I have only had the pleasure of attending one budget session, and I must say that I thought that anything arising from the Governors' Conference in the Draft Estimates was by agreement, and that it was a matter of form, in fact more or less a *fait accompli*. I do not defend myself, but I do take exception to any branding of the Standing Finance Committee as being the evildoer in regard to the taxation question.

MR. TROUGHTON: On a point of personal explanation, I did not brand the Standing Finance Committee in any way as the evildoer.

MR. VINCENT: I accept that. As I stated before, when the tobacco duty came before us at a previous session, and when the Standing Finance Committee was then told that the tobacco tax had been referred to them and they had passed it, I stated that there were three headings of taxation mentioned in Standing Finance Committee and it was my impression that they would all be brought in in the event of any new taxation and not only one of the three! The only really serious part of the discussion was when the chairman had to make up his mind whether the hon. and gallant Member for Ukamba was smoking a cigar composed of local tobacco, imported tobacco or insulating tape, and I must say that I thought it was a very generous gesture on his part in the end to graciously decide it was imported tobacco!

The hon. mover, strangely enough, has not told us where the Governors' Conference has failed, and I am sorry to have to do this, but I thought I should have failed in representing my constituents if I did not. Where the Governors' Conference has failed, and where I cannot agree because of the lessons that have been taught us by the working of the Governors' Conference during the war

that federation is the best means of economic union of these territories, where it has failed (and this is my personal and very sincere opinion) is that it has been quite unable to suppress unreasonable obstruction within the ranks of its own officials, in respective territories, and I am not referring to Kenya. It has taught me beyond doubt that had there been one Governor and the rest provincial commissioners, that this obstruction could never have happened, and while we perpetuate these three or four kingdoms, especially in peace-time, I can see the obstruction becoming much greater and a distinct menace to the four communities.

I am very glad that the hon. mover brought this resolution before us, because it does remove a cloud from the Governors' Conference. I have had a great deal to do with the Governors' Conference in my various capacities and I have always found it fair and helpful, and I believe that while the war is on it can do very valuable work, but it might very easily in peace time slide into something which may be most costly and dangerous to all these territories.

MR. RENNIE: Your Excellency, there are only one or two points I should like to mention. The hon. Member for Ukamba argued that if the Governors' Conference is a co-ordinating body of advisers to the Secretary of State, any expenditure incurred in that connexion should lie against the Imperial Government and not against the East African Governments. I thought that my learned friend the hon. Attorney General had made it fairly clear that the Governors' Conference is a co-ordinating body for the benefit of the East African Governments and of East Africa, but perhaps if I mention my own experience in that connexion it would drive the point still further home. As Chief Secretary to the Government of Kenya I have a fair amount of correspondence with the Chief Secretary to the Governors' Conference, and over the past few years I have noticed, as the hon. mover has stated, that the work and the expenditure of the Conference have increased, but I have been full of admiration of the way in which the Secretariat to the Conference has done its work. It has carried out most responsible and most heavy work and not, I may say, chiefly for the benefit of the

[Mr. Rennis]

Secretary of State but for the benefit of Kenya and the other East African territories. As Chairman of the Standing Finance Committee, I have no reason whatsoever to raise any criticism in connexion with the charge that lies against the Kenya Government in respect of the Governors' Conference expenditure. As members of that Committee are aware, I normally insist, if I can, upon good value for money so far as Kenya is concerned, and I think that we get it from the Governors' Conference.

I thought that my learned friend the hon. Attorney General had made it clear that the Government could not accept the motion as it stands at the present time, and I had hoped that the hon. mover would have found it possible to withdraw the motion in the light of the statement made by my hon. friend. I am not quite sure what his intentions are. If he feels that any more precise information is required in respect of any particular points and if he would let us know what those particular points are, you, sir, after consultation with the other Governments concerned, because the other Governments must come into the picture, would be able to consider whether the precise information that he still requires would be forthcoming. But so far as the motion as it stands is concerned, sir, I hope that he will find it possible to withdraw it.

MR. PAROO: Your Excellency, instead of putting forward this motion I consider that the same information which it seeks could have been asked for by an ordinary question, asking whether the Government would state the functions and the executive authority of the Governors' Conference, instead of tabling a motion in the manner which has been done by the hon. mover in order to hammer again the question of closer union. The attitude of the Indian community on this question is very well known and needs no reiteration at this juncture. After hearing the Government side, with all the documents on the functions of the Governors' Conference which have always been defined clearly without being secret documents, and having heard also that it has no executive power, I am satisfied that it would be better if the motion were withdrawn. An assurance has also been given in case it is necessary to put them

together in one document stating the exact functions and powers of the Governors' Conference, the same could be done. I am also satisfied that the Governors' Conference during war-time at least has performed a great many things in the interests of the three territories together. As the motion stands I am afraid, sir, I cannot give it support.

MR. AMIN: Your Excellency, the arguments put forward by the last hon. member are also arguments which I would like to emphasize. The history of the Governors' Conference has been put forward in order to bolster up a claim for closer union. The Indian community, when it had a chance of expressing an opinion on this matter, particularly at the time of the Parliamentary Joint Committee on Closer Union, considered this a racial and controversial issue. I am quite sure that in giving the assurance that the hon. Attorney General has given, the Government is not giving any assurance that it is in favour of closer union or that the ideas of this Council will be interpreted as such. Not only the Indian community but the African communities of East Africa, particularly of Kenya, expressed opposition to any closer union of these territories. We have all the time reserved our right to have our say in this matter whenever the question arose. Had it not been for the fact that the question of closer union, the functions of the Governors' Conference and the success or failure of it had been related to the possible—

MR. MONTGOMERY: On a point of order, Your Excellency, did the hon. mover ever mention the words "closer union"?

HIS EXCELLENCY: I am afraid I am not in a position to say. I do not recall. Perhaps the hon. mover would answer?

MR. COULDREY: I did mention the words "closer union", but no part of my argument or part of my speech advocated expressly closer union, nor was my speech designed to advocate that.

HIS EXCELLENCY: I will ask the hon. member to confine himself as closely as possible to the terms of the motion.

MR. AMIN: The words used were federal government and federal council, and the suggestion was made that the

[Mr. Amin]

consequences of the activities of the Governors' Conference during war would be to justify the demand and justify the Government's support to the establishment of a federal government and a federal council. The view of the Indian community has been definitely and clearly expressed at every stage of the history of this question, but in order to make it clear again whenever this question is taken up after the war all aspects of the matter must be considered *de novo*. Even during this period we have asked for and obtained from the Imperial Government an assurance that in this matter we will be given the fullest possible opportunity to make our representations before any decisions are taken. In my submission the other communities concerned but not directly represented here also have a say in the matter, and that therefore no decision should be taken on this motion nor should any assurance be given by Government in support of the view I have contested.

MR. COULDREY: Your Excellency, first of all, in order to remove any doubt in the mind of my hon. friend the Chief Secretary, as I consider that Government has in fact done its best to give us the information we want, and as I have had an opportunity of making my points in this debate, and as the issue of costs which my hon. friend on my left (Col. Grogan) raised can be more properly taken up at the budget session, I propose, with your permission, sir, to withdraw the motion.

But there are one or two points made by the hon. gentlemen opposite that I must reply to. First of all the hon. Acting Treasurer (Members: Acting Financial Secretary)—Financial Secretary, I beg your pardon! I do appreciate that a Financial Secretary need not necessarily be a Treasurer, sir. (Laughter.) He adopted the well-known device of taking up one point on the financial question of my speech and arguing from the particular to the general, and he also asked us to believe that although I especially pointed out that I was talking about what happened in fact rather than what happened in theory, he put it to us that the suggestion that there should be a tobacco tax was not initiated by the Governors' Conference but had occurred quite spontaneously under exactly the

same conditions in the three territories simultaneously. I do suggest, sir, that that is asking us to swallow really quite a lot.

As regards my hon. and learned friend the Attorney General, he devoted a good deal of his speech to excusing or eulogizing the wartime activities of the Governors' Conference, while in moving this motion I made it perfectly clear that I was a big admirer of the wartime activities of the Governors' Conference as he is and that it was not in regard to the wartime but in regard to the peacetime functions that I was concerned. He then argued that the Governors' Conference at first could not have been, as Sir Edward Grigg called it, a "silly thing", but must have been a marvellous thing because it came in useful when war broke out. Are we to believe from that that the whole idea of any legislation in peacetime must be that it may come in useful in the event of war? He then said that the Governors' Conference had no executive powers. I actually knew that was the case in theory, but he then said they were enabled, by going through some routine of exchange of letters, to delegate powers they had not got, to establish an industrial council or a supply council or something of that sort.

COL. GROGAN: On a point of order, I understood that the hon. mover had withdrawn the motion. Is he in order in continuing?

HIS EXCELLENCY: He has the right of reply.

MR. COULDREY: Thank you, sir. I will now reply to my hon. friend the Member for Ukamba. (Laughter.) He made the monstrous suggestion that the costs of this Governors' Conference which has been proved, and which I have readily admitted has been of great value to this country in wartime, should be debited to the already over-taxed, or very severely taxed, taxpayers at home. I wish strongly to dissent from that view.

COL. GROGAN: On a point of explanation, I never said anything of the kind. I said as long as they remained an irresponsible body.

MR. COULDREY: I am taking it they always will be an irresponsible body! (Laughter.)

[Mr. Couldrey]

With regard to what the hon. Attorney General said in a very long reply, a very informative reply, he was very careful not to make any allusion at all to what were really my two biggest points in debate, although they may not have been exactly relevant to the motion: (a) that under peacetime conditions the Governors' Conference was not the right body to constitute and to take in practice the powers of a federal council, and (b), which is really my strongest point, that it had very real potential dangers. He made no allusion, neither did any speaker from the other side of Council, and I presume they have no reply to that.

With your leave, sir, I withdraw the motion.

The motion was by leave withdrawn.

COMMUNICATIONS FROM THE CHAIR

PROPOSED GENERAL ELECTION IN 1944

His Excellency made the following Communication from the Chair:—

Before adjourning Council I feel that I should convey to hon. members my views regarding the dissolution of the present Council and the holding of a General Election.

Hon. members will recollect that in my speech at the beginning of the Budget Session in 1941 I explained that as a result of correspondence between the Chairman of the Convention of Associations and myself, and after being satisfied that such a course was in the public interests and in accordance with the general wishes of the different communities concerned, I approached the Secretary of State with the suggestion that the life of this present Council should be prolonged. The Secretary of State obtained the consent of His Majesty that the Royal Instructions should be modified in order to permit that the present Council continue in being until I dissolved it. Additional Instructions were subsequently brought into force and an Ordinance was also passed by this Council to amend the Legislative Council Ordinance, 1935, in order to enable the life of the present Council to be extended.

In view of the unanimous representations recently made by the European

Elected Members that the time has come to dissolve the present Council, I have given considerable thought to this question. I have been assured by the Indian Elected Members that they are prepared to fall in line with the recommendation made by the European Elected Members. A letter has been received from the Indian Association, Mombasa, enclosing a copy of a resolution passed on the 18th of August that the Indian Association, representing the Indian community at Mombasa, strongly favours an early General Election for Legislative Council. In addition, hon. members will be aware from letters in the Press and the accounts of meetings which have been held throughout the country, that there appears to be a general desire that a General Election should be held during 1944. In these circumstances I do not consider it would be in the public interest artificially to prolong the life of Council any further, and I will dissolve it at an appropriate date during 1944.

As hon. members will be aware, there will be even more work than usual involved in organizing a General Election under wartime conditions. There are a number of voters of both sexes who have left Kenya and are now serving in the forces overseas who have come of age in recent years; and have not been able to register themselves as voters. It will therefore be necessary for all the registers to be completely overhauled and brought up to date. It is hoped that, with the co-operation of the military authorities, it will be possible to give not only widespread publicity to the proposal to hold a General Election, but also to enable persons in the Services who are out of Kenya to register themselves as voters and subsequently to vote. In order that adequate opportunity may be given for persons to register as voters the electoral registers will have to be re-opened and remain open until the 31st of December this year. It is hoped to enact the rules required at an early date. This will give more than three months for persons who are not now registered as voters to have their names entered on the registers. After the registers have been closed time will have to be given for them to be prepared by the returning officers, and published. Under the Rules published under the Legislative Council Ordinance, it is necessary to give a period of some six

[H.E. the Governor] weeks to enable appeals to be heard in respect of names which have been entered in or omitted from the registers. Hon. members will therefore appreciate from this brief review of the position that it is unlikely that I shall be in a position to dissolve this Council until April next year.

VALEDICTORY: DR. A. R. PATERSON,
C.M.O.

His Excellency made the further following Communication from the Chair:—

Since this is likely to be the last meeting of Legislative Council at which Dr. Paterson will be present, I feel sure all hon. members would wish to associate themselves with me in expressing our appreciation of the great services that he has rendered to the Government of Kenya both during his earlier service in the Medical Department and as Director of Medical Services, and to wish him every happiness in a retirement which he has so fully earned.

Dr. Paterson first came to East Africa in March, 1916, when he was seconded to the military forces operating there during the last war from the West African Medical Service, which he had joined in 1914. After the war he was transferred to Kenya as a Medical Officer in 1920. Counting his war service he has therefore worked for over 27 years in this Colony and has been a member of the Colonial Medical Service for nearly thirty.

In forwarding to me his resignation, Dr. Paterson pointed out that as he had now held the appointment of Director of Medical Services for nearly ten years in this Colony and was already in his 58th year; he felt that in view of the many and difficult problems that would be confronting the Department during the post-war period of reconstruction it would be in the best interests of the service were he to retire now and so make way for a younger man who would be able to bring a fresh mind and new vigour to their solution, more particularly as he felt that in any event he could not carry on any longer without a period of leave and recuperation.

In these circumstances I accepted his resignation, and he is proceeding on leave to South Africa preparatory to retirement. You will all, however, be glad to know

that at the end of his leave he proposes to return to Kenya and stay here at least till the end of the war, and he has informed me, with that public spirit which characterizes him, that he will be only too glad to be of service to this Government in any way that might appear appropriate. (Applause.)

MR. WRIGHT: Your Excellency, I wish on behalf of my colleagues and on my own account to be associated with the happy tribute you have paid Dr. Paterson, to whom we wish good luck, good health, and a happy retirement.

MR. MONTOMERY: Your Excellency, on behalf of myself and my colleague I wish to associate us with your remarks. I have been here a very long time, and I know how much Dr. Paterson has done for the natives of the Colony.

MR. PAROO: Your Excellency, on behalf of the Indian members I wish Dr. Paterson all happiness in his retirement.

DR. PATERSON: Your Excellency, may I thank you for your good wishes, and I would take this opportunity of conveying to yourself and to all members of the Council my gratitude for the courtesy and help which I have always had from all members of the Council over many years.

ADJOURNMENT

Council adjourned till 11 a.m. on Tuesday, 9th November, 1943.

Tuesday, 9th November, 1943

Council assembled in the Memorial Hall, Nairobi, at 11 a.m. on Tuesday, 9th November, 1943, His Excellency the Governor (Sir Henry Moore, G.C.M.G.) presiding.

ADMINISTRATION OF OATH

The Oath of Allegiance was administered to: The Acting Director of Medical Services (Dr. F. J. C. Johnstone).

PRESENTATION OF INSIGNIA

By Command of His Majesty the King, His Excellency presented the insignia of: Companion of the Most Distinguished Order of Saint Michael and Saint George to H. L. G. Gurney, Esq.; Commander of the Most Excellent Order of the British Empire to G. Reece, Esq., and the Hon. C. E. Mortimer; Officer of the Most Excellent Order of the British Empire to J. L. Riddoch, Esq., R. E. Norton, Esq., Dr. C. R. Phillip, V. A. Beckley, Esq., the Hon. K. L. Hunter, C. B. Symes, Esq., and R. I. Kirkland, Esq.; and Member of the Most Excellent Order of the British Empire to E. M. Hyde-Clarke, Esq., C. J. Green, Esq., Mrs. M. M. Walmaley, L. C. Martin, Esq., A. Drummond, Esq., W. BATTERY, Esq., and J. W. Terrington, Esq.; and the British Empire Medal to J. P. Powell, Esq.

COMMUNICATION FROM THE CHAIR

HIS EXCELLENCY made the following communication from the Chair:—
Honourable Members of Legislative Council:

The change that has taken place in the general war situation since we met here in Budget Session a year ago has been spectacular. Hitler, broadcasting on 30th September, 1942, stated:—"For this year we have set ourselves a very simple problem; firstly, in all circumstances to hold what has to be held." Mr. Winston Churchill, speaking to Far Eastern Journalists on 7th December, used these words:—"Years of defence, of stubborn, outnumbered, ill-equipped, almost miraculous defence, are behind us. Everywhere the United Nations turn to the attack." These two utterances clearly pointed to the fact that at this time last year the offensive was passing into the hands of the United Nations, but viewed

in retrospect they appear even more significant than they did at the time. How then do we stand in Kenya to-day?

Last year I said that agricultural production with all its related problems was assuming ever-increasing importance in the Colony's war effort. To-day, in view not only of the general war situation but also of the East African food position, its importance is greater than ever. The Secretary of State left farmers in no doubt on that point.

Honourable members will, I know, wish to join me in expressing our thanks to Colonel Stanley for having altered his original arrangements so as to pay us a flying visit. (Applause.) We worked him very hard during the short time he was with us, and he never spared himself in his efforts to meet as many people as possible and to obtain as much information as possible so as to be able to view from every angle the various difficult problems that confront us. I have no doubt that his visit will prove of great value to this Colony.

Despite the latest Russian successes and the steady progress being made in Italy, we still have a long way to go before the war is won; there is a danger lest we may be tempted here in Kenya to sit back. While it is true that, except for the submarine menace which still lurks dangerously around our coasts, the fear of enemy attack has been removed, our offensive against Japan has yet to develop. The Moscow Conference declarations are still fresh in our minds. We cannot afford to relax our efforts if we are to make our maximum contribution to the tasks that still lie before the United Nations. Whether 1944 sees the final collapse of Germany or not, the problem of reconditioning devastated Europe will be immense. Already we have large numbers of the African Auxiliary Pioneer Corps in the Middle East, some of them performing pioneer or garrison duties as far afield as Syria, and we have definite commitments as to the numbers we must maintain there. Similarly we have sent an East African Expeditionary Force to Ceylon, and have our definite commitments in the Far Eastern theatre of war as well. What, apart from these commitments, the future role of the East African Forces may be, I am not in a position to state; but I can assure you that the whole African man power position is being most carefully reviewed at the

[HE the Governor] present time in the light of the present strategic situation.

I should like, however, to emphasize that in my opinion and in that of all my advisers any further large drafts on our man power resources, whether for production or military purposes, cannot safely be made. The increased acreages put under foodstuffs both on European farms and in the Native Reserves are very considerable. For the next year we must concentrate our energies rather on obtaining higher yields per acre than on extending the acreages under cultivation. Similarly, I see no prospect of maintaining next year our recruiting programme for the Services on anything like the same scale that has obtained in the past, particularly as Kenya, in comparison with neighbouring territories, has more than fulfilled her quota obligations to the army. How far more extended use can be made of Italian prisoners of war now that the Italian Government has become a co-belligerent, is being examined at the present time.

So far as European man power is concerned the military authorities have been most helpful and have already released this year over 180 men to civilian employment. Of these, 62 were officials, but even with this additional assistance many essential civil undertakings are still understaffed. In March last, compulsory service was introduced for European women, and women up to the age of 25 have been conscripted for service with the armed forces. Up to the present 122 women under the age of 25 are so employed. There is, however, still an urgent demand for women workers both by the armed forces and the civil Government, and it is therefore proposed to call up the age group between 25 and 40 years. It is appreciated that many of these can only be part-time workers, and the intention is to allot them primarily to civilian work of national importance, where arrangements for such part-time work can more easily be made.

But in considering the problem of African man power available, the food position in the East African territories generally must not be overlooked. During the first half of the present year, owing mainly to the failure of the 1942 short rains, the food position as you know remained most difficult. It is true that as

a result of the special steps taken, production has been on a high level so far as the crops planted in this year's long rains are concerned. The harvesting of the Uganda and Nyanza crops is, however, still in progress and the quantity of maize which will be received from these sources of supply, as also from the Kenya European crop, cannot yet be accurately known. At the present time, so far as native production is concerned, natives are reluctant to sell on any large scale until the next crop is assured. In the Machakos district and in the adjoining district of Kitui the position is at the moment serious. No rain fell in the Machakos district after April, and crops generally failed in consequence. It has been necessary to provide food supplies to the district on a large scale from other areas, and the need for the continuation of this measure of famine relief may well exist until March or April of next year. I have already authorized the provision of £60,000 to meet the situation, and food is being distributed and sold at a price within the capacity of the natives to pay, while those who cannot afford to pay are being fed free. A further £50,000 for famine relief has been included in the 1944 Estimates.

I should like to take this opportunity of expressing the Government's thanks to the General Officer Commanding-in-Chief for assisting with the transport of foodstuffs by military lorries from rail-head, and also to the Salvation Army for organizing the feeding of school children and destitute persons in the district. I should like, too, to record our appreciation of the prompt and efficient help given by the Government and people of Uganda in the supply of cassava and banana flour to meet food shortages that occurred in other parts of the native reserves, Turkana and the Northern Frontier districts, earlier in the year. The most serious was in the Kiambu district.

Owing to the food shortage, it was necessary to take powers under Defence Regulations to provide as far as possible for the equitable distribution of food to all members of the community, and also to introduce a system of rationing on a coupon basis of the chief essential foodstuffs in short supply. In June last Mr. Tester was released from his duties as Financial Secretary to be in general charge of these activities. At the same

[H.E. the Governor] time the Government was able to secure the services of several experienced executives from well-known commercial firms to assist with the work of reorganization. As a result, new Defence Regulations have recently been published to give effect to the decision that the rationing and distribution of foodstuffs should be on a regional basis, under the direct control of a Central Board which has powers to delegate its functions. The forty-two original Local Commodity Boards are being replaced by Regional Boards. I should like to take this opportunity of acknowledging the arduous duties performed by Local Commodity Boards, often with inadequate staff, in the past, and to make it clear that under the new system full use will be made of the local knowledge possessed by the personnel of the more important of the original local Boards in connexion with the distribution problems in their areas. At present the work of the Central and Regional Boards is limited to the distribution of important essential foods such as starch foods, fats and sugar, while a number of less important articles of diet, the distribution of which is dealt with on a local basis as and when the necessity arises, also fall within their purview.

The continued absence of any indication of the conditions necessary for general rain in British East Africa at the present time, coupled with the possible threat of locusts, is causing anxiety as to the food prospects for 1944. The desert locust began an outbreak cycle in north-west India in 1940, and the first flying locusts from this outbreak reached Kenya from the north and north-east in December, 1942. By April it became evident that a large-scale hopper destruction campaign would be necessary, since a severe infestation was developing over wide areas of the Northern Frontier District and Turkana, with similar infestations in Baringo, Tarnbach and Magadi. The total area affected is estimated to have been more than 10,000 square miles. Thanks to the great assistance rendered us by the General Officer Commanding-in-Chief, more than 3,500 troops and 300 lorries were made available for an anti-locust campaign which was conducted by the military and civil authorities in co-operation under the general direction of the Department of Agriculture. In this cam-

paign the Royal Air Force also rendered most valuable assistance by the provision of aircraft for scouting purposes. On the whole the campaign was highly successful, but it had hardly been brought to a conclusion before another heavy infestation began to develop in Turkana, where intensive and widespread operations became necessary during September and October. Again, as in the previous campaign, the military authorities afforded the most valuable assistance in the provision of troops and transport. The operations in Turkana were concluded during the first week of the month and, while there have been a number of escapes, the majority of hoppers in what proved to be a very intense infestation were, we believe, destroyed. At the present time swarms of maturing locusts are, however, present in a number of districts and further egg-laying is to be expected.

I propose to make a fuller statement on the whole food position before the end of the present session.

Before I leave the question of food shortage generally, I will take this opportunity of announcing that the report of the Food Shortage Commission of Inquiry, 1943, was received by Government on Saturday last, the 6th November. Arrangements have been made for it to be printed at once, but since including appendices it runs to over two hundred foolscap pages, this may take a little time. I hope, however, as at present advised, to have copies of the Report laid during the present session.

Last year I gave Council estimated figures of acreages planted under the terms of the Increased Production of Crops Ordinance. Taking the five main cereal crops—wheat, maize, rye, barley and oats—the estimated total acreage planted for 1943 is 286,477 acres as against 215,713 acres actually harvested in 1942. This represents an increase in acreage of about 33 per cent, which is satisfactory. Statistics have already been published showing the yields per acre of the 1942 plantings. Average yields per acre during the 1942/43 season from the two principal cereals, wheat and maize, worked out at 3.4 bags per acre for wheat and 7.6 bags per acre for maize. On these yields we produced a total crop of something over a million bags of grain from

[H.E. the Governor] the acreages planted during 1942. During 1943 every effort has been made to increase yields per acre by a more thorough preparation of land and by encouragement of increased application of fertilizers. It is, therefore, to be hoped that in 1943 we shall not only be able to show considerably increased acreages but also increased yields per acre.

Turning to the financial assistance given to farmers under the Ordinance at the expense of the general taxpayer, the following direct subsidies were actually paid during 1942:—Breaking grants for new land, £35,208; guarantees under guaranteed minimum return, £480. The total figures for 1943 naturally cannot yet be known, but up to date £64,000 have actually been paid on breaking grants, while it is estimated that £7,000 will be expended on minimum return guarantees and £20,000 on fertilizer subsidies during the year. These figures refer to all crops that qualify for assistance under the Increased Production of Crops Ordinance and are not confined to the five main cereal crops which I have just mentioned.

Owing to the failure of the short rains in 1942, followed as it was by the complete or partial failure of the long rains this year, the stock industry of the Colony has suffered severely. While the excellent late rains of July and August brought relief to most dairying districts, they did not extend to the northern pastoral areas such as the Northern Frontier district, Samburu, East Suk, North Kenya, North Nyeri and parts of Laikipia, which are still suffering from the prolonged drought. None the less 78,000 cattle and 180,000 sheep and goats were bought by the Live Stock Control during the first nine months of the present year from the native reserves, as compared with some 85,500 cattle and 152,000 sheep and goats purchased during the full twelve months of 1942. During the first nine months in 1943 9,140 grade cattle and some 19,000 grade sheep were bought from the settled areas. It has been evident for some time that the cattle purchased from the native reserves are steadily deteriorating both in size and quality, and it would appear that in certain reserves the bulk of mature slaughter cattle has been either sold or consumed locally, since it must be remembered that there has been increasing

demand for internal consumption within the native reserves themselves apart from the requirements of the Live Stock Control. The Director of Veterinary Services hopes shortly to initiate a careful statistical examination of the cattle position in the native reserves which should throw light on the whole situation.

Owing to drought conditions, although the Stockfeed Control distributed roughly twice the normal quantity of concentrates to dairy farmers, it was not possible to meet all requirements. The consumption of cattle cakes and cotton seed by the stock industry has now reached a figure of over 2,000 tons monthly, and consumption is still increasing rapidly. The increased consumption of concentrates is partly accounted for by the drought and partly by the more general adoption of the practice of feeding dairy cattle. In the result, our output of butter-fat decreased for the year ending the 30th June, 1943, by just about 2,000,000 lb. I am glad to say, however, that there has been a considerable recovery in production during the last three months, and if the short rains are good we should see a return to the high level of 1942 production amounting to a figure of just under 5,000,000 lb.

The number of pigs passing through the Pig Control for the year ending the 1st June, 1943, was 45,850 as compared with 35,300 in 1942 and 24,300 in 1941. The processing facilities that have been provided as a result of extensions to the Uplands factory are capable of handling at least double our present production of bacon pigs, and we are still basing our plans upon the development of an export industry after the war. It is unlikely, however, unless the cereal position much improves before the end of the year, that we can re-embark on a programme of rapid expansion in the pig industry.

The agricultural machinery position has been greatly eased by the receipt of from overseas of substantial quantities of tractors and of other farm implements. Much of this has come from the United States of America under lease lend. There is still a serious shortage of crawler tractors, particularly of the heavy models required by the sisal, sugar and timber industries, but on the whole the needs of general agriculture have been met, and lack of machinery is no longer acting as a brake on efforts to attain full produc-

[H.E. the Governor]

The Machinery Pool has been greatly expanded, and assistance is thereby given to farmers in two main directions—firstly, to those who wish to break new land beyond the capacity of their own machinery, and secondly, to those who are unable to harvest their cereal crops without assistance. As far as possible the Pool is organized as a commercial undertaking.

Turning from cereals to other crops. The drought conditions to which I have already referred resulted in a marked fall in the production of plantation crops such as coffee, pyrethrum, and tea. During the first six months of the year deliveries of pyrethrum flowers amounted to only 550 tons as compared with 2,300 tons during the corresponding period of the previous year. Tea production fell by over three million pounds, or forty per cent, during the same period. It is hoped that our output for 1943 will reach a figure of twelve million pounds. In the case of pyrethrum the planted acreage estimated up to the end of 1943 is 41,000 acres and large quantities of pyrethrum seed have been or are being sent to various Allied territories, including Russia and Brazil, and in lesser quantities to India, Ceylon, Nyasaland and Jamaica. The Ministry of Supply has agreed to guarantee to East African growers a price of Sh. 1/25 a pound up to a limit of 50,000 planted acres from 1944 to 1947, with provision for price adjustment to allow for increases in cost of production. The position of the coffee industry, despite the improved prices, is occasioning some anxiety to Government. The crop in the current year, originally estimated at a figure of just under 6,000 tons, which in itself was 3,000 tons lower than the previous lowest crop on record, is, I understand, likely to be still further reduced. The total 1942/43 crop amounted to 8,872 tons, for which an average pay-out of over Sh. 70 per hundredweight has been made. The sale of the 1943/44 crop is now in negotiation by the Coffee Control and the entire crop, with the exception of a small quantity required for local consumption, will be taken over by the Ministry of Food for supply to the United Kingdom, South Africa and Australia. Although the price has not yet been finally agreed, I understand that it is satisfactory and that some allowance is being made by the

Ministry of Food in respect of the very short crop. The Coffee Board has already been requested by Government to make recommendations with a view to maintaining, as an asset to the Colony, coffee plantations in areas suitable for coffee farming.

The Colony has experienced a sugar shortage in recent months. This was due in the first place to the effect of the prolonged drought on the sucrose content of the cane which reduced output, and to difficulties in connexion with labour supplies and manufacturing costs which delayed the reopening of the Kenya mills. In August one of the two Uganda factories was forced to shut down in order to carry out essential structural repairs, and it became necessary to reduce the territorial allocations of sugar. East African production is now returning to normal, and the opportunity will be taken as soon as possible to purchase and build up a sugar reserve as a safeguard against future breakdowns and to cover those months of the year when the Kenya mills are normally out of production.

Last year I explained that a second dried vegetable factory at Karatina would be in operation as soon as the necessary machinery had been delivered. The factory is now in production, though it is not working to full capacity since some of the plant has still not yet arrived. During September the output of both the Karatina and Kerugoya factories approximated 178 tons of dried vegetables.

In 1943 our acreage under flax is 16,261 acres, compared with 16,418 in 1942.

In the case of sisal, which as you know carries a very high war priority, our entire output is being purchased by the Ministry of Supply with the exception of a small quantity used locally for essential and primary military purposes. For some time past the industry has been working under two main difficulties, namely the supply of sufficient spare parts and machinery, and shortage of labour. As regards machinery, as a result of the efforts made both by the Control and the Kenya Sisal Growers Association, the position is improving. With regard to labour, the sisal industry, in common with other employers, has suffered through the food crisis. Assistance has

[H.E. the Governor]

been given to the industry by Government by the enlistment of compulsory labour, but the position with regard to voluntary labour is causing increasing anxiety. The total production of sisal in 1942, including one Uganda plantation, was 29,751 tons. For 1943 up to the end of September the total production was 22,318 tons, and it is hoped that the total for the year will slightly exceed figures for 1942. In this respect labour is the deciding factor, since the leaf potential allows for greater production.

The necessity for obtaining maximum rubber production from all potential producing areas has resulted in a considerable expansion. In the case of wild rubber at the coast, the dry weather experienced has been unfavourable to high yields, but collection has continued throughout the coastal belt. Collection of wild rubber has also been begun in the Central Province and in the Kericho and Nandi forests. With regard to Ceara, a derelict plantation near Malindi containing some 2,000 acres of rubber has been brought into production and a factory erected to process the material, while two other plantations in private ownership have begun production. To the end of October, 1943, since the work began, approximately 110 tons of rubber have been collected, to which must be added some 180 tons of slotsam rubber which have been recovered and cleaned.

Timber production, for which demands for war purposes are as great as ever, has continued to expand, despite some setback due to food shortages. Kenya production during the last four years was as follows:—1940, 29,530 tons; 1941, 36,300 tons; 1942, 59,700 tons; 1943, for eight months, estimated 72,000 tons; actual, for eight months, 48,160 tons.

I should like once again to take the opportunity of expressing my great appreciation of the work which has been carried out by all branches of the Civil Service during the past twelve months. With the present demands on the available man power and woman power, practically every office is short of staff and the amount of work that has to be done, far from diminishing, shows every sign of a steady increase. Moreover, the virtual embargo on overseas leave has resulted in the great majority of members of the Service having to work for abnormally long periods without the

necessary break which is essential if staleness is to be avoided. Hon. members will remember that on the recommendation of the Standing Finance Committee a year ago a committee was appointed, under the chairmanship of Mr. Surridge, to examine the terms and conditions of service of the Kenya European Civil Service. Its deliberations are almost at an end, and I understand that its report will very shortly be submitted to Government. As soon as it is received, its recommendations will receive prompt attention.

One development in the activities of the Kenya Information Office during the year has been the issue of the K.I.O. fortnightly, a publication which I might almost describe as "The Farmer's Guide to Controllers". In it are collected for easy reference notices from the Agricultural Production and Settlement Board, other Directors and the numerous Controllers whose activities affect farmers. The bulletin is sent to every farmer who is on the books of the Agricultural Production and Settlement Board and to many others whose duties are concerned with production. A good deal of work too has also been undertaken in explaining to the Asian community, both on paper and by means of broadcasts, the main orders and regulations which have particularly affected them. Mr. Champion has continued his most valuable and extremely arduous work, touring the country with his mobile cinema van. Some idea of his energy can be gauged from the fact that in one of his *safaris* which lasted for 38 days he gave 32 shows to approximately 63,000 people. Moreover, when in Nairobi he has been continually busy giving shows in schools, camps and other centres. I am sorry to say that he has had to tender his resignation, as he feels that he must have a rest. I should like to take this opportunity of thanking him for his untiring work and the fine personal contribution he has made to our local war effort. (Applause.) In addition to the mobile cinema a number of private owners of film projectors have been supplied regularly with films from the Information Office, and in less than nine months of this year these public spirited people have shown films to about 30,000 Africans. It may not be generally realized that, in addition to its broadcasting and film work, the Information Office issues a total of some 11,000 weekly newsletters

[H.E. the Governor] in Swahili, Urdu, Gujarati and Afrikaans, as well as a monthly Swahili publication of news from their homes for the African askaris from Kenya who are now outside the Command.

In the sphere of education, one of the most important developments of the year has been the filling of the post of Superintendent of Female Education and the subsequent planning of long range policy for the education of women and girls. It is the intention of Government to publish shortly a memorandum outlining its policy for the development of the education of women and girls of all races during the next five years. I indicated last year that the rapid increase in enrolment in Government schools for European children might be expected to continue. The increase has in fact been even greater than was anticipated. In January, 1941, the enrolment was 1,200, in November, 1942, 1,550, and in October, 1943 1,801. There are reasons to believe the increase will continue at an undiminished rate during 1944 and 1945. The steps necessary to provide the additional staff and accommodation to deal with these increases have caused and are causing the Government considerable concern. A similar problem has to be faced in the case of Indian schools. It appears that we can expect an annual increase in enrolments of nearly 10 per cent. Here, too, owing to wartime conditions it is most difficult to keep pace in terms of staff and accommodation with the increased number of pupils seeking admission. Two aspects of development in African education, in addition to that of education of women and girls, have received special attention, namely agricultural education and the training of teachers. Proposals have been submitted to the Secretary of State for the establishment, with assistance under the Colonial Development and Welfare Act, of two agricultural schools and two Teacher Training Schools in the Central and Nyanza Provinces. Still more recently the Government has been considering proposals for technical and agricultural education in the Coast Province, while a new Government school is being built and is nearing completion at Kabarnet which, modelled on the Kapenguria School, will have a strong agricultural bias.

Public health during the period under review has on the whole been satisfactory, though the shortage of food has caused considerable anxiety throughout the year and necessitated close attention being paid to nutritional problems in general. Apart from smallpox, the incidence of the major epidemic diseases has given no cause for alarm. During the past few months we have experienced a somewhat widespread epidemic of smallpox, which I am glad to say has now been brought completely under control. Up to the middle of October some 1,600 cases had occurred, but they were all mild in character and no deaths were recorded. Two and a quarter million vaccinations were performed during the same period. The Rehabilitation Centre for disabled African soldiers has continued to function successfully. Extra temporary accommodation is at present being built, including workshops for the manufacture of artificial limbs.

Despite the shortage of artisans and materials a considerable amount of building has been carried out by the Public Works Department, particularly at the Prince of Wales School, where temporary and permanent dormitories and staff quarters have been completed or are in course of erection. The Government African Housing Scheme for Nairobi is progressing and one hundred quarters are in occupation. In Mombasa, designs suitable for coast conditions have been evolved and the quarters are in progress. The work on the by-pass canals around the Narok Swamps and the canal through the Pesi Swamp is nearing completion, and Government has been fortunate in securing the services on secondment for a short period of Dr. Dixey, Director of Water Development, Northern Rhodesia, who is now surveying the water problems of the Northern Frontier District and of Turkana. Further progress has been made with the roads reconstruction programme, though considerable difficulties both in respect of labour and materials have been experienced.

The Railway has again been very heavily pressed throughout the year and, although no new locomotives or rolling stock have arrived, all demands have been met. Revenue for 1943 is expected to be only slightly more than that earned in 1942, while expenditure has considerably increased, mainly as a result of the increased cost of fuel and stores, and War

[H.E. the Governor] Bonus and Tribunal Awards. It is in respect of passenger traffic that the greatest difficulty has been experienced. Apart from Service personnel transported by special arrangements, the number of third class passengers carried in 1943 is two and a half times the number carried pre-war, and the number of upper class passengers is four and a half times the pre-war figure. These movements have placed a very serious strain on the Administration's resources. At the Port too, the burden has been very heavy, though the total tonnage for the year may not reach that handled in 1942. Some difficulty has been experienced in maintaining the fuel supplies for the Administration, and it is expected that these difficulties may increase rather than diminish in the future.

Turning to supply questions, the re-organized East African Production and Supply Council has proved its value during the year and has made it possible to deal on an East African basis, in conjunction with the military authorities, with the many problems, including the blending and distribution of imported food, which have arisen owing to the food crisis. It is also in a position, through the medium of the East African Production Committee, to correlate the problems of production and supply of essential foodstuffs on an East African basis.

So far as imports generally are concerned, our Customs revenue receipts speak for themselves. The revised estimate of Customs revenue up to the end of the year now stands at one million pounds. Despite the world difficulties of supply and shipping and the necessity of confining our imports within the tonnage allotted and agreed to by the Ministry of War Transport, Kenya has been fortunate in comparison with many other overseas territories in the quantity and diversity of the goods which we have been able to import.

During the year the Imports Controller has continued to receive valuable assistance from the Group Advisers in estimating and drawing up the detailed programmes of the Colony's essential import requirements, since in an increasing number of cases essential commodities can only be obtained by placing bulk orders overseas, for which the Government itself

has to assume responsibility. On their arrival the Government does not, of course, attempt to trade in them itself, but arranges for their distribution through normal trade channels. In my recent address to the Association of Chambers of Commerce of Eastern Africa, I paid a tribute to the manner in which both the Imports Controller and the Price Controller were carrying out their very difficult and responsible duties.

With the rapid developments in the war situation, increasing attention is naturally being focused on the problems that will face us on demobilization in connexion with post-war reconstruction and development. Hon. members will recollect that in 1941 a committee was appointed to consider what steps could be taken by Government to absorb in the economic structure of the Colony such British subjects of all races now serving in the East African Forces as might desire to obtain employment here on demobilization, special attention being given to provision of adequate safeguards to ensure that persons who were in employment in the Colony at the outbreak of the war were given suitable opportunities of re-employment. The report of this Committee, together with that of a sub-committee appointed by it in regard to African ex-servicemen, has recently been received. These reports are being printed and will be laid on the table during this session. In the meantime preliminary action is being taken to consult the Governments of the other East African territories, whose men are serving in the East African Forces, and who are thus indirectly affected by the proposals made in these reports.

It has not been possible in the time available to consider all the recommendations made in these reports. The report of the sub-committee on African Post-War Employment was forwarded to the Government in advance of the main report, and has already received some preliminary consideration. As a first and practical step arising out of the examination of the question by an Inter-Territorial Conference in May last, a special Administrative officer has been appointed to co-ordinate demobilization plans both with the Army and with the other territories concerned. This appointment, as pointed out in the main Committee's report, accords with the recom-

[H.E. the Governor] mendment made by the sub-committee that an executive officer should be appointed for this purpose. Some of the suggestions or recommendations made both by the main committee and the sub-committee do not, on their own admission, strictly fall within their terms of reference, and raise issues of political or constitutional importance, while the proposed appointment of a Director of Reconstruction and Development on an inter-territorial basis is not a matter for decision by the Government of Kenya alone. It is important that consideration of such of the proposals as may well prove controversial, should not be allowed to impede progress being made with the many other valuable recommendations contained in the report. I should like to express the thanks of Government to the chairman and all those who have devoted so much time to this important question.

Some of the possible lines of post-war development to which reference is made in these reports have, in fact, been enjoying the attention of the Government for some time. Early in August I communicated the broad outline of our development plans to the Secretary of State in a despatch, a copy of which is being laid on the table. In reply, the Secretary of State sent me a telegram in which he welcomed our proposals and undertook that they would be examined with the greatest possible expedition. A copy of the telegram is being published simultaneously with the despatch. The Government recognizes that the action which has already been taken or proposed by no means covers the whole ground. Reference to the despatch will show that it will be necessary to undertake a considerable programme of public buildings, both in connexion with education and other social services, and also to provide new office accommodation and housing. Detailed plans for such a programme are at present being prepared in consultation with Provincial Commissioners, and the provision of the necessary finance will be taken up as soon as the approximate amount involved is known. Additionally, capital expenditure and recurrent expenditure on other projects of various kinds will be necessary and further application for assistance from the Colonial Development and Welfare Vote will doubtless have to be made.

The despatch itself has been followed up by a number of specific applications for assistance from the Vote, the chief of which are: (i) a general scheme for soil conservation both in European and African areas at a total cost of over £500,000; (ii) a scheme for the housing of Africans, particularly in urban areas, for which I have asked that a sum of £500,000 should be made available in the first instance; and (iii) a comprehensive scheme for the development of water supplies at an estimated cost not far short of £400,000. In addition, applications have been made for assistance in respect of certain relatively smaller projects, such as the establishment of the Agricultural Training Schools and Teacher Training Centres for Africans at Embu and Maseno to which I have already referred, the establishment of Agricultural Investigational Centres in the Thomson's Falls and Usao Nyiro catchment areas, water supplies generally, a general reconnaissance survey for the Tana River Irrigation Scheme, and the realignment of the Mombasa-Tanga road. Applications are at present being prepared to deal with the education of women and girls of all races in a comprehensive way and for the housing of African employees of the Government in Nairobi and Mombasa.

Hon. members will appreciate that I cannot give any indication of the extent to which assistance may be expected to be forthcoming from the Vote. I must, however, give this warning. The Vote, though generous, is limited and the responsible authorities in London must naturally take into account the claims of all Colonial Dependencies. It cannot, therefore, be assumed that all our applications will be approved in full. But I can say this, both from the terms of the Secretary of State's telegram and from personal discussions with him while he was here, that all our applications are assured of his very sympathetic consideration. As earnest of this, I am glad to be able to announce that he has already approved grants of £16,000 for the Mombasa-Tanga road, £6,000 for a general reconnaissance of the Tana River Irrigation Scheme, and £12,000 for the capital cost of the Agricultural Investigational Centres in the Thomson's Falls and Usao Nyiro catchment areas. I would like to take this opportunity of expressing my appreciation of the care and thought

[H.E. the Governor] which have been given to these proposals by the members of the Standing Finance Committee. They have spent much time in their detailed examination and have thereby rendered a notable public service.

One of the most important problems in the Colony's post-war development programme will be to devise means whereby those who wish to settle here after the war may obtain the necessary advice and assistance to enable them to start farming with reasonable prospects of success. No reference is made to this question in the despatch because, as hon. members are aware, the Secretary of State has already sanctioned the provision of Loan Funds to the extent of a quarter of a million pounds to give effect to the recommendations of the Settlement Committee's Report which was approved just before the war. Pending the raising of the loan token provision of £50,000 has been included in the 1944 budget.

The Government fully realizes that conditions have changed materially since the settlement scheme was prepared, and much anxious thought has been given to the problem of adapting that scheme to post-war conditions. It is common knowledge that the amount of unalienated Crown land available and suitable for settlement purposes is strictly limited. The settlement scheme did not envisage the Government itself going into the land market, but made provision for State assistance to the individual in acquiring the necessary land for himself. It is appreciated that if we are to avoid the mistakes made after the last war, and at the same time to make the prospects of post-war settlement here not only attractive but reasonably secure, it may well be necessary for the Government to reacquire private land for settlement purposes. That the Government is prepared to do in principle, but it is obvious both in the interests of the general taxpayer and of the prospective settler that any land so acquired, whether by the settler himself or by the Government on his behalf, should be made available at economic and not at artificially inflated prices. The history of this Colony shows very clearly the difficulties against which the new settler has had to struggle where he has had to pay an uneconomically inflated price for his land. The Government has therefore published a Land Control Bill for information and

criticism, one of the objects of which is to control the transfer of agricultural land and also the price to be paid for it whether by the individual or the Government. Its terms have, as was anticipated, aroused considerable controversy, not to say opposition, in certain quarters, and it is for that reason that it has been published for criticism in the first instance before a decision is taken as to whether it should be introduced during the present session.

Hon. members will see from the despatch that, apart from the realignment of the Mombasa-Tanga road, no application for immediate assistance from the Colonial Development and Welfare Vote in respect of road development has been made. Provision of just over £100,000 for reconstruction of the Colony's roads was made in the 1943 Estimates, and a Road Engineer has been appointed to the Public Works Department to supervise the programme. A further sum of £100,000 has been provided in the 1944 Draft Estimates, and the Central Roads and Traffic Board at their next meeting will consider the way in which this sum can be spent to best advantage. If it is considered that an additional amount can be spent wisely and advantageously during the year, I have no doubt that the Standing Finance Committee will be very ready to recommend the necessary provision. The Government hopes that it will be possible in this way to finance much of our road development programme from revenue without seeking assistance from His Majesty's Government.

Finally, before I leave the question of post-war development, I should like to make a brief reference to the question of secondary industries and the tourist traffic. We all know that this Colony is predominantly an agricultural colony, and you need no reminder from me of the difficulties which in the past have beset the hard-working farmer without private capital in trying to make a living. His comparative prosperity to-day is due to the fact that the fortunes of war have either brought him a ready market on his doorstep or have provided him with an assured market overseas for those of his products which are so urgently needed for war purposes that a remunerative price for them is assured. Whatever may be the world marketing policy of the United Nations after the war, the recom-

[H.E. the Governor] recommendations of the Hot Springs Conference appear to suggest that some form of Government control both of production and marketing operations is not improbable; it is certain that for the small mixed farmer in this Colony, as distinguished from the more highly organized plantation agricultural industries, the enlargement of an internal market for his products is of the first importance.

We already have a small but promising mining industry, and I hope it will expand. Largely as a result of the war and the growth of industries providing a local demand, interest has been focused on the development of minerals other than gold. Local requirements of graphite, manganese, talc, kyanite, kaolin, lime, gypsum, bentonite, sulphides and asbestos are being met.

I do not wish to exaggerate the part which secondary industries can play in creating an internal market, since obviously their scope and importance is limited by the nature of our local resources and the nature of the articles which they can economically produce. But they have an important part to play both in providing employment for the African artisan as the population pressure in the reserves increases, and in creating an expanding market for the farming industry. I am, therefore, very glad to see the progress that is being made under the auspices of the East African Industrial Council in co-ordinating the development of secondary industries in these territories. The pilot industries set up in Kenya are at present in their infancy, but show good promise of developing on a sound commercial basis. So far as the tourist traffic is concerned the scenery, fauna and flora of Kenya present unrivalled attractions for the lover of wild life and the student alike. I see no reason why, with the exercise of a little imagination and without disproportionate expenditure on the improvement of communications and the provision of simple accommodation in selected areas, a profitable tourist trade should not be built up after the war. This in its turn should prove of considerable value both to the farming and the commercial community. I have directed that a token sum on this account should be included in the Estimates.

It will be remembered that the 1943 Estimates reflected acceptance of the recommendations of the report of the committee which enquired into the financial relationship between the Government and Local Native Councils. It was generally realized at the time that this was largely experimental and that it might be found necessary to review the whole question later in the light of experience gained. In the event, acceptance of the recommendations made has imposed a more serious burden on Local Native Councils than was anticipated. I have already given directions that the whole question should be reviewed early in 1944, and that the Standing Advisory Committee for Local Native Councils should be consulted. The results of that review naturally cannot be available for some time, and it has been necessary to provide some immediate assistance to Local Native Councils as an interim measure. This assistance, which has been given on the advice of the Standing Finance Committee, takes three forms. First, reimbursement to Local Native Councils of their expenditure on road maintenance; second, a grant of two-thirds of the salaries of chiefs' clerks; and third, special grants in cases where the two measures that I have just mentioned will leave Local Native Councils with substantial deficits on their 1943 budgets. This assistance has been given in 1943 and will be continued next year.

I now turn to the general financial position. When the Draft Estimates for 1943 were discussed a year ago, it was expected that, after certain adjustments had been made, the transactions of the year 1942 would show a surplus of revenue over expenditure of just under £100,000. In the event the actual surplus was approximately £550,000, of which, on the recommendation of the Standing Finance Committee and with the approval of this Council, a sum of £300,000 was transferred to a War-time Contingency Fund. This left a free surplus of approximately a quarter of a million, which brought our general revenue balance at the end of 1942 up to just over one and a half millions. The 1943 Estimates envisaged a deficit of £17,000, but revised estimates which have been recently prepared indicate that there will not be a deficit but a surplus of £650,000. The reasons for this consider-

[H.E. the Governor] able improvement will no doubt be fully explained by the Acting Financial Secretary in introducing the 1944 Budget, and I will only refer to one fact now. At the time the 1943 Draft Estimates were prepared the shipping situation was extremely serious, and the indications were that the amount of shipping which would be available in 1943 would be very small. Happily, as I have already indicated, a reasonable amount of shipping has been made available both to bring essential imports to the Colony and to take away our exports. This has had a direct effect on the yield of customs revenue and an indirect effect on the yield of income tax.

The Draft Estimates for 1944 as laid on the table this morning show large increases over the 1943 Estimates both in regard to revenue and expenditure. The reasons for these increases will be fully explained during the debate, and I will make only a few observations at this stage.

The large increase in the expenditure estimates as a whole is not attributable to any appreciable extent to the provision of new services. It is attributable partly to the increased cost of supplies of all kinds which was to some extent underestimated this year, and partly to some expansion in existing services resulting largely, though not entirely, from the war. An example will be found in the cost of non-native education. A one-line vote of £50,000 has been provided under the head "War Expenditure Civil" to finance reductions in the cost of essential foodstuffs to the consumer. As hon. members know, the subsidization of essential foodstuffs has been accepted both in the United Kingdom and elsewhere as a sound anti-inflationary measure. It has been adopted by the Government of Kenya in certain cases, and I think the time has arrived when it should be extended. No specific proposals for the utilization of this sum are being placed before hon. members now, but it is the Government's intention that each case in which a subsidy appears to be desirable should be examined on its merits by the Standing Finance Committee. For the rest, although the total increase in the expenditure estimates is formidable, they have been framed with every regard for economy, and I am satisfied that no material reduction in recurrent expenditure is practicable.

As regards extraordinary expenditure, the two largest items are "War Expenditure, Civil" and "Public Works Extraordinary". The head "War Expenditure Civil" covers a variety of items, all of which result in one way or another from war conditions. Under "Public Works Extraordinary", apart from the road programme which I have already mentioned, I would draw specific attention to only three items. A sum of £17,500 has been included so that a start can be made on a new Indian Girls' School in Nairobi. Those hon. members who have inspected the present buildings will know that the construction of a new school is a matter of real urgency. Secondly, a sum of £24,000 has been provided to enable a start to be made on a new European primary school. The actual site has not yet been finally decided, but the increase in the numbers of European children of school age renders the provision of further permanent accommodation unavoidable. Construction cannot be postponed until after the war because the children themselves are coming forward now. We have also made provision under "Public Works Extraordinary" to continue our programme of providing housing for African employees of the Government. By the end of this year the Director of Public Works expects to have spent about £33,000 in Nairobi and Mombasa, and provision for expenditure of a further £10,000 in each place has been made next year. In addition, provision of smaller amounts has been made to enable local programmes in each Province to be carried on. The main difficulty in carrying out any building programme at present is the serious shortage of labour and building materials. I hope, however, that it will be possible to make good progress with our more pressing requirements even should it prove necessary in some cases to use temporary finishings on permanent structures pending the completion of completely permanent buildings when the supply position improves.

To turn to the revenue estimates, despite a large increase in total these have again been framed on cautious lines. They are well below the revised estimates for the present year, and my advisers have every reason to believe that they will be realized. The estimated yield from Customs duties has been placed at a figure considerably larger than the

[H.E. the Governor] original estimate for 1943, but it is felt that the increase over the 1943 estimate is justified by the improved shipping outlook. The estimated increase in yield from income tax is largely consequential.

Only one minor increase in taxation is proposed, and that is the imposition of a consumption tax of one cent per pound on sugar consumed in the Colony, and hon. members will be asked to pass the necessary legislation through all its stages later this morning. The reasons for this tax will be fully explained when the Bill is introduced, and I would only say now that the main object of the measure is to provide funds for a Government subsidy to sugar manufacturers in the Colony, and that the additional very small burden which this tax will impose on the sugar consumer will be considerably less than would be the case if the increased cost of production were met by a straight increase in price.

The Estimates as presented this morning just balance with a small surplus of revenue over expenditure, which will be slightly increased if the sugar consumption tax becomes law.

During this session hon. members will be asked to consider a number of Bills, the most important of which will be the Compulsory National Service Bill which, although it does not introduce any new principles into the existing law, provides for the establishment in the Colony of a Special Police Force which, to a great extent, will take the place of the existing Kenya Defence Force. It is believed that the present proposals will be welcomed by the farmers, particularly those who are over the military age for active service.

The Probation of Offenders Bill will be introduced to give effect to the suggestion contained in the Report of the Committee presided over by Mr. Justice Bartley. The object of the Bill, as will be readily understood, is to extend to Kenya a system which exists in most other parts of the Empire whereby first offenders, instead of being sent to prison in the first instance, are brought under the control and influence of specially chosen men, whose duty it is to attempt to prevent them from developing into hardened criminals.

A Bill is also being introduced to amend the Legislative Council Ordinance,

the most important feature of which is to provide for the registration of members of the Armed Forces for the purpose of the forthcoming general election.

General elections are inevitably accompanied by considerable political activity. This is only natural and healthy, particularly in an adolescent Colony like Kenya. The issues on which this election is fought are matters for the candidates, and I would say only this. There is a war on, and there is no indication that it is nearly over. For my part, I feel that the principal justification for holding an election in present circumstances lies in the hope that the result will be an intensified war effort on the part of all communities and a realistic appreciation of the problems that will confront us when final victory has been achieved. Those problems will call for high qualities of wise statesmanship on the part of the leaders of all communities, if all races are to continue to play their part in the future development of the Colony. I think I cannot do better than quote an extract from a message sent recently by Mr. Winston Churchill to the electors of Peterborough: "Their assumption that victory may be taken for granted and that we can return lightheartedly to elections as usual and national disunity would be a direct encouragement to all irresponsible elements which place sectional or selfish interests before the nation's needs". While conditions here and at home do not, of course, provide an exact parallel, the principle underlying the Prime Minister's warning is the same.

Honourable 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 22nd September, 1943, were confirmed.

PAPERS LAID

The following papers were laid on the table:—

By Mr. HARRAGIN:

The 1944 General Election Rules.

By Mr. TROUGHTON:

Draft Estimates of Revenue and Expenditure for 1944, and Memorandum.

By THE ACTING DIRECTOR OF MEDICAL SERVICES (DR. JOHNSTONE):
Medical Department Annual Report, for 1942.

By Mr. ROBNS:

1st Supplementary Estimates, K.U.R. and H., 1943, Estimates of Revenue and Expenditure for 1944.

By Mr. MORTIMER:

Return of land grants, 1st July-30th September, 1943.

ORAL ANSWERS TO QUESTIONS

No. 46—MOMBASA-KILIFI ROAD

Mr. PAROO:

(a) Is Government aware that a few miles stretch of the Mombasa-Kilifi district road is very dangerous and a little longer than it should be if it passed via Takaungu?

(b) If the reply is in the affirmative, will Government please state if it intends to rebuild the bridge over the creek near Takaungu to make this road safer and shorter?

Mr. STRONACH: (a) The Government is aware that the deviation round Takaungu Creek requires careful driving and that it is 1.8 miles longer than a road via Takaungu would be. When the deviation can be put on its surveyed alignment the difference will be 1.2 miles.

(b) There is no intention to reinstate the old causeway at Takaungu and the construction of a bridge over the creek is so large an undertaking that it must be left for consideration after the war.

No. 43—GOVERNMENT INDIAN HIGH SCHOOL, NAIROBI

Mr. SHAMSUD-DEEN:

(a) Will the Hon. Director of Education state the number of teachers in the Government Indian High School, Nairobi, who have left the Service either by resignation or dismissal or discharge or for other reasons, or for retirement on pension, during the years 1942 and 1943, and also the total number of teachers who left the said school and service of the Education Department in the five years prior to 1942?

(b) Is the Hon. Director of Education aware of the fact that there is a thorough discontentment among the

teaching staff of the Government Indian High School, Nairobi, owing to the unsatisfactory terms of their service, and the treatment meted out to them generally by the head office of the Education Department?

Mr. LACEY: (a) In 1942 five teachers resigned, and two were retired on medical grounds.

In 1943 one resigned, three were retired on medical grounds, and two were removed from the Service on the grounds of inefficiency.

In the five years prior to 1942 twenty-five teachers left the Government Indian High School, Nairobi, and the service of the Education Department.

(b) No, sir.

No. 50—GOVERNMENT INDIAN SCHOOL, ELDORET

Mr. KASIM:

Is Government aware of the fact that the existing school building of the Government Indian School at Eldoret is inadequate to accommodate the existing number of pupils, as a result of which there is congestion and great inconvenience to the staff, the pupils and the parents alike?

Is the Government aware of the fact that at the recent meeting of the Advisory Council on Indian Education a resolution was adopted urging upon the Government to provide £150 for the building of two additional classrooms to the existing school building?

Would Government please include this small sum asked for in the coming year's estimates?

Mr. LACEY: The answer to the first part of the question is in the affirmative. The answer to the second part of the question is in the affirmative.

As regards the third part of the question, I would invite the hon. member's attention to the vote of £6,000 for Minor Works provided under Head 39, Item 4 (2) of the draft Estimates. The question of the construction of two additional classrooms at the Government Indian School at Eldoret will be considered, with other projects, when the amount in question is being allocated.

I would add that the construction of additional classrooms would necessitate the provision of additional teachers.

No. 51—ASIAN MATERNITY WARD,
NAKURU

MR. KASIM:

Is Government aware that the Asian residents in Nakuru and the district experience great hardships owing to there being no maternity ward at the Native Civil Hospital, Nakuru?

If the reply is in the affirmative, would Government please provide such a maternity ward for Asians in Nakuru? If so, when would provision for same be made?

DR. JOHNSTONE: The answer to the first part of the question is in the negative. Moreover, in so far as the Government is aware, no formal request for the provision of the facilities referred to by the hon. member has been made.

The Government does not normally provide maternity facilities for Europeans, Asians or Africans at Government hospitals; such facilities are usually provided by the communities concerned, although in some instances the Government has contributed towards the cost. The Government appreciates the desirability of having an Asian maternity ward at the Government Hospital, Nakuru, and if the Asian community in this area were to raise funds for the construction of such a ward the Government would give sympathetic consideration to the question of bearing a part of the cost.

No. 53—KEDONG VALLEY STREAM

MR. KASIM:

Is Government aware that heavy military traffic has softened the Kedong Valley stream bed, situate 36 miles from Nairobi on the main North Trunk Road to Nakuru, and as a result of which motorists are likely to break vehicle springs when passing over it or suffer other inconveniences?

Would Government please arrange to harden the stream bed or put a small bridge over it as soon as possible?

MR. STRONACH: The Government is aware that the present amount of traffic causes undue wear at the stream crossing in question and steps are being taken to maintain the crossing in a satisfactory condition. No permanent works are contemplated as this part of the main road is being realigned under the road reconstruction programme.

No. 54—INDIAN POLICE OFFICERS
MR. KASIM:

While appreciating Government's action in having promoted a number of Indian Sub-Inspectors of Police to the rank of Inspectors, would Government please state why they have not been correspondingly benefited financially by an increase in their salaries commensurate with their rank and responsibilities?

Is it a fact that the committee appointed by the Government to inquire into the grievances of the Police Force have recommended that the scale of the Asian Police Officers be raised to £426, but the recommendation applies only to Kenya local service?

Will Government please state the reasons why this scale has not been extended to those faithful and loyal servants who already are serving in the force and who have rendered lifetime's service?

MR. TROUGHTON: As far as the first part of the question is concerned the attention of the hon. member is invited to paragraph 44 of the Report of the Police Terms of Service Committee which gives the Committee's reason for recommending changes in the titles of Chief Sub-Inspector to Chief Inspector and Sub-Inspector to Inspector. As the result of the adoption of the Committee's recommendation these changes were effected in the Estimates for 1943. No promotions were involved nor did the new titles result in the assumption of any additional responsibilities.

2. As regards the second and third parts of the question, it is the case that the scale of salary attached to the post of Chief Inspector for officers serving on Local Civil Service terms was extended from its former maximum of £372 to £426. The reason why this scale has not been applied to serving Chief Inspectors is that the latter are pensionable officers. In this connexion the attention of the hon. member is invited to paragraph 43 of the Committee's Report.

No. 55—MAIZE PRICES

MR. COOKE:

Will Government consider the expediency of ordering that the same price shall be paid to all producers of maize, based on what is considered a fair price for the African, and if it is

[Mr. Cooke]

in order to encourage him necessary, to pay a higher price to grow maize, to the European producer will the Government order that the difference be met from the general revenue of the Colony?

If there are any objections to this proposal will the Government state what those objections are?

MR. RENNIE: In view of the food shortage the Government is at the present time examining the desirability of further stimulating the European production of maize by means of some form of subsidy to be met from the general revenue of the Colony.

No. 61—AFRICANS AND POSSIBLE FOOD
SHORTAGE

MR. COOKE:

1. Is Government reasonably satisfied that if the "short rains" are (a) a failure or (b) a partial failure there will be sufficient food in this country to feed the African population?

2. If not, will arrangements be put in hand in good time to import the necessary food?

3. Is it taking adequate steps to see that food is stored against an emergency both in the non-native and native areas?

4. Has it taken steps to see that Africans whose standard of living requires them to eat what is usually known as "non-native food" can readily purchase such food? If not, why not?

MR. RENNIE: 1. If crops are seriously affected by failure or partial failure of the short rains, local production will be insufficient to meet all requirements in full. A further statement on the subject will be made during the present session.

2. Yes, sir. The authorities in the United Kingdom are being kept closely in touch with the position.

3. In those native areas where crops have been successful stocks are being held by natives. In addition the Produce Controller is purchasing all foodstuffs suitable for African feeding as they come on the market. Adequate arrangements for storage have been made.

4. Instructions were given to Local Commodity Distribution Boards early in 1943 to arrange, in their discretion, for educated Africans to obtain food which is on the European ration scale; the

Central Commodity Distribution Board which has recently been formed will review the position with a view to seeing what steps can be taken to ensure that, within the supplies allocated to it, Africans whose standard of living requires them to eat "non-native food" can obtain such food.

No. 63—EUROPEAN EDUCATION

LORD FRANCIS SCOTT:

(a) Will Government state whether there is at present sufficient accommodation in all the Government European schools for all the children who require education? If not, what plans has Government for providing adequate accommodation?

(b) Are there sufficient teachers to provide efficient education to all the children?

MR. LACEY: (a) There is at present insufficient accommodation in Government European schools in Kenya for all the European children in Kenya and in the other East African territories who are seeking admission. As regards accommodation in primary schools, the Government hopes to provide new temporary accommodation early in 1944 at Eldoret pending the erection of a new permanent boarding school elsewhere. Provision of £20,000 to enable part of the new permanent school to be constructed has been made in the 1944 Draft Estimates. As regards the secondary education of boys, additional permanent boarding accommodation and temporary class-rooms are being erected at the Prince of Wales School as rapidly as the supply of materials permits.

(b) At present all authorized posts for European tuition except one are filled and the schools are adequately staffed, but it is clear that the local supply of trained teachers is practically exhausted. To meet requirements for additional staff in 1944, Government has secured the release of several teachers from the Forces and has recently recruited two teachers from England and five from South Africa, and negotiations are in progress for the recruitment of four other teachers.

LORD FRANCIS SCOTT: Arising out of that answer, is the hon. Director of Education satisfied that the proposals which he has mentioned in the first part of his answer will be adequate to provide sufficient accommodation in 1944 and in succeeding years?

MR. LACEY: I have reason to believe that it will be adequate for 1944, but certainly not for succeeding years.

No. 65—FOOD SUPPLIES POSITION
MR. FRANCIS SCOTT:

Will Government state what is the position of the food supplies in the Colony on 1st November, 1943?

MR. RENNIE: Government is not in a position at present to add anything to the Communication made from the Chair in opening the present session. A fuller statement will be made before its close.

No. 76—INDIAN RECRUITMENT OF AIR FORCES

MR. KASIM:

Is Government aware that there are numbers of Indian boys who are anxious to join the Royal Air Force or the Indian Air Force service? Would Government please ascertain from the quarters concerned the terms of service and the procedure of joining such services, and make appropriate arrangements to facilitate their joining?

MR. RENNIE: The Government is aware that many Indian young men in Kenya are anxious to join the Indian Air Force and arrangements have already been made to facilitate their entry into the Force. At the request of the Department of Indians Overseas, New Delhi, an Interviewing Board has recently been set up in Kenya to interview local candidates for flying duties and to make recommendations to the Government of India as to their suitability. A public announcement to this effect was made at the end of August of this year, and as a result a number of applications have been received and are being examined.

As regards the Royal Air Force, inquiries are being made as requested.

No. 80—PRICE CONTROL PROSECUTIONS
MR. PAROO:

Will Government please state how many cases under the Defence (Control of Prices) Regulations, 1942, were filed in Mombasa and Nairobi during 1942, how many were withdrawn, and in how many cases the accused were acquitted by the Court?

MR. RENNIE: (a) The number of prosecutions under the Defence (Control of Prices) Regulations, 1942, instituted during the year 1942 in Nairobi was 114, and in Mombasa 67.

(b) The number of cases withdrawn was in Nairobi 8, in Mombasa none.

(c) The number of acquittals was in Nairobi 14, in Mombasa 9.

BILLS
FIRST READINGS

On the motion of Mr. Harragin the following Bills were read a first time and notice given to move the subsequent readings at a later stage of the session:—
The Increase of Rent and of Mortgage Interest (Restrictions) (Amendment), Probation of Offenders, 1942 Supplementary Appropriation, Collective Punishment (Amendment), Local Government (District Councils) (Amendment), Tea (Amendment), and Local Government (Rating) (Nairobi Municipal Council Valuation Roll Validation) Bills.

SUSPENSION OF STANDING RULES AND ORDERS

MR. HARRAGIN moved that Standing Rules and Orders be suspended to enable the War Taxation (Sugar Consumption Tax) Bill to be passed through all its stages this day.

MR. TROUGHTON seconded.

The question was put and carried, and Standing Rules and Orders were suspended.

THE WAR TAXATION (SUGAR CONSUMPTION TAX) BILL

FIRST READING

On the motion of Mr. Troughton the War Taxation (Sugar Consumption Tax) Bill was read a first time.

SECOND READING

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

This Bill, although in fact it imposes a tax, in reality has the effect of making the burden on the sugar consumer rather less than might be the case if it were not enacted, and I will explain how this curious anomalous result comes about. Of the sugar consumed in this country about half is produced locally and the other half is imported from Uganda; a little comes in from Tanganyika and we export a little to Tanganyika, but that is neither here nor there, and for all practical purposes we can work on the basis that half the sugar comes from Uganda. For various technical reasons which the hon. Acting Director of Agriculture and the hon. Member for Nairobi North know better than I do, the cost of production and manufacture of sugar in this country is more than the cost in Uganda,

[Mr. Troughton] and the present return received by the sugar manufacturer in Kenya is not adequate to cover his costs of production plus a reasonable profit. The accounts of one large sugar estate and its methods of operation have been recently subjected to a very full examination by a quite independent committee, and that committee has reported that a subsidy of somewhere round about 1½ to 2 cents a lb. of sugar is necessary to enable that estate to keep going. The recommendation of the committee has not yet been fully considered, but it is perfectly clear that a subsidy of that order will be necessary, and I have no doubt that the costs of production of most other sugar manufacturers in Kenya have also increased and are such that they require assistance.

If we assume that the sugar manufacturer has a case for an additional 1½ to 2 cents a lb., the simple solution is the obvious one, of letting the price of sugar go up administratively by 2 cents a lb. There would perhaps be a few grumbles, but everyone would apparently be satisfied. There are two objections to that course. In the first place, as I have said, the cost of production of sugar in Uganda is cheaper than it is here, and the Government of Uganda is of the opinion that the Uganda sugar manufacturers are receiving an adequate return. As half our sugar comes from Uganda, the effect of the price being increased administratively by 2 cents a lb. would be to transfer quite a considerable sum of money from the pockets of the Kenya consumers, who I suggest need the money, to the pockets of the Uganda manufacturers, who do not, but who would probably not raise any very strong objection to being presented with it. The second objection to an administrative increase is that a difference of 2 cents between the price of sugar here and the price in Uganda would undoubtedly tend to lead to some degree of smuggling across the border from Uganda to the neighbouring areas in Kenya.

For these reasons Government thought that it was best to look for some other device. The first answer which suggested itself was that the taxpayers should pay a subsidy to the Kenya sugar producers without any payment being made by the sugar consumer in the form of higher prices on sugar. That was an alternative

which has received very serious consideration. As hon. members know, the policy of subsidizing the cost of foodstuffs to the consumer has been adopted on a very wide scale in the United Kingdom, and as Your Excellency announced a few minutes ago you have reached the conclusion that that policy should be extended to this country, and quite a substantial vote has been made in the 1944 Estimates for the purpose. It therefore might be thought that sugar was a good thing to begin with. The objection to that is this, that the retail price of sugar is still remarkably cheap. Here in Nairobi the controlled price for superfine, the maximum controlled price, is 21 cents a lb., and for No. 2 grade 20 cents. That I believe is probably cheaper than in any place in the world, and is certainly considerably cheaper than the price paid by the sugar consumer in the United Kingdom. The public therefore can stand a modest increase in price. Another point is that the neighbouring territory of Tanganyika already has a consumption tax of 3 cents a lb., and sugar here is at the moment 3 cents cheaper than there. I do not propose to suggest to this Council that Kenya would always be well advised to follow the action taken in the territory immediately to our south—(hear, hear)—not a bit, but at the same time it does show that sugar can stand an additional charge.

The next reason is that the Government felt that there were other ways in which the money available for the subsidization of foodstuffs could be used to a far greater general advantage than by a subsidy on this extremely low priced commodity of sugar. In these circumstances, the Government felt that the best way of dealing with the problem was to impose a consumption tax and to meet the subsidy to the sugar manufacturers from the proceeds of the consumption tax, and that is the device which is used in the Bill now confronting hon. members. It may be asked, why is the proposed consumption tax only 1 cent a lb. whereas the increased cost to the Kenya manufacturer is from 1½ to 2 cents a lb.? And the answer is this, that the consumption tax applies to all sugar consumed in Kenya, including the sugar imported from Uganda, and therefore the Kenya production being about half the total, 1 cent on the lot is equivalent to about 2 cents on the Kenya production.

[Mr. Troughton]

Turning now to the financial implications, it is quite clear that the subsidy which it is finally decided to pay to the sugar manufacturers must be retrospective. The present costs of the manufacture of sugar have applied since manufacture started in August last, and indeed Your Excellency, in order to enable manufacturers to start manufacturing with confidence while these financial questions were being settled, authorized an undertaking being given to the sugar people, that, provided their concerns were run economically and efficiently, they would not be required to produce at a loss. The subsidy therefore must be retrospective. So far as the total cost is concerned, I am not in a position to give a firm figure, because the recommendations of the committee which investigated the costs of one estate have not been fully considered, and it will be necessary to investigate the accounts of other estates. But on the information at hand, it appears likely that the total cost will be between £20,000 and £30,000 a year. The yield from the consumption tax will be about £32,000 or £33,000 according to the hon. Commissioner of Customs. The tax should, therefore, be sufficient to cover the total subsidy with a slight margin over, but I would point out that the subsidy will be retrospective, whereas the tax will not.

Those are the main principles behind the Bill, and I do not feel I need take much time in explaining the details of it, which are formal. If hon. members will turn to the Bill, they will see in Clause 2 that sugar does not include jaggery. That is partly because of the administrative difficulty in collecting any tax on jaggery. Clause 3 simply imposes the tax. The Commissioner of Customs has already got an organization for the collection of the excise duty on sugar, and under Clause 4 it is proposed very largely to use that organization in collecting this tax. In so far as people importing sugar into the Colony are concerned, they will have to apply for a permit. The Commissioner proposes to delegate his permitting powers to the Deputy Sugar Controller, so that the whole thing can be tied up with the sugar control organization with a minimum of inconvenience to merchants. Clause 5 simply requires people to keep books and to make them available for the Commissioner and his

officers to inspect, and Clause 6 provides appropriate penalties. Clause 7 gives Your Excellency in Council power to remove this tax at any time by an order in Executive Council. This is because it might well be that factors will arise in Uganda under which, if an increase of price takes place there, the two prices can be assimilated administratively and the need for the Bill disappears. Alternatively, being optimistic, the cost of the production of sugar in Kenya might go down and need for the subsidy would disappear. It is therefore well to have the power to suspend the tax at short notice.

Those are all the observations I have to make. If an administrative increase of 2 cents had been made in the price of sugar no one would have grumbled, it would have been accepted without any argument. Under the device of this Bill the most a consumer can be called on to bear is 1 cent, and I therefore feel this Bill should be regarded as a constructive solution of a difficult problem, and as such I commend it to hon. members.

MR. HARRAGIN seconded.

MR. WRIGHT: Your Excellency, on behalf of my colleagues, who appreciate the reasons given for the introduction of the measure, I have to say that we support the Bill.

MR. KASIM: Your Excellency, I feel that this subsidy should be paid from the general funds of the Colony.

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. TROUGHTON seconded, and 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.

Council resumed, and His Excellency reported the Bill accordingly.

THIRD READING

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

MR. TROUGHTON seconded, and the question was put and carried, and the Bill read accordingly.

ADJOURNMENT

Council adjourned till 10 a.m. on Wednesday, 10th November, 1943.

Wednesday, 10th November, 1943

Council assembled in the Memorial Hall, Nairobi, at 10 a.m. on Wednesday, 10th November, 1943, His Excellency the Governor (Sir Henry Moore, G.C.M.G.) presiding.

His Excellency opened the Council with prayer.

MINUTES

The minutes of the meeting of 9th November, 1943, were confirmed.

PAPERS LAID

The following papers were laid on the table:—

By MR. RENNIE:

Correspondence with the Secretary of State for the Colonies on the subject of Colonial Development.

Statement of naturalization certificates issued to aliens between 1st September, 1939, and 31st December, 1943 (arising out of Question No. 57), and Statement of applications for naturalization received and certificates issued between 1st January, 1939, and 31st October, 1943 (arising out of Question No. 62).

ORAL ANSWERS TO QUESTIONS

No. 56—SHIPS' WASTE IN PORT REITZ

MR. COOKE:

Is the Government aware that ships lying in Port Reitz creek frequently discharge their sludge and other waste into the tidal waters?

And are they aware that this practice is inimical to animal and vegetable life and to the amenities of the beach.

Is this practice an offence against the law and if so how many prosecutions have taken place in the last four years and what has been the result of those prosecutions?

MR. ROBINS: The Government is not aware of any specific instance in which ships lying in Port Reitz creek have discharged their sludge and other waste into the tidal waters.

The answer to part two of the question is in the affirmative.

As regards part three, the discharge of sludge and other waste into the waters of the harbour is an offence under the Harbours Regulations, 1928; for the

reasons given in the answer to part one of the question no prosecutions have taken place in the last four years.

At times small quantities of oil fuel are unavoidably spilled into the harbour when ships are fuelled direct from tankers; there is no alternative to such fuelling, which is necessitated by the war.

The attention of all regular users of the Port, including the Royal Navy, has been drawn by the authority concerned to the Harbour Regulations dealing with this question.

MR. COOKE: Arising out of that answer, will the hon. gentleman have some sort of inspection made in the Port Reitz area to find out what ships are discharging sludge oil, because I understand he does not deny that sludge oil has been discharged?

MR. ROBINS: There is a method of inspection and that method will be continued.

No. 57—NATURALIZATION OF ALIENS

LORD FRANCIS SCOTT:

Will Government state how many aliens have been naturalized in Kenya since September, 1939, under the following categories:—

- Aliens of allied nations;
- Neutral aliens?
- Stateless aliens;
- Enemy aliens?

MR. RENNE: (a) *Alliens of allied nations*.—Seven certificates have been issued, of which application was made in respect of four before the outbreak of war and of three since the outbreak of war.

(b) *Neutral aliens*.—Twenty-eight certificates have been issued, of which application was made in respect of 21 before the outbreak of war and of seven since the outbreak of war.

Of this number, 20 of the certificate holders are Portuguese nationals, that is, Goans.

(c) *Stateless aliens*.—Five certificates have been issued, of which application was made in respect of four before the outbreak of war and of one since the outbreak of war.

(d) *Enemy aliens*.—Nine certificates have been issued, of which application was made in respect of seven before the

[Mr. Rennie]

outbreak of war and of two since the outbreak of war.

2. One further certificate has been issued to a British woman married to a German, since deceased.

3. The above figures relate only to the number of Certificates of Naturalization issued since the outbreak of war. In addition to the above, wives of 24 certificate holders have obtained British nationality by making a separate declaration following the issue of a certificate to their husbands, and 13 children have been included in the certificates issued to their fathers.

With regard to these 24 women and 13 children, application was made in respect of 14 women and nine children before the outbreak of war and of ten women and four children since the outbreak of war.

4. A statement giving the above in schedule form is being laid on the table for easy reference.

NO. 60—SUBSIDIZATION OF FOODSTUFFS MR. KASIM:

Is Government aware of the fact that with a view to stabilizing the cost of living in Great Britain the British Government has given subsidies in 1943 to the extent of about £210,000,000 towards the cost of foods? In view of the fact that the cost of living has considerably increased in Kenya, would Government please consider a similar scheme in this Colony, instead of the present policy of saddling the consumers with all the burden?

MR. TROUGHTON: I would invite the attention of the hon. member to the terms of Your Excellency's Communication from the Chair, and to paragraph 155 of the Memorandum on the 1944 Draft Estimates.

NO. 62—NATURALIZATION OF ALIENS MR. COOKE:

Will the Government state the number of aliens who (a) have applied for and (b) who have been granted naturalization papers between the beginning of January, 1939, and the end of September, 1943, year by year?

Will Government state the respective nationality of those aliens under (a) and (b)?

MR. RENNIE: A schedule has been laid on the table which shows the number of applications for naturalization made, and the number of certificates issued, in each year between 1939 and 1943 inclusive. The schedule also shows the nationality of the persons concerned in each case.

2. The figures in the column "certificates issued" relate only to the actual number of naturalization certificates and not to the number of persons who have obtained British nationality. The schedule shows that 53 persons have obtained certificates; in addition, wives of 25 certificate holders have obtained British nationality by making a separate declaration following the issue of a certificate to their husbands, and 15 children have been included in the certificates issued to their fathers.

3. It will be noted that these figures vary slightly from those given in the answer to Question No. 57 by the hon. Member for the Rift Valley. This is due to the fact that in Question No. 57 the period referred to was from 1st September, 1939, to the 31st October, 1943, and in the question now being answered the period covered is from 1st January, 1939, to the 31st October, 1943.

NO. 73—TRAINING OF INDIAN NURSES MR. AMIN:

(a) Does Government propose to carry out the promises given over a number of years to the Indian community that training of Indian nurses would be taken up by Government without delay?

(b) Is Government aware of the unsatisfactory conditions under which the Indian female nurses in the Asian female ward at the Native Civil Hospital are required to work and of the public criticism of the Medical Department in this connexion? If so, will Government take steps to remedy the situation?

DR. JOHNSTONE: (a) The Government has every intention of implementing its promise to undertake the training of Indian nurses with the least possible delay. In this connexion provision was made in the 1943 Estimates for the training at Mombasa of four Asian nurses who would reside in their own homes. No candidates were, however, forthcoming and the vacancies still exist. In Nairobi the hospital facilities available at

[Dr. Johnstone]

present are quite unsuitable for training purposes and the systematic training of Asian nurses must therefore be deferred until hospital facilities are improved and until quarters can be provided for the accommodation of probationer nurses.

(b) The Government is aware that the conditions under which the Asian female nurses are required to work at the Native Civil Hospital in Nairobi are far from satisfactory, but until it is possible to proceed with the construction of the Asian wing of the Group Hospital, conditions in general in the Asian section of the hospital must leave a good deal to be desired. The question of effecting some improvements of a temporary nature is, however, under consideration at present.

NO. 81—STATION MASTERS AND CLERKS, K.U.R. & H.

MR. KASIM:

Would the Hon. General Manager, K.U.R. & H., state if it is a fact that several of the 3rd grade station masters and station clerks in the Transportation Department of the Railway Administration, in spite of having passed the necessary examination, have been held up at the top of their grade for periods ranging from 10 to 12 years? In view of the humiliation that this state of affairs inflicts, and in consideration of the loyal and conscientious service that these members of the staff have rendered during these times of stress, would the Administration consider promoting them to their next grade?

MR. ROBINS: There are 56 station masters in Class III, 33 of whom have reached the maximum salary of the class; one of these has been on his maximum for a period of over 11 years and has, on several occasions, been passed over by more competent men.

There are 36 clerks in Class III, 20 of whom have reached the maximum salary of the class. Three of these have been on the maximum for periods of over 11 years.

All posts in the Administration's service are classified in accordance with the value to the Administration of the work done and the responsibilities carried, and

promotions from one class to another are made only when vacancies occur. The Administration does not grant increases of salary on compassionate grounds, or by reason of long service. No injustice is caused by the retention of men on the maximum of their particular class and, in fact, stagnation on Colonial Railways is much less than the stagnation which exists on British Railways.

The maximum salary of a station master Class III and clerk Class III is Sh. 350 per month, plus housing, leave and passages, and certain privileges in connexion with the Provident or Superannuation Funds. It is considered that this is adequate remuneration for the work which is performed by the members of these classes.

STANDING RULES AND ORDERS, AMENDMENT OF

MR. HARRAGIN: Your Excellency, I beg to move: "That the Standing Rules and Orders adopted by the Legislative Council on the 21st day of June, 1928, and amended by motion of the Legislative Council on the 25th day of July, 1934, be further amended by substituting a colon for the full stop which occurs at the end of Rule 2 thereof and by adding thereto immediately after such colon the following new proviso: 'Provided further that for the purpose of the 1944 general election the word 'ninety' shall be substituted for the words 'forty-two' which occur in the last preceding proviso'."

Standing Rule and Order No. 2 reads as follows: "Ordinary sessions of the Legislative Council shall be held at such time and at such place as the Governor may by Proclamation appoint: Provided that a session shall be held not later than forty-two days after each general election." As hon. members are aware, in regard to the general election which we expect to take place next year a great effort is being made to obtain the votes of those voters who happen to be overseas, and for that reason there will be great delay after nomination day in obtaining the returns by postal ballot. If hon. members will look at the rules which were laid yesterday—the General Election Rules—they will see that it is the duty of a district commissioner on nomination day, if it is necessary to have

(Mr. Harragin) an election—which of course it will be if two or more persons are nominated—to send out as soon as possible the various postal ballot papers. The result of that will be—and I must call hon. members' attention to the fact that nomination day for the purpose of the Legislative Council Ordinance is deemed to be the date of the general election—is that it will be more than 42 days before it will be possible to make the return to Your Excellency of the candidates who have been elected. It is therefore necessary for us to amend our Standing Rules and Orders in order to extend the days from 42 to 90 within which you, sir, will be called upon to hold an ordinary session of this Council.

MR. BROWN seconded.

The question was put and carried.

UNALLOCATED STORES— EXPENDITURE ON

MR. TROUGHTON: Your Excellency, I beg to move: That this Council approves the expenditure of £94,955 on account of the purchase, freight and certain other charges in respect of unallocated stores bought by the Public Works Department as a charge against the revenue of the Colony for the year 1942.

This resolution is purely formal and involves no expenditure that has not already been approved by this Council. I can best illustrate how it arises by an example. Supposing the hon. Director of Public Works buys £1,000 worth of cement, shall we say, and puts it into his store, his stores vote is debited with £1,000. He takes £600 worth out of his store to use in the construction of a building, his vote for the particular building is debited with £600 and his stores vote credited, leaving a net amount of £400 at the debit of his stores votes. It has previously been the practice to require the specific approval of this Council for the net expenditure on the stores vote, but the Audit authorities are now of opinion that our accounts cannot be regarded as properly founded off unless approval for the gross expenditure has been obtained; so there it is. The resolution is purely formal.

MR. HARRAGIN seconded.

The question was put and carried.

INCREASE OF RENT AND OF MORTGAGE INTEREST (RESTRICTIONS) (AMENDMENT) BILL

SECOND READING

MR. MORTIMER: Your Excellency, I beg to move that the Increase of Rent and of Mortgage Interest (Restrictions) (Amendment) Bill be read a second time.

There are two perfectly simple and straightforward provisions in this Bill which I hope will find acceptance in the Council. The first is to reduce the maximum rent which a landlord may charge from 10 per cent to 8 per cent. Hon. members will remember, no doubt, that when this Bill was last amended the clause relating to the maximum rent which a landlord might charge was included in the amendments. There was a provision in the original Ordinance that if the rent which a landlord charged was below a certain percentage of the net annual value, the tenancy under which that rent was charged might be regarded as non-existent, and in that case the landlord was entitled to have a clean sheet and to put up the rent to the figure allowed under the definition of "standard rent". That meant in most cases that he could put it up to 10 per cent. The particular section was somewhat complicated and was difficult to interpret. It was therefore agreed that it should be amended by a new section giving specific authority for an increase of rent in certain specific circumstances. The section as it now appears—section 6 (4) of the Consolidated Ordinance—says that if the rent is less than 7 per cent of the ascertained market value on the prescribed date, then the landlord shall, with the consent of the Board, be entitled to raise the rent to a figure not exceeding 10 per cent. The Rent Control Boards throughout the country have interpreted that, rightly or wrongly, as binding them to permit an increase to 10 per cent where the landlord can prove to the satisfaction of the Board that the rent he had charged was less than 7 per cent of the market value on the prescribed date. It is a matter of interest, however, that so far as the Nairobi Board is concerned the majority of cases where landlords asked permission to increase rents under that section have been up to a figure less than 10 per cent; in most cases to about 8 per cent; in a few cases up to the maximum of 10 per cent. The Board has felt compelled, in view of those words

(Mr. Mortimer) "shall be entitled", to permit the landlord to increase the rent to the full maximum of 10 per cent where the permission was requested. Evidence has been submitted that this is proving a serious hardship to many tenants. There have been cases where the rents have been doubled, say, from Sh. 90 a month to Sh. 180 a month all in one jump, and the evidence shows that there are a number of cases of that type.

Now it is felt that the terms of this section as they stand are too generous to landlords. The evidence shows that the landlord's liabilities for business and residential property amount to not more than 3 per cent, often less. That means that on the maximum rent of 10 per cent the landlord is getting 7 per cent net return for his capital investment. It is felt, and I submit rightly, that in these days, when profits controls are being exercised in all directions, the landlord is adequately rewarded for his capital investment with a net return of 5 per cent, and this he can obtain on an 8 per cent gross rental. It is proposed, therefore, to reduce from 10 per cent to 8 per cent the maximum rent which a landlord may be permitted to charge. As a necessary corollary it is proposed also to amend the definition of "standard rent", which prescribes the rent which may be charged on a house or business premises which, although in existence, were not let on the prescribed date or which have been built after the prescribed date. The law as it now stands allows 10 per cent. Of course, if it is right in one case it is right in the other, obviously. Therefore if we reduce the maximum to which a landlord may increase an existing rent to 8 per cent, then the definition of "standard rent" must also come down to a maximum of 8 per cent. In a measure of this kind it is impossible to please everybody. This measure is definitely in favour of the tenant class as opposed to the interests of landlords, but I am convinced that the landlord class will suffer no real hardship under the provisions as now proposed.

The other amendment deals with the right of a tenant to go away for a short period, although he is not leaving the Colony, and to sub-let his house with the certainty that he can come back to it and regain possession without any difficulty after the lapse of the specified period for which he has let the house. Under the existing law the landlord is adequately protected in that if he has previously lived in the house and wants to re-occupy it he may obtain possession, as against the adverse occupation of a tenant. A landlord or a tenant are protected if they go on leave out of the Colony and wish to come back to their property after the lapse of the specified period for which it has been let, but hitherto there has been no protection for a tenant who desires to sub-let his property—with the consent of the landlord of course—and who desires to ensure that he may come back to the property with the certainty of occupation. There are many people to-day who would like to take a holiday in this country, who would like to get away from their home town, from their home surroundings, and get into new circumstances and among new people, but they fear to do so because there is no protection under the existing law that they may come back to their house when they have finished their holiday, or their business trip, whichever it may be. This new section will provide that a tenant may sub-let, for a specified period not exceeding one year, the house that he occupies, always with the consent of the landlord, which shall not be unreasonably withheld, with the certainty that when he returns he may re-occupy the house at the end of the specified period. There is one important proviso here, and that is that if the sub-tenant refuses to get out it will become a penal offence, for which he will be liable to a penalty for every day that he stays in after the date on which the tenancy expired.

MR. HARRAGIN seconded.

MR. VINCENT: Your Excellency, I am certain that the hon. mover must have felt it a little bit difficult to suggest the amendments in the form before us, and I am equally certain that the necessity for these amendments has only been brought about by a misunderstanding. I am assured by the members of one Board at least—and I have gone into this matter very carefully—that had they had discretion very few complaints (some are inevitable of course) would have been made. I think Government has overlooked the fact that landlords are not all ogres. I am not standing here defending landlords or tenants, but where circumstances differ I think it is most dangerous to lay down hard and fast rules and give

[Mr. Vincent] no discretion to the unfortunate people you have asked to administer an ordinance or amendments passed by this Council. The ordinary landlord envisaged is the man who puts up a house or business premises for the purpose of an investment, and if they were all of one type and cases all parallel. I would not quarrel with the suggested amendments, but they are not. When you build a house as a home you perhaps are far more extravagant than if you build a house to let as an investment. What has happened in some cases, I understand, is a man has built a house as a home regardless of expense, and then let that house for his own private reasons—leaving the country or being transferred elsewhere or wishing to go to another district—and did what we all humanly do, looked round for a tenant he could trust to look after his property, and said, "Well, I suppose a reasonable rent this man would have to pay for a house he would expect to occupy under normal circumstances would be £15 a month". Now, under this amended Ordinance, as you apply it to the value of a house on a prescribed date, in these cases some of the rents have been almost doubled, because the Board have been legally advised that they have no discrimination in the matter at all. That is the statement made to me by members of a Board. Well, I feel that under section 6 (4)—at least I thought so—we were giving discretion. When you talk about a "landlord shall, with the consent of the Board", increase up to a maximum of 10 per cent, it seems to me that even to an ordinary layman that this gives discretion.

I warn Council, and you might as well know it now, because it will come up in evidence when the Bill, as I hope, goes to a select committee, that the throwing in of the arbitrary figure of 7 per cent also presents a great danger and makes the work of the Boards most difficult to administer the Ordinance. It has already given rise to an enormous amount of difficulty in two cases, almost parallel, where you have prevented the Board from doing what they should by stipulating 7 per cent. There is another point which I do not think has been thought of. We have a house shortage, or presumably so, in practically every district in this country. You are now going to ask people to relieve your house shortage by

reducing their gross return to 8 per cent and also face an inevitable fall in the value of the property post-war. I should think as a reasonable proposition that in a town like Kisumu, which always has had a housing difficulty, if a man came along and was foolish enough to build there under present circumstances, the Board might reasonably say to him, "If you put up these houses we will certainly allow you a rent of 10 per cent because of the risks you run". Some people, and the hon. mover did in fact, say that a landlord should be content with 5 per cent net. I question that very much. I do not think we are in a position to say what anybody else should be content with. Before the war, a 10 per cent return gross on property was a normal percentage, but costs have risen a great deal to property owners. One you cannot dispute is the cost of insurance premia. Any owner of property to-day, if insured with a live company, receives a warning with a renewal notice that the cost of building has risen by at least 50 per cent and that unless he increases his capital value by 50 per cent he is taking a portion of the risk himself. There is no doubt as to the rise in the cost of building materials and repairs, and here we as a Council, through not giving discretion to the Boards, have caused the present situation to arise. After all, you give discretion to the judge in the main Ordinance, so why not to the Boards? Trying to apply a percentage to two different sets of circumstances is wrong and is bound to result in injustices.

You must not forget that landlords are not necessarily the only people who have built as an ordinary investment. Some women have houses which are practically their only means of existence to-day. Their husbands have left them the houses, and now you are going to reduce a normal return to them in the face of rising costs of operation and living. I am sure that that is not really the wish of the people and those who are supposed to be sensible people in this Council, and I am certain you would not wish such a hardship to be incurred, but by tying Boards down to a definite percentage you make it impossible for the Boards to act. You would merely want a valuer, not a board, and the rest would be automatic.

On the question of regaining possession, I agree that you have to safeguard the tenant, but at the same time I think

[Mr. Vincent] you must safeguard the landlord. I think that that clause should be re-worded, and I believe the hon. mover would agree to that, so that a tenant could not say he was going for a holiday or wanted to move a little way out of town, and when the landlord agreed he would discover that the tenant was receiving a premium under the table, which nobody could prove. I think that is where the boards must be strong, but you weaken them entirely if you withdraw discretion from them or do not give them discretion. As I have already stated, I am not representing landlords or tenants, but I believe it to be the duty of any member of this Council to try and see that any legislation for which we are partly responsible is fair and just to both parties, no matter what our opinion of either party may be.

MR. SHAMSUD-DEEN: Your Excellency, unless I mistake the real intention of this Bill, I think that what the last hon. member said is quite beyond the point. We are not discussing here the percentage that a landlord may be entitled to for a new house which he may build to meet the shortage of housing accommodation in the Colony. I thought the whole thing was applicable to "Where the rent payable in respect of any tenancy of any dwelling-house is less than 7 per cent per annum of the ascertained market value, as determined by the Board, of the landlord's interest in the land and the permanent improvements thereon at the prescribed date." That means to say that we are really safeguarding most of the landlords who built houses previously and now, owing to the inflation of the costs of materials which a landlord in putting up a house to-day has to meet, whereas a landlord who built previously had not those difficulties. Where that is proved the law is perfectly clear, that where the Board is satisfied that the rent charged is less than 7 per cent, the standard rent, on a prescribed date, the landlord will be entitled to raise it to 10 per cent, which is what we are concerned with this morning. What the hon. member said is true, that the discretion is there, because it says "not exceeding 10 per cent". But the Boards consist of members where it is very difficult to get a lawyer to act, and on such Boards they are liable to misconstrue the words "not exceeding 10 per cent". They may take it as an imperative instruction to go right up to

10 per cent. If we make this amendment this morning it will take away the possibility of such a mistake being made. They will still have discretionary powers not to raise the rent at all if they are satisfied no case is made out or to bring it up to 7 per cent, but not more than 8 per cent. But any landlord who was entitled to 8 per cent interest on his investment before the war is not satisfied must be satisfied with that rate of interest.

MR. PATEL: Your Excellency, from the experience that Rent Control Boards, particularly that of Mombasa, have of the administration of the present law it is quite clear that certain amendments are necessary. At the same time, I do not think that the proposed amendment will meet the case. To have a clear idea about the necessity for the amendment and what form it should take, we should know what the original law was. Originally it was provided that the standard rent should be the one charged on 3rd September, 1939, but if the house was then vacant the landlord was entitled to charge 10 per cent of the ascertained market value, while if a house were built after 3rd September he was entitled to charge any rent he liked. The last amendment provided that even for a building built after September the landlord was entitled to charge only 10 per cent of the ascertained market value on the date of the completion of the building. But the new amendment also provided that if he charged a rent less than 7 per cent of the ascertained market value he was entitled to raise it to 10 per cent. In my opinion, that amendment of the law made great confusion. There are cases in which, owing to the value of the site, not owing to the value of the building, the ascertained market value of the property was considered very high and therefore the landlord was entitled under the new amendment to raise the rent out of all proportion. I will make my point clear by giving an instance: A lady teacher in Mombasa has for the last eight years paid Sh. 80 a month, and for a few months only Sh. 100, when it was decided by the Rent Board that she was liable to pay Sh. 175. In view of the amendment made last session, because the market value of that property owing to the value of the land was high, the landlord, who had been getting less than 7 per cent became entitled to charge up

[Mr. Patel] to 10 per cent. The standard rent as defined in the original Ordinance had worked well, being the rent charged on 3rd September, in cases where the house was rented, and 10 per cent of the ascertained market value if the house was then vacant, but the last amendment requires careful reconsideration.

In my opinion the amendment made made last session should stand, with a proviso that the landlord should not be entitled to increase the rent to a higher figure than the highest rent he drew in the two years prior to 3rd September, 1939. That should meet the case of the landlord as well as the tenant, because if a landlord had not charged 10 per cent in the two years prior to 1939 it would be a great hardship on a tenant if the landlord were now allowed to charge it. There are cases in which, owing to the high value of the land only, not owing to the accommodation of the building, where the landlord was charging only 5 per cent in the two years prior to 3rd September, 1939, and he is now entitled to charge 10 per cent, a great hardship, and he should not be allowed to so increase the rent. I suggest that the 10 per cent remain as in the old Ordinance, but where the landlord has charged less than 7 per cent he may be allowed to increase it to 10 per cent, but not exceeding the amount he charged at any time in the two years prior to 1939, which safeguards the landlord as well as the tenant. As regards the right of a tenant to sub-let during his temporary absence, I submit that a period of 12 months is rather long. If a man is going on a holiday it should not be more than six months, and there should be provision also empowering the landlord to get vacant possession from the sub-tenant if the tenant did not return within six months.

MR. AMIN: Your Excellency, there are one or two more points that I want to emphasize shortly. The amendment which is to give a tenant the right of re-possession in certain circumstances should also extend to the owner or the landlord who wants to re-occupy the building for himself or for persons dependent on him. By section 11 (d) we have provided that if a dwelling-house is reasonably required by the landlord or for some other persons connected with him he will be entitled to re-possess. I think we should

also cover the case of an owner who rents the premises for a fixed period. If he or she or any persons under him want re-possession the protection we are now extending to the tenant should also be extended to the landlord by way of allowing him a penalty which he can recover from the tenant. It is not a question of a tenant alone wanting protection, I think the landlord also in similar circumstances needs protection and should get it.

MR. HARRAGIN: Your Excellency, I had not intended to speak on this Bill, but the hon. Member for Nairobi South used the expression that a Board had been "legally advised". I take no exception to the expression, but I should like to make it clear to Council that they were not legally advised to that effect by me or any member of my department. In fact, what actually happened was that when the horse was out of the stable I was written to and asked for my advice, and when it was given the Board informed me that they did not agree with my advice tendered. They are quite entitled to take that attitude. They may be right, despite the fact that I do not agree with them. With regard to the interpretation placed on the Ordinance by the hon. member, I am in entire agreement with him, and when the Ordinance was passed originally it certainly was the intention of this Council that the Board should exercise its discretion and that the 10 per cent shown in the Ordinance was the high limit and not the low limit which the Board has interpreted it to be. In fact, visualizing the position, we only expected that in exceptional circumstances, when some peculiar state of affairs existed, would the Board ever go to that high limit of 10 per cent.

There is, of course, a great deal to be said with regard to the manner in which this amendment should be made. I may say now that this Bill will go to a select committee and an opportunity given those interested to come and give their evidence. The short fact is, and let us face it honestly, that by trying to remove all anomalies as they crop up we have done tenants in many cases a gross injustice, and it is up to us as a Council to endeavour to put it right in the amendment being made to-day. If there is a better way, by all means in select committee let us have it and we will incorporate it.

[Mr. Harragin]

Regarding the last point made by the hon. Member for the Central Area (Mr. Amin) as to the right of a landlord to also share in the Sh. 100 a day to be paid by the sub-tenant if he does not remove himself when he should, there is, of course, the difficulty which the hon. member will appreciate, and that is that it would only occur where it is let by a landlord for a time certain. In the case we are considering now, in the last clause of the Bill where we say that if a man goes on leave for a time certain the sub-tenant will have to pay Sh. 100 a day after that date, we shall have to visualize the landlord letting for a time certain, for two years or six months, and the tenant refusing to get out for some reason. In point of fact, that is not covered because in many cases of the ordinary landlord and tenant here you find a house is rented from month to month or for some period which is capable at the option of the tenant of being renewed. However, it is a point which might be covered, but it must be remembered that at the moment a landlord can only get a tenant out if he proves to the court various circumstances which the Ordinance envisages, such as that he lived in the house before or requires it for himself or wife or family, or in the case of a businessman for someone employed in the business. Therefore it might be a great hardship if a landlord were able to get his Sh. 100 per day when he won his case because many of these facts were not within the knowledge of the tenant, whereas in the case of this particular Bill if a house is rented for about six weeks or two months while a tenant has gone on leave the sub-tenant knows the circumstances and that when the tenant comes back he will require the house. This is not the case with a landlord who rents the house and eventually decides that he wants it back. It seems to me it would be a great hardship to suddenly inflict this penalty on the tenant. However, that is a point which can be considered.

The only other point I should like to mention is that the hon. Member for Nairobi South was careful to tell us that he was in no way representing the landlord in this matter or the tenant, but all will agree that he put forward the case of the landlord extremely well; in fact, in a manner which led me to believe he has

had the pleasure of reading a long dissertation from the Landlords' Association regarding this Bill, in which they raise several of the points raised by the hon. member. Those points we shall in due course have to go into carefully in select committee, and it may be that as a result of their representations we will have to amend this Bill. I think it is worthy of note at this stage to say this—I am saying it in order that if it is wrong I can be put right, and in select committee I shall not fall into the same mistake. When we were laying down the percentages in the original Ordinance in 1939 we were thinking of money as it was then being invested, where, speaking broadly, a safe investment could be found at 5 per cent. Everyone will agree that now for one reason or another you are reduced to a safe investment, the bank rate of 2½ per cent—(Col. Grogan: 6½ per cent)—and what might have been true in 1939 would be by no means true to-day. The only investment you can get for ready money is in these large loans being raised, and they are at 2½ per cent. Therefore, if you compare that with the loans raised before the war you will agree that there is a great deal of difference between what you invested in loans then and now, with the result that if we fixed 10 per cent in those days it seems to me more or less fair to fix 8 per cent now.

LORD FRANCIS SCOTT: Sir, in view of what has just been stated by the hon. and learned Attorney General, it seems to me that what is wanted is not to amend the Bill by arbitrarily changing the figure of 10 to 8 but the wording of section 6 of the principal Ordinance so that it is quite clear the position is as has just been stated, that the Board has discretion, and to make it quite clear there is no ambiguity, that the Board has got discretion and has got to exercise it.

COL. GROGAN: Your Excellency, I only rise to produce my usual caveat in these connexions, and that is to this effect, that the principle of this Ordinance and of a great many other ordinances on the same lines—the purpose of them—is to stabilize the value of the money unit; in polite circles termed avoiding inflation. This principle applies if the entire price structure can be maintained constant; that is the idea. If, however, at any time any portion of the price structure runs amok, then quite obviously the whole principle has failed. I do not think there

[Col. Grogan] is any question whatsoever that at the present time a very large proportion of the price structure has run amok in every sort of direction. As has already been pointed out by the hon. Member for Nairobi South, the costs of all sorts of materials and things are rising and have risen to an enormous extent in many cases, and will continue to rise. The original intention of all these price fixations and so on was to avoid inflation, but how you are going to avoid inflation by inflation I do not know. It is obvious that inflation on a major scale is going on, and any attempt to peg one thing as distinct from other things is going to be an extremely difficult matter. What we have been trying to do, and are still trying to do—and it is a very natural thing for people who live largely by quill driving and the like safer but less vital social activities of life, as against those people who live by growing things and building things—it is a very easy thing for them to assume they can peg the other people and run amok themselves. That is what is going on on a very large scale. It does not only apply to this particular Bill we are discussing now, but also applies to other legislation which is in the offing and which is very much more important and on a very much wider scale.

Now I am going to make one last appeal to the hon. mover, in whom I have the greatest respect—I know the acquired momentum of mental habit is a powerful factor—but I am going to ask him to insert into the inside of his head the fact that the money unit is a moving thing, that we grew up—or some of us did—with the supposition that everything revolved around fixed money units, whereas the exact opposite appears to-day, and if you are going to let the price of sardines run riot you are not going to gain very much by fixing a nominal price for coffee or sisal or anything else.

I naturally agree with my hon. friend on my left (Mr. Vincent) that it is a mistake to insert arbitrary figures in these problems, because to fix arbitrary figures in terms of a money unit of diminishing value is going to lead you into the most awful absurdities. I think you must have some sort of control imposed naturally in war-time because there are some people who must live in a house and there are a limited number of houses

being built, and therefore you must have some sort of protection against extortion, and you must have some sort of court of appeal where people can go and say "these are the facts" and the other party to the case can go and say "these are my facts" and the court can give a ruling, and you can thereby achieve some sort of protection. But if you are going to fix these arbitrary figures you are going to get in a most infernal mess, and I think the whole principle of this particular bit of legislation should be altered to that effect and every attempt to insert an arbitrary figure should disappear.

MR. COOKE: Your Excellency, I merely rise to say I do not think the suggestion of the noble lord the hon. Member for Rift Valley would meet the case, because it does seem to me that anybody with the meanest intellect would have interpreted that section as my hon. and learned friend the Attorney General has interpreted it. It does seem that there must have been some other reason why the Boards have regarded 10 per cent more or less as the limit, and I do not think therefore that what it is desired to gain now by this amendment would be gained without keeping to the amendment as suggested in this original Bill, and I think it is as clear as it possibly can be at the present moment that we must restrict the Boards by putting a positive figure of 8 per cent as suggested in the Bill. I therefore support the section.

MR. MORTIMER: Your Excellency, I should like first of all to express my appreciation to hon. members on the other side of Council for the constructive suggestions made during the course of the debate. The desire of Government is to amend this measure in a workable manner to make it fair both to the landlord and to the tenant. I should like to thank the hon. Member for Ukamba for his lesson in elementary political economy, by which I hope to profit (hear, hear), and I must say I have much sympathy with his point of view in the matter, strange though it may seem.

The hon. Member for Nairobi South did not like the wording of the clause relating to the tenant's power to sub-let. I personally agree that it might be made clearer what the real intention is, and that will no doubt be discussed in the select committee.

[Mr. Mortimer]

The hon. Mr. Shamsud-Deen is under a misapprehension in thinking that the proposed amendments relate only—

MR. SHAMSUD-DEEN: On a point of explanation, it has been pointed out to me and I realize I did make a mistake and that it does apply to all buildings.

MR. MORTIMER: The Rent Control Boards have been criticised during the course of the debate. In defence of the Boards I should like to point out that the section as it stands does say that the landlord "shall be entitled" when the facts are proved, but the hon. Attorney General has stated that in his opinion, even with those words, the discretion is entirely with the Board whether to allow an increase to the full 10 per cent or to some lower percentage in individual cases. But these words "shall be entitled" have misled the Boards as to their powers and duties.

The other points raised in the course of the debate are, many of them, very sound ones and worthy of investigation. I will not deal with them now in detail because they will all come up during the course of discussion in the select committee.

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. Nicol and Mr. Amin.

MR. BROWN seconded.

The question was put and carried.

PROBATION OF OFFENDERS BILL SECOND READING

MR. HARRAGIN: Your Excellency, I beg to move that the Probation of Offenders Bill be read a second time.

This Bill is in keeping with modern thought and modern legislation all over the civilized world. It may be thought that this is a peculiar time to be bringing it in, but I will refer hon. members to the first clause of the Bill, which gives Your Excellency power to apply it to such areas and on such dates as you think fit. The object of the Bill must appeal to everyone, for it is an endeavour to give a man a first chance—it is like a dog having its first bite—and to prevent men, women, or children who may have

slipped once being forced into gaol, where they not unnaturally come in contact with the worst characters, and instead of coming out better men in the majority of cases they come out worse. The object of the Bill is to see that these persons when apprehended the first time are placed under the protection of probation officers. They are subjected to certain rules and regulations contained in the probation order, and they are given a chance of making good. The only difficulty we have ever had in applying this law has not been the fact that any Government, or for that matter any member on the other side of Council, disagree with the principle, but it is the carrying out of the principles which has always been the difficulty. To take the present day as an example, I am quite certain that if and when this Bill becomes law, Your Excellency will not be in a position to bring it in all over the country. It will be ridiculous to bring it in for the outlying areas, but I have no doubt that you will be able to bring it in for Nairobi. I am strengthened in that opinion by the fact that a committee which was presided over by Mr. Justice Bariley a short time ago to report on this particular subject, suggested in their report that it should first be brought in for Nairobi and district if and when it was possible to get the man and woman power necessary, and extended from time to time as soon as it was found possible. I should imagine that it would not be long before Mombasa and some of the upcountry towns would be able to follow suit.

Turning to the Bill itself, clauses 1 and 2 are the usual clauses to be found at the beginning of every ordinance. I have already called attention to clause 1 where Your Excellency is given power to bring it in for any area and at any time you think fit. Clause 2, the usual interpretation section, shows the definitions of the various words used throughout the Ordinance. Clause 3 gives power to make probation orders. It is interesting to note that the court is not even bound to convict an offender although he may be found guilty of the offence with which he is charged. The court may convict him if they think it necessary, or without proceeding to a conviction say, "I order you to do what is laid down in the probation order". This is explained to the offender, and if he agrees—and that is a point few

[Mr. Harragin] people realize, that before a probation order is ever made it has to be explained to the offender, and he is asked, in effect, if he is given a chance whether he is prepared to play the game and abide by the order and the terms of probation laid down in the order before the probation order is made, so at that least one knows there will be no excuse for the offender when he comes up later and says he did not know what he was doing or he would not have done it.

The next clause makes it clear that the probation order would be quite useless if made for less than six months, but at the same time the court is limited to not making it longer than three years, and in the case where in the probation order an offender is directed to live in an institution of any kind or description the period is limited to one year. The reason for that, I feel, will be obvious to all hon. members. Where you are tying down a man to live in an institution it is in some ways similar to sending him to prison, because in the institution he may not be able to behave exactly as he would like to do if free. That is why in all probation orders there is a limit within which a court must keep when sentencing an offender to live in an institution. Clause 5 makes it clear that, where an offender has done damage to any person in the course of the commission of the crime with which he is charged, be it assault or larceny or whatever it may be, the court may, in addition to the probation order, order the probationer or offender as he is then to pay compensation to the person aggrieved. That I think must appeal to everyone as a very just and proper provision to insert. Clause 6 deals with the commissions of crime while a man is a probationer. In short, as might be expected, it says that where a man is put on probation and commits another crime, he may then be taken before the magistrate who originally had been lenient and put him under this order, and may then and there when the second crime is proved be sentenced for the commission of the first crime. Clause 7 deals with cases where, though a person does not commit a crime, he fails to comply with the probation order, and it gives power to call him before the court which can punish him.

Clause 8 is introduced for this reason. As hon. members know, there are various

ordinances and laws where there is an increased penalty for a second offence. This clause makes it clear that a probation order shall not count as a first offence for the purpose of those particular ordinances or laws. Otherwise, there would be this position, that although a man had never been convicted but had been put on a probation order, if he committed a second offence of the same kind he would be immediately liable not only to the penalties which he would have got on the first conviction but for the more rigorous penalties imposed for a second conviction. Clause 9 deals with the transmission of documents as between courts and the manner in which they shall be proved in evidence. Clause 10 makes it possible for probation orders to be amended and altered from time to time. As circumstances alter it is quite clear it might be just that the orders themselves should be altered. Say for some reason a man was ordered to report once a week to the probation officer at a certain place. That man is fortunate enough to obtain a job which makes it impossible from a practical point of view to obey that order, and the probation officer on his behalf, or he may go to the court himself, asks for the order to be varied to report once a month or at another place which will be more convenient, having regard to his new place of work. Clause 11 provides for the discharge of the order. Again that may be made on the application of the probationer himself or the probation officer. That will frequently happen, and an example will show you what I mean. A probationer has behaved perfectly well during two years of his probation, the probation officer is perfectly well satisfied with him and thinks he has made good. He is offered a job in the country which will make it quite impossible for him to comply with the order, and so that he may be permitted to take up that job the probation officer can go before the court and suggest that the order be discharged, which I have no doubt in the circumstances I have mentioned will be immediately done.

The remaining clauses of the Bill deal with the selection of probation officers, contributions which may be made by Government towards institutions, the appointment of a chief probation officer and his assistants, and probation committees, and the various rules which the

[Mr. Harragin] Governor in Council may make. Clause 17 is perhaps important because it gives the principal probation officer power to delegate in writing any of his powers to probation officers out in the districts. This from the practical point of view is most necessary, as clearly one man cannot deal with all the cases, and will have to delegate from time to time as the Ordinance is extended from district to district throughout the Colony. Those, shortly, are the provisions of this Bill which I am sure will commend itself to all members of this Council.

MR. BROWN seconded.

MR. NICOL: Your Excellency, I welcome this Bill, and I consider that it shows a very material step in social advancement. It is undoubtedly going to be a benefit to the African community, and thereby is earnest of our desire to give every consideration to the improvement of the native and to give the less fortunate ones a real chance. It is, I think, most unfortunate that it is impossible at the moment to apply the provisions of this Bill to the whole of the Colony, but the reasons given by the hon. and learned Attorney General are obviously insurmountable at the moment. But I do look forward to the time when the provisions applicable are Colony wide. I support the Bill.

MR. BEECHER: Your Excellency, in an earlier debate this morning it became obvious that the success or failure of legislation is conditioned by the spirit in which that legislation is carried into effect and, as already stated by the hon. and learned Attorney General, the carrying out of this legislation is something which is going to involve a certain number of difficulties and, as a consequence, it can in the first instance only be applied to Nairobi. In introducing the Bill the hon. and learned mover passed very lightly over the clauses which deal with rules and appointments but, in point of fact, the success or failure of this legislation—which I most heartily welcome, particularly on behalf of the African people—is going to be conditioned by the nature of these rules and the nature of the appointments made under that legislation and, further, by the manner in which these officers carry out their duties.

In this connexion I should like your leave, sir, to quote from that great authority on probation, Sir William Clark Hall, whose writings on that subject were before the committee on whose report this legislation is being introduced. He says: "The most beneficial action of the court comes from its association with the system of personal guardianship and close supervision exercised by the probation officers, official and voluntary. Where their intervention can not only save the child from evil association when first arrested, but can rescue him without condemnation and committal to prison, its functions may be relied upon to diminish crime by cutting it off at the source. Much depends on the presiding authority. Where a judge with special aptitude can be appointed—firm, sympathetic, tactful, and able to gain the confidence of those brought before him—he may do great good by dealing with each individual and not merely with his offence, realizing that the court does not exist to condemn, but to strengthen and give a fresh chance. Where the children's court is only a branch of the existing jurisdiction worked by the regular magistrate or judge fulfilling his ordinary functions and not specially chosen, the beneficial results are not so noticeable." I do hope that, when seeking to give effect to the legislation, such words will not fall on deaf ears.

In giving effect to similar legislation in Great Britain, the Act of 1920 required the Home Secretary only to select qualified magistrates, and asked him to have special regard to their previous experience and special qualifications for dealing with such offenders. I am glad that the hon. and learned Attorney General described this Bill as being in line with modern thought. One trusts that the administration of the Bill will also be in line with modern practice. Those of us who have observed, not so much in Nairobi as in the outlying areas, the kind of cases in which any first offender or hardened criminal is making an appearance before the court realize that the manner in which he is handled is far from being in line with modern practice, particularly in relation to first offenders. Anyone who has watched that great authority, Prof. Cyril Burt, dealing with a first offender and compares his treatment of the person in question with that meted out to a young delinquent in an African court, who is absolutely at the

[Mr. Beecher] mercy of the interpreter—for it is he who conducts the case under the direction of the magistrate—cannot fail to realize how great the difference is between conditions obtaining here and those ideal conditions we should like to see introduced. One trusts, however, that the appointments made will have due regard not only to the ability of the judge and probation officer but to all those other subordinate officers, including the interpreters with whom the young delinquents will have to go.

One final word, and I trust that I shall not be deemed to be abusing my privileges. Quite rightly, but under the heading "Miscellaneous" in the report on which this legislation is based, the committee made comments which are of fundamental importance, and I should like to be allowed to reiterate these now. It is quite clear that any system of social reclamation must be dependent in the ultimate on something which is rooted and grounded in the best religious sanctions that belong to the community to which the offender himself belongs. I think members of all races and of all creeds present in this Council, and indeed throughout this country, will agree; and that, too, is a fact which I think should quite rightly be borne in mind by you, sir, and your advisers in the appointment of officers. If I may, I should like finally to quote the words which are quoted in that report: "It seems probable that an officer who has succeeded in adjusting his own life satisfactorily will be able to communicate something of his own harmony to his probationers". With great pleasure I support this Bill, and plead that it be carried out in the spirit which I have tried thus to indicate.

Mr. COOK: I should like strongly to support what has been said by the previous speaker. As my hon. and learned friend said, no one will quarrel with the principles of the Bill, but it is in the application of those principles that the Ordinance will stand or fall. I agree with my hon. friend who represents natives that the greatest care must be given to the selection of probation officers, who should be men not only of fairness but of sympathy and men who have knowledge of native languages, and I would suggest with all deference to those who usually make these selections the pos-

sibility of a selection board, possibly consisting of the Commissioner of Prisons and somebody like the leader of the Salvation Army in this country. We all know the Salvation Army has done such splendid work in other parts of the country. There is only one question I should like to ask my hon. and learned friend. I would suggest that the office of probation officer should be open to Africans, because naturally the African has an easier way of getting round his own people, leading his own people and understanding their outlook than most Europeans have, and I do suggest they should be open to Africans as well as members of other races.

Mrs. WATKINS: Your Excellency, I have only one word to add in support of this Bill, and I support everything that the hon. member representing native interests said. I should like to see women probation officers employed, and I should like to see our younger women sent home to take their proper training, with bursaries and so forth, for the future of this work. It will be expanding work, it will be work wanted in different parts of the country, and I believe that it is work which is very often better discharged by women, anyway as well as by men. I do think that the woman has got to have a full training and not merely a sympathetic nature. She ought to go home and learn sociology and the different problems that are being faced, particularly with regard to native languages. We have got many girls out here, brought up in this country, who speak every native language—one or two anyway—fairly fluently. These are the girls I should like to see sent home to learn this work and take it on, because I believe there lies the future of the proper probation officer work. You may have to have one or two men for the hardened criminals, but I believe the woman's work is really for the youngsters and women, and I believe it would be very useful work indeed, and I should like to see the women considered in that light.

Mr. RENNIE: Your Excellency, I have listened with attention to what has been said by hon. members on the other side of Council and I welcome the suggestions—the very constructive suggestions—that have been made. I agree entirely with the hon. Mr. Beecher that the success that will be achieved in

[Mr. Rennie] carrying out the objects behind this probation system will depend a great deal upon the staff that is chosen for the probation work, and it is because of the realization of that fact that a probation officer has not yet been actually selected. I am aware that the Commissioner of Prisons, under whose department the probation system will be administered in the early stages at least, has been going into the matter most carefully, and quite early this year he mentioned to me that he thought he had a very good candidate in view. He did his best to obtain the services of that candidate, but unfortunately he has not been successful. I discussed the matter again with him recently and he is still searching for a man who he thinks would be able to fulfil the duties that will be imposed upon the Chief Probation Officer in the way that he, the Commissioner of Prisons, would like to see the duties carried out.

Hon. members will realize, as the hon. and learned Attorney General has stated, that in a matter of this sort it is advisable to secure the services of a very good man as Chief Probation Officer, and once he gets started and once he sees his way clear to the extension of the probationary system to areas outside Nairobi, it would then be possible to extend the probationary system as is envisaged in the Ordinance. Unfortunately, sir, we are at the moment held up, as we are in a good many other cases, through the lack of a suitable man, but the Commissioner of Prisons has assured me that he will endeavour to obtain that man as soon as possible.

I am very glad that the hon. Member for Kiambu has mentioned the necessity for having women probation officers. That point was not overlooked by the committee that went into this matter and rendered its report, and I have found in other colonies that women probation officers render most valuable service in looking after girls who have slipped up in one way or another in the early stages of their career. She has also put forward the proposal that a number of women should be trained in the United Kingdom for this work. That is a matter which we have had under consideration for some time. They have excellent social science courses at home and we have had under consideration the question of sending home one or more European women

who can take these social science courses with a view to appointments not only of this particular type of probation officer, but appointments such as that recently made in the case of the Nairobi Municipality.

There is only one further word I might add, since it may be a matter of some surprise to members to realize that this system comes under the Prisons Department. At the present time—in some colonies the probation system comes under the Department of Education and in other colonies it comes under the Social Service Department, where there is a Social Service Department. Here we are starting under the Prisons Department, but it is not intended necessarily to keep the probation system under that department. If later on we have a Social Service Officer who could take over this particular work the Commissioner of Prisons would be only too happy to hand it over, but to begin with it is advisable that the probationary system should be administered by an existing department so that it has all the advantages of the headquarters organization of that department in its early stages.

Mr. HARRAGIN: I have very little to say, sir, after the speech that has been made by the hon. Chief Secretary, but I would like to say this, that as an ex-pupil of Sir William Clark Hall, I can agree entirely with every word that the hon. member Mr. Beecher has said. The point I would like to make though is this, that this Bill is entirely non-racial and is not confined, as one or two speakers would appear to think, to Africans alone. There will have to be probation officers who will deal possibly with Africans, another one possibly with Europeans and another with Indians. Let us take that as an example. I can say here and now that, as I visualize the operation of this Ordinance, it will certainly be necessary to have African probation officers, as indicated by the hon. Member for the Coast. I happen to have dealt with this matter in another colony, and there it had advanced naturally a great deal further than it has here, and I should say, speaking from memory, that for every one European probation officer in the whole colony there were five or six Africans and two or three Indian, so that although it is probable to begin with that the Chief Probation Officer will of course be European, he will delegate his

[Mr. Harragin] duties to African probation officers in the districts and in suitable places and townships.

My hon. friend has already dealt with the question of women, and the answer is of course that there must be women probation officers, and that also is almost a *sine qua non*. I have never known a case where young girls and young women have been put under the control and guardianship of probation officers who were men; there have always been their counterparts on the female side who take over and deal with both women and in some cases children, but we all know there is special provision for dealing with children.

MRS. WATKINS: On a point of explanation, I think women probation officers are very often better for Africans too.

The question was put and carried.

1942 SUPPLEMENTARY APPROPRIATION BILL

SECOND READING

MR. TROUGHTON: Your Excellency, I beg to move that the 1942 Supplementary Appropriation Bill be read a second time. It follows common form.

MR. HARRAGIN seconded.

The question was put and carried.

COLLECTIVE PUNISHMENT (AMENDMENT) BILL

SECOND READING

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

As hon. members are probably aware, the Collective Punishment Ordinance, particularly with regard to stock thieving, has been a great disappointment and we have been advised—and I believe it is without doubt true—that one of the reasons why the Ordinance has failed in its present form with regard to stock thefts is that, under the Ordinance as it stands at present, before a village can be punished it is necessary that the unfortunate District Commissioner must, so to speak, have known that stolen cattle were going to pass through that village, and to have proclaimed the fact to the village that they must expect some stolen cattle to be driven through the village

some time in the near future, and that if they do not take the action expected of them they will be liable for the punishment imposed by that Ordinance. In fact, you can take it that that provision has made the Collective Punishment Ordinance in so far as cattle thieving is concerned a dead letter, and all that this amendment does is to make it possible to punish a village where it is shown that the village, area or district must have known when X and Y were driving a herd of cattle through that area and that when they saw them doing it they must have known they were stolen cattle and did nothing whatever about it.

I do not think hon. members will require much persuasion to approve of this Bill when it is realized that if you do not you can hardly ever expect a District Commissioner to warn a village ahead that there is likely to be stolen cattle driven through their village in the next day or two.

MR. BROWN seconded.

MR. BEECHER: Your Excellency, it falls to me to repeat what I have already said, and that is, that the spirit in carrying out legislation is the thing which determines its success or its failure. I find it somewhat difficult to agree with the hon. and learned mover that the Collective Punishment Ordinance failed to deal with the question of stock theft because of certain conditions. One realizes the reasons which underlie the modification which this Bill suggests, but at the same time I would suggest that it is not a new factor in the situation to suggest that we remove the necessity for giving previous notice, which the present Ordinance implies. I would suggest that the failure to deal with stock thieving in particular is also conditioned by other factors; not least the inadequate policing of the borders along which this raiding takes place. In the Trans Mara area and Masai, where border events between the Kipsigis and Masai are not infrequent, there are at present two small police posts and the policing there is totally inadequate. Again, the police post at Molo is far too far away from Olen-guruone to deal satisfactorily with the incidents that take place there between the Kikuyu, Masai and Kipsigis, such as that which has recently taken place. I notice with approval that in the estimates for next year the Kenya Police

[Mr. Beecher]

are preparing to take over the Kericho and South Kavirondo districts and that 94 men are being sent there. It is further a matter of considerable approval that it is proposed to spend £6,000 on the Masai, Kericho and South Kavirondo border roads.

But that is not the only factor which, in addition to that mentioned by the hon. and learned Attorney General, is involved in the situation. There is a further problem which, as I understand it, is still untouched, namely the failure to deal with the problem presented by the Moran and by similar age grades in other tribes. I have found it a matter of great concern to progressive Masai during a recent visit to those parts, and there was a fear on the part of those who spoke to me on this subject that this problem mishandled would mean a considerable extension of stock thieving and it might even go so far as to spread out of the Moran age grade into further sections of the tribe, as I believe has already taken place in certain parts, if not the whole, of Kipsigis. There is, then, the request that in addition to any amendment of the Collective Punishment Ordinance, Government would address itself to the problems of more effective policing, more effective means of communication in the areas involved, and trying to deal with some of the deep-rooted social problems within the tribes themselves which are fundamentally at the bottom of the state of affairs which gives rise to the need for a collective punishment ordinance.

MR. AMIN: There is one question of the principle of jurisprudence which I think ought to be borne in mind in accepting the amendment before Council. The amendment provides for fining the whole area and all people within that area for an offence which an individual in that area may have committed. More or less that is the situation. My theory is that the Ordinance as it stands provides protection against any individual person getting fined or punished for an offence committed by another, while the amendment which we now put before the Council is that if a district is a proclaimed district according to the Stock and Produce Theft (Levy of Fines) Ordinance, then there will be no necessity for a proclamation or announcement to be made in the particular way as required by law under this Ordinance. I should like

to know whether the proclamation provided for by this Stock and Theft Ordinance will amount to giving information to the village or area in the same manner as we have provided for in this Ordinance. Section 2, sub-section (8) reads thus: "that they or any of them have colluded with any criminal, or harboured, or rescued, or attempted to rescue, or failed to take all reasonable means to prevent the escape of, any criminal or any person accused of having committed a crime concerning whom a public announcement had previously been made within the limits of their village, area or district by an authorized emissary of a district officer or of a native authority".

By providing this every precaution was taken that the people who might be fined have had an opportunity of co-operating with the Government or with the authorities concerned in detecting or preventing a crime. By simply saying that an area is a proclaimed district, you do not allow when and how they are to assist you in detecting the thief or finding the stock. Unless we are satisfied that we have protected the people concerned from this point of view also, I submit it is not proper that we should accept this amendment. It is better to allow 100 criminals to escape than to punish one person who is innocent. Let us take the example of one particular village being fined under this Ordinance without the necessary proclamation. In my submission, even although all the provisions of this Ordinance may have been satisfied with regard to the inquiry that His Excellency is empowered to make, it may be that when a village or area is fined without a proclamation having been made, you will be exposing the women and children to the fine which may be imposed on the whole area. There is no provision, as I read this section 2, for protecting a person or persons from the punishment of collective fine. There is provision for an inquiry, but as far as I can see there is nothing to limit the fine to a particular group of people and not all the persons in the area or district.

MR. PAROO: Your Excellency, just a quarter of an hour ago we approved a measure which was considered a great advance in the social life of all communities in this country, and particularly the Africans. I refer to the Bill to provide for the probation of offenders. A quarter

[Mr. Paroo]

of an hour later we are asked to consider an amendment to an Ordinance which I consider is a great social disgrace to have on the statute book of this country or any civilized country. I refer to the Collective Punishment Ordinance of 1930. I wonder if any hon. member in this Council will enlighten me by stating whether any western countries have such laws as collective fines, except those under the Nazi domination, whereas in this country it is proposed to exercise this right for petty thefts such as stock thefts, where as we know even in western countries in connexion with bigger crimes such as treachery or bank breaking, or even high political murders, such punishments are not imposed. On a matter, therefore, of principle I beg to oppose this Bill which is asking for an amendment of the original Ordinance.

MR. MONTGOMERY: Your Excellency, I of course support this Bill. I know from personal experience that the necessity to make a public announcement did make the Bill perfectly unworkable and I know other officers will agree with me. I take up the point raised by the last speaker. He asked, was there anywhere in the western world except Nazi Germany where legislation of this kind was in force. I do not know whether it is in force at the moment, but it was in force in both Northern and Southern Ireland and was brought into effect by the rate-payers generally when, as often happened, somebody burnt your hay ricks or poisoned your dog. It was in force in both Northern and Southern Ireland, and I believe is still in force now.

MR. HOSKING: Your Excellency, it is extraordinary how the sympathy of the world always appears to be with the criminal (hear, hear). That of course is very true of the African, and it is with the mentality of the African towards crime actually that this Ordinance deals. Stock theft is regarded as a legitimate sport by the native—it is largely bravure; largely showing off to their best girls, as well as acquiring property—and the sympathy of people is with the thief almost universally. It is very bad luck on the man who has his property stolen, and there are times when we have to do our best to protect him and not merely think of giving the thief a more sporting chance of getting away with it.

As we all know, local cattle in native areas, especially in these proclaimed districts, mainly pastoral areas, are well known to the local inhabitants, and strange cattle coming from another area are recognized at once, and circumstances can usually show that their presence there is illegal, that the man with them probably did not obtain a pass to move the cattle because he lifted them by night to drive them through. As the law stands to-day you would have to publish a description of the cattle before you could take any action. Cattle thieves do not normally advise you as to the number and description of the cattle which they intend to steal, nor the route through which they intend to pass. An important point is this, that these cattle, wherever they are seen along that route, are recognizable as cattle most probably stolen, and it is the duty of the natives in the area through which these cattle pass to report their presence; the fact is they do not do so. Their attitude is "to-day it is your chance; to-morrow it may be mine", and it is with this mentality of the native that we are really dealing. We are absolutely hampered to-day in dealing with this lack of co-operation; it is a real menace to the peace of the districts, both to life and property, because a lot of people get killed in these forays still. We have got to make cattle lifting cease to be a popular pastime, and a profitable pastime at that. No one hates using what I call "scatter gun" justice more than Administrative officers; they would far sooner find and punish the criminal than they would do what one hon. member said, deal with 100 people for the fault of one, but you have to realize that these 100 people are themselves not guileless; they are not innocent bystanders who are being punished. I am assured that in many areas where stock thieving takes place the actual names of the thieves are known within a very few hours, and the population will see that if a fine is imposed on themselves that the people who actually pay are the people who should pay. They are not going to "spoil sport" by reporting the names of those people to the police; that is simply not done. But we want to alter that mentality and see that it is done.

It is not automatic, as some hon. members seem to think, that if stolen cattle pass through a certain area a communal fine is placed on all the inhabitants of

[Mr. Hosking]

areas through which they pass. Most careful investigation has to be carried out first of all, and not until the magistrate is satisfied that the people knew that they were assisting in the crime and really collaborated in that crime, tacitly perhaps, a fine is imposed. A fine would not be imposed on people who were entirely innocent of any offence. The hon. and reverend member representing Native Interests has asked why other steps should not be taken at the same time to deal with this type of crime. He made special reference to the Masai Reserve. I would point out that for the last year the Masai Reserve has been under the Commissioner of Police and that the jurisdiction of the Kenya Police has been extended over the border to Kipsigis and also in another proclaimed area in Nyanza. The Kenya Police are there responsible for law and order. As regards communications, members of the Standing Finance Committee will note that ample provision has recently been made for roads which carry practically no traffic except the cars of administrative and police officers to enable the law to be maintained, because after all communications mean civilization, and one of the most important things at the present time is the speed with which you get on the tracks of the criminal. The hon. member raised very wide issues as regards the Moran system, and I do not intend to follow him over that line in the present debate. There are certain advantages in maintaining the Moran under the old system rather than having them scattered throughout the district, and there is more chance of supervision when they are gathered together in tribal groups than there is if they are scattered throughout the whole of a district. I admit that it is contrary even to Masai custom for elders to indulge in stock thieving, but that merely shows how dangerous it is to break down tribal organization unless you have something better to put in its place.

I should like to stress that the operation of this Ordinance is not automatic; it only applies after the most careful investigation, and that it is aimed at the attitude towards crime as well as against the people who indulge in it.

MR. PATEL: Your Excellency, I had no intention of speaking on this Bill if the hon. Chief Native Commissioner had not misconstrued the remarks made by those

who oppose the proposed amendment, and consequently had not misinterpreted the meaning of the remarks made by my hon. friends Mr. Paroo and Mr. Amin. There is no question of their being in sympathy with thieving; what they meant to say was that steps should be taken to see that innocent persons are not punished when you impose collective punishment, and attention was drawn to the general tendency to-day to override all the important principles on which British jurisdiction was based. It may be said without fear of contradiction that the most important factor which has contributed to the strength of the British nation is its system of law which was based on very sound principles, and one of those principles was that even if a few criminals escape you should see that no innocent person was punished, and my hon. friend Mr. Amin only drew attention to the fact that by making this amendment and removing the necessity for any proclamation beforehand, it was likely that some innocent persons would be punished. That is the reason why we oppose the amendment, and that was misrepresented as saying that sympathy was shown towards the thief.

MR. COOKE: Your Excellency, like the last speaker I did not intend to speak, but I would point out that this Ordinance has been in existence for a great many years and I am a little surprised that my hon. Indian friend has never protested against it before. As the hon. Member for Native Interests (Mr. Montgomery) said, in Ireland, which some people may not regard as a civilized nation—(A member: Hear, hear.)—there was a Malicious Injury Act, and for damage done to hayricks people were punished; it is a principle that the severity of the crime must often lead to severe law. We all know it is deplorable that we have to resort to collective punishment, but even Africans themselves, certainly a great many whom I have met, are the first to welcome this collective punishment. Right throughout the British Empire are ordinances of this nature, and in South Africa they went a good deal further and brought in the "Spoor law" by which the inhabitants had to follow up the spoor, so that we are going much less than they want. I do not often disagree with the hon. Member for Native Interests (Mr. Beecher), but I think there is a grave danger, as the hon. Chief Native Com-

[Mr. Cooke] missioner pointed out, of interfering with Masai custom: The great anthropologist Malinowski pointed out that "The destruction of any custom is usually destructive of order and morals", and one has got to be terribly careful, especially with people like the Masai, that we do not upset custom, because the cure might be worse than the disease, and we may upset what little discipline a tribe has and have chaos where at the moment we have got a little order.

MRS. WATKINS: Your Excellency, there is one point I should just like to add. First of all I should like to congratulate the hon. Chief Native Commissioner on the best statement I have ever heard him make about mentality towards native crime. I am very glad to know that he takes that line. There is one thing I am not quite certain if this Ordinance covers, and I should like information on it, and that is, is the collective punishment applicable only to a village or is it also applicable, for instance, to a forest area? That is an interesting point, because some years ago a whole lot of cattle were moved from the Masai right across Nairobi, right through clean farms, right through the Lari Forest Reserve, and on to our farm, where there was an illicit butchery started during my absence in England. Many cattle died there. The illness brought about among clean and valuable herds by the illicit moving of cattle is far more far-reaching than the actual stealing of the beasts, and I think if collective fines are not already possible to apply to such places as forest reserves or the particular farms through which they pass, then I think they should be made applicable, not only to native villages in the reserves, but to any body of natives who have allowed it. In that particular instance it was allowed for years. I lost 18 animals through disease, and I expect many more untraced deaths occurred, because people did not know the stock had been moved through their farms, through which they must have come to have travelled from the Masai Reserve to Kiambu. That is a most important point.

As regards my hon. Indian friend's remarks about impatience, I wonder how patient any society can be when they are losing the capital on which they live month by month and month by month by disease brought in in this way to their

stock and by the thefts going on all the time—those of us farmers who have to live by our stock and the natives who are also counting their stock as capital who are suffering enormously from these depredations and losses, and I think nothing can be too strong to deal with them.

MR. HARRAGIN: Your Excellency, to deal with the last point, made by the hon. Member for Kiambu. The answer is in the affirmative: "The Governor may impose fines on all or any inhabitants of any village, area or district or members of any tribe, sub-tribe or community if, after inquiry, he is satisfied". The answer is that if it is people in a forest reserve they can have a fine imposed on them in just the same way as if they lived in a village or town or anywhere else. The hon. and reverend gentleman on the other side of Council rather thought that this amendment was to take the place of additional police and communications. I can only say that I hope extra police and better communications will run hand in hand with this measure which is now before Council.

MR. BEECHER: On a point of explanation, I am supporting the amendment, and pointing out the need for additional measures, and not suggesting one as alternative to the other.

MR. HARRAGIN: I am very pleased to hear that. I was thinking he opposed the measure because we omitted to put in extra police or necessary communications and that, in order to avoid that, we were making this amendment, but after his explanation I accept the position. With regard to the remarks of the hon. member Mr. Amin, I think we could get over most of his difficulties if he realizes this point, that when a district is a proclaimed district as defined by the Stock and Produce (Levy of Fines) Ordinance, as soon as that district is proclaimed under that Ordinance every inhabitant of that district shall in future be deemed to have had the necessary notice under the Collective Punishments Ordinance which an unfortunate district commissioner is at present expected to send round whenever a stock theft occurs. It is perfectly true that occasionally, I presume, some unfortunate person living in a village who did not actually see the stolen cattle—and, as the hon. Chief Native Commissioner has told you, every native in a

[Mr. Harragin] village who sees cattle knows perfectly well they are stolen or not—has to pay for the sins of commission of his brothers and uncles, and you must realize that collective punishment is not put on in a haphazard way. There has to be a properly conducted inquiry, and the person holding the inquiry has got to be satisfied that the people living in that village or area could in fact be reasonably suspected of knowing that the cattle they saw passing through the village or area were stolen cattle and, having reason to suspect that fact, did not carry out what was demanded of them under the Ordinance. The suggestion that this type of law has never been heard of elsewhere has been disposed of; collective punishment in some form or another is known all over the world. We have heard of two cases, Ireland and South Africa, and I do not think we on this occasion can be blamed for introducing something which has never been heard of before. As the hon. Member for the Coast said, the principle has been approved since 1930, and no objection has been taken to it, and because we are now amending the Ordinance in order to make it workable the opportunity is taken to criticize the whole principle, because it is the principle the hon. member has attacked and not the detail. I do not think I have any other point to deal with.

Certain hon. members seem to think there is great value to be placed on this announcement which has to be made. I do not know how in practice it is done, but there is not the slightest doubt that all that happens is that a district commissioner or headman sends out some short written order saying, "You expect cattle to pass through stolen from a farmer", but how many people actually see that notice or know what it is about or have it explained to them it is difficult to say. Naturally a public announcement has to be made, but exactly how public is a matter for the discretion of the person who happens to be carrying out the errand, so that you will always find in every village or area a certain number of people who will come before the inquiry officer and say they did not know anything about it because they were away from the village, and it might be an excuse. The real point, as the hon. Chief Native Commissioner said, is that there is not the slightest doubt the people

of a village on every occasion know perfectly well when cattle is going through that they are in fact stolen cattle and turn a blind eye to it. This is only to make it clear that it does not pay to turn a blind eye on offences.

The question was put and carried.

LOCAL GOVERNMENT (DISTRICT COUNCILS (AMENDMENT) BILL

SECOND READING

MR. MORTIMER: Your Excellency, I beg to move that the Local Government (District Councils) (Amendment) Bill be read a second time.

This Bill deals with a few small amendments intended to make the local government machinery work a little more smoothly. They are all quite small amendments of no great significance and are not likely to arouse any adverse comment. The first is in clause 2, which amends section 47 (4) of the principal ordinance. The law as it now stands provides for a committee of a district council to appoint its own chairman. Some district councils, however, prefer that chairmen of committees should be appointed by the council as a whole. This amendment makes it optional for a council as a whole to appoint chairmen or, alternatively, to leave it to a committee itself to appoint its chairman at its first meeting. Clause 3 provides two small amendments to section 57. For the sake of clarity and to provide a little rearrangement of the sub-sections, it is proposed to repeal section 57 and re-enact it with the new arrangement and the addition of some new sub-clauses. The first of these is (7) (c), which makes additional provision for the granting of retiring gratuities or pensions to serving officers of district councils. At present the Governor has power where no provident or benevolent fund exists to authorize district councils to pay a gratuity or pension to a retiring official after valuable and long service. Most district councils are now, however, introducing provident funds, but cases will arise where payment from provident funds will be quite inadequate as a recognition of long service of the servant concerned, so it is proposed that where a district council so desires and the Governor approves, even where a provident fund does exist and the payment from that fund would be an inadequate one, a council may increase

[Mr. Mortimer]

the gratuity or grant of a pension or an additional pension. The next new subsection will appear as (10) (e), and will give a district council permission to pay for the treatment of indigent patients residing within its district when they have to go to hospital.

Clause 4 prescribes that funds standing to the credit of an officer of a district council in the provident or benevolent fund may not be attached or sequestered for debt. Clause 5 follows on the powers given to district councils to make by-laws for regulating quarrying, for example, and other operations of that kind. A council is empowered to issue a licence or permit to do certain things and to lay down the conditions under which they shall be carried out, but hitherto there has been no power to require a deposit in advance as security that those conditions will be carried out. This new clause will give a council power to require the payment of a deposit in advance. These last four amendments will bring the district council legislation into line with existing legislation applicable to municipal authorities.

Clause 6 is a simple amendment requiring that district councils shall publish their annual estimates in order that the public shall know how their money is to be spent. As the law now stands, a council is required to publish its estimates prior to presentation to the council meeting, they must then come before the Standing Committee for Local Government (Rural Areas) and, having been approved by that committee, must be republished. As a matter of experience the Standing Committee very rarely alters in any major degree the estimates as submitted by district councils, and the second publication seems an unnecessary waste of time, money, and paper. It is therefore proposed in this clause to provide that only if the Standing Committee consider it necessary shall the second publication be carried out. Clause 7 merely corrects an error in a reference to the principal ordinance.

MR. HARRAGIN seconded.

The question was put and carried.

TEA (AMENDMENT) BILL

SECOND READING

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

I would refer to the resolution which was approved by Council in September of this year whereby the life of the Tea Ordinance, 1934, was extended for the duration of the war and for one year thereafter. In moving that resolution I stated that it was the intention of Government that if the resolution was approved that an amendment bill would be introduced to provide for the increase in the acreage which had become available for this Colony as a result of the negotiations which had taken place during the past 18 months and as a result of representations which had been made by Government. The Bill now before Council does no more than this. It provides in clause 2 for an increase in acreage which can be planted to tea in the Colony from the present maximum of 3,500 acres by a figure of 3,232 acres to a total permitted acreage of 6,732.

MR. HARRAGIN seconded.

The question was put and carried.

LOCAL GOVERNMENT (RATING) (NAIROBI MUNICIPAL COUNCIL VALUATION ROLL VALIDATION) BILL

SECOND READING

MR. MORTIMER: Your Excellency, I beg to move that the Local Government (Rating) (Nairobi Municipal Council Valuation Roll Validation) Bill be read a second time.

I regret the necessity of introducing this Bill, the object of which is to cover and make valid an unfortunate lapse from the strict letter of the law by the Nairobi Municipal Council. If I had felt that the enactment of this measure would create any hardship upon any individual or section of the community I should have been reluctant to have had anything whatever to do with it, but the facts are such, however, that I have no hesitation whatever in asking this Council to consider and to pass this Bill. The circumstances out of which it arose must be briefly described. The system of rating adopted in Nairobi is a rate on the unimproved site value of all land within the municipality. The law requires that a new valuation roll prepared by a valuer approved by the Governor shall be prepared and presented to the Municipal Council not less than once in every five years. The law gives to the Governor power to extend that period if he con-

[Mr. Mortimer]

siders the circumstances justify it. The roll in force up to the end of last year was prepared in 1935 and was then adopted by the Municipal Council. In March, 1936, Mr. Tannahill, a well-known and reputable valuer, was appointed by the Municipal Council as its valuer, and he entered into an agreement with the Council for five years, and he was before the end of that period to produce a new roll and to lay it before the council and to attend the valuation court to defend his roll against any objections that might be raised. March, 1941, came round and the roll was still uncompleted. For reasons into which one need not enter, Mr. Tannahill had been unable to carry out his task. The Governor was asked to grant an extension under the powers given him by the law; the validity of the 1935 roll was extended until the end of the year. In 1942 the roll was still uncompleted, and another year's extension was granted; Mr. Tannahill agreed to carry on his work and complete his task and fulfil his obligation to the Council without additional remuneration. It was not until September, 1943, that the new roll was ready and certified by Mr. Tannahill and placed before the Council.

The Rating Ordinance lays down a definite and orderly procedure for dealing with a new roll and the levying of the rate by the Council when the new roll has been duly accepted. There has first to be a public announcement that the roll is open to inspection and that the Council is prepared to receive objections; one month is allowed for lodging objections. A valuation court has then to be appointed to hear those objections and to make any necessary amendments in the roll. The roll is not to be regarded as completed until the final decisions of the court have been duly recorded on the roll and the roll itself has been signed by the chairman. Not until then should the rate be levied and collected. Even then it is subject to the right of appeal of any objector to a magistrate's court. Section 18 of the Ordinance lays it down that the rate duly levied shall be collected in the year of assessment. The machinery is quite satisfactory in normal circumstances because it presupposes that the roll will be submitted to the Municipal Council somewhere about March in the year; there will be ample time for the

setting up of the valuation court and hearing objections, the signing of the roll by the chairman, levying the rate and the collection of the rate well before the end of the year. In present circumstances, as the submission of the roll was so late, the Municipal Council was faced with a problem. The Council realized that it could not possibly carry out the full procedure of the Ordinance and collect the rate before the end of the year. The 1935 valuation court took five months to complete its work. In order, then, to collect the rate as required by section 18 before the end of the year, the Council regrettably levied the rate before the roll had been to the valuation court and any objections heard. The rate levied is 1½ per cent on the new roll and is expected to realize £60,100. It is absolutely necessary for the Municipal Council to have these funds quickly in order to carry out their services for the public which are an obligation. No worthy citizen would attempt to evade or to minimize his obligation to pay adequately and fairly for the services of his town. The great majority of rate-payers have realized this, and although they must have been aware from press correspondence and other public statements that the demand made by the Council could not legally be enforced they have paid. Out of the £60,100 due under the new rate at least £50,000 has already been paid to the Municipal Council.

The new roll has been criticized on the ground that it represents present-day values. To some extent that is inevitable. The law requires that the valuer must value on the capital sum the property might be expected to realize at the time of the valuation. If there are any individual complaints the valuation court will in due course deal with them and make any necessary adjustments. The complaint is that the roll is two years overdue and that had it been made on the due date the values would have been considerably lower. I would point out that every municipal authority with the exception of Mombasa has, because of war conditions, asked for extensions during which existing rolls shall be valid, and those extensions have been granted. The Nairobi roll and its preparation is a rather immense business. There are 6,715 separate assessments. Answering the objection that may be raised, that had

[Mr. Mortimer]

the roll been submitted on the due date it would have been much lower, I must admit that that is no doubt true, but it would certainly have been very much higher than the 1935 roll which was prepared at a time of deep depression in property values. Comparative figures are these. The total valuation of Nairobi Municipality in 1930 was £3,500,000 in round figures, in 1935 £3,100,000, and in 1943 the valuation, subject to any adjustments that may be made by the court, is £3,900,000, an increase of only £400,000 from 1930 and an increase of £800,000 since 1935. I would say this with all emphasis, that taxpayers who take pleasure in paying the least possible for the support of their town may find comfort in the thought that for the past two years they have been paying their rates on the 1935 depressed valuation roll, whereas had the new roll been submitted on the due date they would have been paying on much higher values. That is some compensation to them, no doubt, for the fact that they are now called upon to pay on a somewhat higher scale. From the ratepayers' point of view, so long as the values are fair relatively one to another, I do not think it makes much difference whether you pay a high rate on a low valuation or a moderate rate on a high valuation. Money has to be raised somehow and property owners have to find it, and as long as it is equitably distributed among owners it does not matter much how the charge is met. The Municipal Council, having struck its rate on the new roll and collected the greater portion of the rate due, unanimously requested Government to introduce this measure to make legal their short-circuiting of the law. This Government agreed to do, having taken all circumstances into consideration and having made perfectly sure that the rights of every individual ratepayer to lodge an objection with the valuation court and subsequently to appeal to the magistrate's court will be adequately safeguarded. If the courts fail to uphold the valuation in the roll, appropriate adjustments and refunds will be made. Similar action is necessary regarding the supplementary roll submitted by Mr. Tannahill, and its validation is also included in the Bill.

Mr. HARRAGIN seconded.

MAJOR CAVENDISH-BENTINCK: Your Excellency, while supporting this Bill in view of the explanation given by the hon. member who introduced it, I would, however, ask that it should go before a select committee, as I understand from Your Excellency that is the intention of Government, merely because there are a certain number of people who feel that this Bill is in some way a reversal of the law and therefore questionable and they should have an opportunity of making any representations that they may feel disposed to make.

MR. VINCENT: Your Excellency, I beg to support that, because, once again, I state that I do not represent the landlord, and if the hon. Attorney General has any doubt about it I would like to inform him in the nicest possible way that it is quite unnecessary for me to indulge in untruths in order to make a point in this Council or elsewhere.

MR. AMIN: I also support this Bill going to a select committee, and I should like to point out that it is not only landlords who are to be affected by the increased valuation, in view of the fact that we have got the Ordinance for the restriction of rents whereby the increased valuation of the property can ultimately be onerous on the tenant. There is a feeling that assessments in the various districts have not been uniform in the sense that in some areas they have had their valuation reduced and some areas have had their values increased beyond any sense of values. It is quite possible that the select committee might be able to find ways and means to meet the requirements of the Municipal Council and the public will be given an opportunity of objecting to the valuations before they are called on to pay according to the new roll.

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. Stronach, Mr. Vincent, Mr. Nicol and Mr. Amin.

MR. BROWN seconded.

The question was put and carried.

ADJOURNMENT

Council adjourned till 10 a.m. on Tuesday, 16th November, 1943.

Tuesday, 16th November, 1943

Council assembled in the Memorial Hall, Nairobi, at 10 a.m. on Tuesday, 16th November, 1943, His Excellency the Governor (Sir Henry Moore, G.C.M.G.) presiding.

His Excellency opened the Council with prayer.

MINUTES

The minutes of the meeting of 10th November, 1943, were confirmed.

PAPERS LAID

The following papers were laid on the table:—

By MR. RENNIE:

Post-war Employment Committee Report and Report of the Sub-committee on Post-war Employment of Africans.

By MR. TROUGHTON:

Schedule of Additional Provision No. 3 of 1943.

ORAL ANSWERS TO QUESTIONS No. 59—CIVIL SERVICE WAR BONUS

MR. KASIM:

Would Government please state if the attention of the Secretary of State for the Colonies has been drawn to the strong resentment prevailing among the European, Asian and African Civil Servants and Railway employees at the meagrely war bonus, as compared with the high rise in the cost of living, offered to them? If the reply is in the affirmative, would Government please state if he has agreed to the suggestion of appointing a Royal Commission to go into the question and make recommendations, as was done during the last war under the chairmanship of Sir Alfred Lascelles?

MR. TROUGHTON: The European Civil Servants' Association on the one hand, and the Asian Civil Service Association and the Railway Asian Union jointly on the other, have made representations to the Secretary of State regarding the rates of war bonus. The African Civil Service Association has also made representations, but these were received only recently and have not yet been forwarded to London.

As regards the second part of the question, if the hon. member is referring

to requests for the appointment of a Special Commissioner to inquire into the question of war bonus, which were made by the European and Asian Associations, the answer is that the Secretary of State has not acceded to either request, but has suggested that the whole question of war bonus should be reviewed early in 1944 in the light of experience gained. The Government proposes to take action accordingly.

No. 66—AFRICANS REPATRIATED

MR. BEECHER:

Will Government please state (a) the approximate number of wives of African workers in Nairobi and Mombasa respectively who returned to their reserves in connexion with the arrangements made for repatriation? (b) the respective numbers who have now returned? (c) whether, in view of the marked increase in the incidence of venereal disease in recent months among town workers, any active encouragement is to be given to a return to a more normal family life for the African in the towns?

MR. HOSKING: (a) No accurate count was made of the number of wives of African workers who left Nairobi when the food shortage became acute at the beginning of the year. Approximately 2,200 received free railway transport to their home districts, in most cases to Nyanza Province. A considerable number had left Nairobi before assisted repatriation was undertaken and an unknown but large number left for native areas in the Central Province nearer to Nairobi. It is estimated that approximately 4,000 left Nairobi on account of the food shortage. Only a few women returned to their reserves from Mombasa and it is believed that they were all accompanied by their husbands.

(b) It is believed that about 1,000 of these women have returned to Nairobi. The Mombasa figures are not known.

(c) While there is little evidence to suggest that there has been any marked increase in the incidence of venereal disease in recent months among town workers, the Government appreciates the desirability of enabling the wives of these workers to return to Nairobi as soon as the general food position permits.

**No. 72—INDIAN HOSPITAL
ACCOMMODATION**

MR. AMIN:

Is it true that a number of serious Asian cases have been refused admission to the Asiatic ward at the Native Civil Hospital owing to shortage of accommodation? If it is so, will Government state what steps are being taken to remove the difficulty by providing some additional temporary structures to accommodate the necessary beds? Will Government make a statement on the position in regard to the Asian unit in the proposed group hospital at Nairobi?

DR. JOHNSTONE: No case for which admission to the hospital at Nairobi was imperative has been refused admission. Cases for which admission might have been regarded as desirable have had to be refused admission owing to shortage of accommodation and there is a waiting list.

It is the intention of the Government to proceed with the construction of the Asian wing of the Group Hospital as soon as circumstances permit, but should this not prove to be possible in the near future the question of providing additional accommodation for Asians in the form of temporary structures will receive immediate consideration.

No. 75—DISPOSAL OF MILITARY STORES

MR. COOKE:

Will Government give an assurance that all practical steps will be taken to ensure that in the disposal of military stores in this country after the war an opportunity to purchase be given to European and African primary producers before these stores get into the hands of middlemen? Will it also take steps to ensure that Government departments take over whatever is necessary for soil conservation, medical, educational, and other welfare purposes and that a like opportunity be given to municipal councils, district councils, and local native councils?

MR. RENNIE: The Government is not in a position to make a statement on this subject at present; the matter is under correspondence with the appropriate authorities in the United Kingdom.

MR. COOKE: Arising out of that reply, will Government come to some decision

without undue delay in the matter, because there is a great deal of public apprehension about the disposal of these stores?

MR. RENNIE: Government will deal with the matter as expeditiously as possible.

No. 84—GOVERNMENT INDIAN SCHOOLS

MR. AMIN:

Will Government please state: (a) the number of pupils studying in Government Indian schools in 1940, 1941, 1942 and 1943 respectively, (b) the respective number of Indian teachers employed in such schools in 1940, 1941, 1942, and 1943, (c) the number of such teachers whose normal increments were withheld in the said years respectively, (d) the number of Indian teachers of such schools who retired, resigned or whose services were terminated in each of the years 1940, 1941, 1942 and 1943, (e) the number of new Indian teachers in such schools in each of the years aforesaid? Is Government aware of the fact that withholding of increments is far more frequent among the Indian teachers engaged by Government than among Asian Civil Servants of Government, and will Government, therefore, take steps to remedy this state of affairs?

MR. LACEY: (a) The number of pupils enrolled in Government Indian Schools in the years mentioned was 4,530, 4,490, 4,932 and 5,538 respectively.

(b) The total number of teachers, permanent and temporary, employed during the same years was 163, 171, 182 and 183.

(c) During these four years only five teachers had their normal increments withheld, three for a period of one year, one for a period of two years and one for a period of three years. In addition the increment of a sixth teacher was deferred but was later restored with retro-active effect.

(d) The number of Indian teachers who retired during these years was 2, 2, 5 and 3 respectively; of those who resigned, 8, 10, 14, and 8 respectively; and of those whose services were terminated, 13, 8, 5 and 4 respectively.

(e) The number of new Indian teachers engaged was 33, 28, 30 and 23 respectively.

[Mr. Lacey]

The Government is not aware that Indian teachers are treated differently from other Asian Civil Servants in the matter of withholding increments.

No. 95—ASIAN LOCAL CIVIL SERVICE

MR. AMIN:

1. Will Government please state how many of the 410 clerks serving in Grade II of the Asian Local Civil Service receive salaries on the weight-for-age basis? 2. If there are any clerks who do not receive salaries on the above basis, will Government state why they have not been afforded the adjustment due to them? 3. In view of the severe dissatisfaction prevailing in this service as a result of this principle not being applied to the permanent staff who are not on the weight-for-age basis will Government take steps to make necessary adjustments in the 1944 Estimates? If the reply to this question is in the negative, will Government please state the reasons for such refusal?

MR. TROUGHTON: The so-called "weight-for-age" basis of computing salaries of Asian clerical staff lays down the maximum salary which may be granted to any clerk of a particular age on first appointment. None of the 410 clerks referred to by the hon. member were given commencing salaries in excess of that maximum. The actual salary paid to each clerk on entry is not, however, determined solely by age; the educational qualifications and previous experience of the individual concerned are also taken into account. The commencing salaries of the 410 clerks were determined with due regard to these factors and were accepted in writing by each of the individuals concerned.

2. In view of the answer to the first part of the question, the second part does not arise.

3. I assume that the hon. member is referring to the dissatisfaction felt because it was the general pre-war practice to engage new clerks on the minimum of the clerical scale, whereas it has been found necessary since the outbreak of war to make a number of appointments on incremental points above the minimum of the scale. If that is so, the answer to the third part of the question is in the negative for the following reasons:—

- (a) the terms on which each individual is serving have been accepted by him in writing;
- (b) any adjustments would involve the granting of abnormal increments, a practice which is contrary to public policy; and
- (c) the financial implications of any revision would be large.

**DRAFT ESTIMATES OF REVENUE
AND EXPENDITURE, 1944**

MR. TROUGHTON: Your Excellency, I beg to move that the Draft Estimates of Revenue and Expenditure for 1944 be referred to the Standing Finance Committee.

It will perhaps be convenient if I begin with a statement about the background against which these estimates must be viewed, and then say something about the estimates themselves and finally a word or two about the future outlook as I see it.

First, the background. When we were discussing the 1943 estimates a year ago it appeared at the time that the year 1942 would close with a substantial surplus of revenue over expenditure. In the event the surplus which actually accrued was far more even than the most optimistic of us thought at the time, and the result was that we were able to tuck away, with the approval of this Council, a sum of £300,000 in a wartime contingency fund, and at the same time have an accumulated surplus of over 1½ millions. Thus the Colony began the year 1943 in a very strong financial position indeed. The 1943 estimates, for reasons that I will mention later, were framed so as to budget for a deficit. Actually that deficit was very much less on paper than it really was because we were able to reduce it on paper by a device known as a revotes fund, by the simple process of collaring some of the 1942 surplus and applying it in reduction of the 1943 deficit. The present prospect is that we shall end this year not with a deficit but with a very substantial surplus which has been estimated at £650,000. This cannot be regarded as a firm figure. Estimating is difficult these days, but I think it is a conservative figure and it is the highest figure that we can defend.

The question of the disposal of this surplus will come up for consideration, and I am going to recommend to the

(Mr. Troughton)
Standing Finance Committee that a sum of £350,000 should be applied towards the creation of a supplementary sinking fund in respect of the 1921 loan. Hon. members may not realize the facts about that loan. The loan was raised in 1921 and the rate of interest was 6 per cent. In fact, we could only raise the loan at 95, so that the effective rate of interest was more than 6 per cent. These prices sound fantastic compared with present-day borrowing conditions, but unfortunately I believe that it was the best that could be done at the time, and the only consolation that I can offer to hon. members, if consolation it is, is that the Railway user was stung to a very much heavier extent than was the taxpayer. Anyhow, the payment of interest charges on this loan has been a heavy burden all these years, and I think all hon. members will agree that we would be wise to get rid of it at the earliest possible moment. The earliest date on which that loan can be redeemed is 1946. Now, in 1946 the various sinking funds are likely to fall short of the total amount required to redeem the loan by round about £400,000. I cannot give an exact figure because we cannot state whether the securities in which these funds are invested will go up or down in the meantime, but in any case we should be very safe in putting into a further supplementary sinking fund a sum of £350,000. This, with the interest that accrues in the meantime, should leave a very small amount indeed to be paid for in 1946.

That, I am afraid, was a digression. I was talking about the 1943 surplus, and I think I should make this point. The surplus arises to a very large extent because the revenue estimates will have been largely exceeded at the end of the year, and Your Excellency's advisers are, I think, open to criticism that they in fact grossly underestimated the revenue. As I was personally responsible to a very large extent for that estimation I should like to say a word or two about it. If hon. members will cast their minds back a year ago they will remember that during the early months of 1942 the United Nations had sustained extremely heavy shipping losses in the battle of the Atlantic, and the prospect as we saw it at the time was that very little shipping indeed was likely to be available to take imports to this country and to take away

our exports. Therefore we considered that the estimate of customs revenue should be compiled on very cautious lines, and personally I think although the event has proved us wrong, at the time we were perfectly right to do so. Now customs revenue—is this perhaps a platitude—customs revenue has a very definite effect on income tax. It stands to sense that the greater the imports the greater the trade, and the greater the trade profits the greater the yield from income tax. Income tax has therefore been higher than the estimate. Another factor, a point of detail, about income tax is this, that a year ago we formed an income tax office in London. In point of fact that office has been able to collect very substantial sums by way of tax and by way of arrears of tax. It is a convenient thing to have this office, because many firms operating in East Africa have their head offices in London, and their liability to tax can be agreed in London with our office without the necessity of referring the thing out to the Colony. This office works very economically because a number of other Governments—other colonial Governments—who have income tax participate in it, so that the cost which falls on each Government is comparatively small. Another cause of under-estimation of revenue arises in respect of excise. Hon. members will remember that heavy increases in both customs and excise duties on tobacco and cigarettes were imposed a year ago. Some of us thought at the time that these duties would lead to decreased consumption, and indeed we rather wanted to decrease consumption, particularly of the imported leaf which is mixed with East African cigarettes. In the event, consumption has been maintained, no doubt because of the enhanced purchasing power of the population.

So far I have been speaking of the 1943 revenue in terms of the difference between the estimates and the revised estimates, but I have not mentioned the main cause of the 1943 revenue, which is the sacrifices, the very great sacrifices, which have been made by the taxpayers of this country. (Hear, hear.) Before the war we had a moderate customs and excise tariff, and what is by present standards an extremely light rate of income tax. Now we have heavy customs and excise duties, particularly on luxuries, and a rate of income tax which includes

(Mr. Troughton)
the highest rate of personal liability that I know of in the whole of Africa. These measures of additional taxation were introduced as a war measure with the general approval of the peoples of this country, and the only criticism which the Government had to meet at the time was not that the burdens were too onerous but that, having regard to the position of the United Kingdom taxpayer, they were not heavy enough. In any case, revenue has been such—these sacrifices by the taxpayers have been such—that the Government has been able to incur considerable expenditure resulting from the war, and at the same time face the future at the end of 1943 in a position of financial strength which has no precedent in the history of this Colony.

In speaking of the Colony's financial position, however, it is well to bear in mind—and there is a tendency to forget it—it is well to bear in mind contingent liabilities. The main contingent liability that we have is the guaranteed minimum, return under the Increased Production of Crops Ordinance. The liability there, the possible liability, amounts to half a million, £500,000 a year. That liability, we all agree, the taxpayer was justified in assuming as necessary for the development of production for the full prosecution of the war, but the liability is there nevertheless. If this Colony were afflicted with prolonged drought or with the serious ravages of locust infestation we might well be called upon—the taxpayer might well be called upon—to meet a very substantial amount of that liability. As it is, the amount that we have been called upon to meet has been trivial, negligible, due to providence and, I think I may say, to the wise administration of the Ordinance by the executive of the Production Board. (Hear, hear.) A further contingent liability is the provision of silo storage. Hon. members will probably need no convincing of the wisdom of erecting silo storage, but if any hon. member has any doubts and raises them in debate I have no doubt that the hon. Member for Nairobi North will be able to give him a more comprehensive answer than ever I could. But the fact is that silo storage is expensive. A rough estimate of the cost is about £10 a ton, so that any silo storage to be worth while would involve the expenditure of several hundreds of thousands of pounds.

It would be a business proposition, because fees could and should be charged for the use of the silo, but nevertheless the capital cost would have to be found. The present proposition is this. Your Excellency has approved in principle the construction of silo storage, and alternative tenders have been invited, one for one 10,000 ton silo and the other for two 10,000 ton silos. As soon as those tenders are received the financial implications will be considered further, but I mention the matter now so that hon. members may know that the construction of silo storage does involve a considerable amount of finance. Again, the possibility of our having to import foodstuffs is a matter which must be borne in mind. In wartime the importation of foodstuffs is a very expensive business. As hon. members know, considerable quantities were imported earlier this year and all the debits and credits are not yet in, but I can say that the amount involved, the deficit, will be substantial and will be something of the order of £250,000 or more, but I can give no firm figure.

That, I think, indicates the background against which these estimates must be viewed. At the end of this year, apart from these contingent liabilities, including our war-time contingency fund, we should have financial resources of the order of £2½ millions, most of which is either in cash or securities which can be rapidly realized if necessary. This is apart from the excess profits fund, which will have over a million; but I have excluded that deliberately because it is probable that a good deal of that will have to be repaid if and when profits fall.

Turning to the estimates themselves, the revenue estimates have been framed once again on cautious lines, and although the estimated revenue from customs, excise, income tax, and the Post Office for that matter, have been put up considerably, that we feel is fully justified. As I mentioned about a year ago, the battle of the Atlantic took a dramatic turn in our favour, and hon. members will probably have heard or read the Prime Minister's statement at the Guildhall the other day, when he said the back of the U-boat menace had been largely broken. We know that the construction of merchant shipping in the United States and in Canada, particularly is exceeding all expectations, but at the same time—and, mark you, I have no

[Mr. Troughton] secret information—it does not want much imagination to realize that this extra shipping will certainly be required next year for operational requirements. Nevertheless, there is no reason to believe that there will be any catastrophic fall in the amount of our imports next year. We have therefore put the customs revenue estimate at rather lower, slightly lower, than the actual receipts for 1942 and a little lower than the Commissioner's latest revised estimate for this year, to be on the safe side. As regards income tax, a further factor to be borne in mind is that the Commissioner has been collecting a certain amount of arrears and that these arrears are gradually being wiped off, so that income tax is estimated to be a bit lower than the Commissioner hopes to get this year. The Post Office revenue is up considerably because the business run by the hon. Postmaster General continues to expand; the additional revenue from Posts and Telegraphs receipts is far more than the additional expenditure. I think if my hon. friend were the chairman of a commercial company and were presenting his accounts at the annual meeting, his statement would be greeted by the shareholders with loud applause; they would probably vote a substantial increase in the directors' fees, and they would also most certainly vote for the provision of additional accommodation. While, unfortunately for him, he is not in that happy position and the directors' fees remain unchanged—and I regret to say that the accommodation remains unchanged—the Postmaster-General and his senior officers are working in conditions of congestion and difficulty which have to be seen to be realized. We had hoped to be able to do something towards providing better accommodation, but unfortunately the hon. Director of Public Works tells me that the necessary steel joists and reinforcements to provide the Post Office headquarters with better accommodation are not available at present. Revenue under interest and redemption shows an increase. That is almost entirely formal, because it includes interest on East African war bonds. What happens is that the United Kingdom Government pay us the interest and we take it to revenue, and then pay the bondholders, so that the whole thing is in the nature of a cross-entry.

Perhaps I should now say a word or two generally on the subject of taxation. As I have mentioned already, we have got now a very heavy chain of direct and indirect taxation, and in my opinion we have pretty well reached the limit. (Hear, hear.) In any case, additional taxation should not be imposed without very careful and serious consideration, and I can assure hon. members that, apart from the sugar consumption tax which we dealt with the other day, no changes are contemplated in this budget. I have heard it said that the direct taxation of the African should be increased on the ground that he is receiving by and large considerable sums by way of family remittances from Africans who are serving with the armed forces and who are working elsewhere. This argument is unsound, in my opinion. It is perfectly true that the estimated revenue from the poll tax next year is less than the estimate from the old hut and poll tax used to be. That difference, such as it is, is accounted for by the number of Africans who are serving in the armed forces and do not pay the tax, but that is by no means the end of the story. The policy of Government has been to encourage the development of local native institutions, and a year ago financial responsibility for a considerable number of services was transferred to local native councils in accordance with that policy. We may have gone too far, but that is another matter. The fact is that local native councils assumed considerable additional responsibilities, and these have been reflected in increased local rates, and in many cases the rates now levied by the local native councils are more than 100 per cent above the pre-war level. I hope members of district councils will take note of that! (Laughter.) Moreover, the African pays a very large amount in indirect taxation. It is the case that a great proportion of the customs and excise duties on tobacco and cigarettes, cotton piece goods, sugar, to mention only a few things, are paid by the African, and if hon. members will study the figures in the estimates of customs and excise revenue and compare them with the actual figures during the early war years they will see that the African is making a very substantial contribution indeed, although an indirect one, to revenue. In fact, my own opinion is that so substantial is the African contribution

[Mr. Troughton] to revenue that we must in equity provide for some increase in native services as soon as it is practicable for us to do so. One further point about African taxation. Any increase in direct taxation of the African would, I think, immediately lead to demands for increased wages. Those demands, if granted, would increase the cost of production and pretty well everything, and would have an inflationary effect which I would regard as wholly undesirable.

I do not think I need refer any further to the revenue estimates. I have dealt with the main points, and if there are any other points hon. members can ask questions in debate or can have the matter raised by the Standing Finance Committee.

Turning to expenditure, the first care which we took in preparing expenditure estimates was to guard against an increase in recurrent expenditure which might saddle the taxpayer with ultimate commitments which would be beyond his capacity to bear. The history of the Colony provides a lesson in that respect, and perhaps I might briefly refer to the history of the late 1920's and early 30's. In the late 20's there was a very considerable expansion of services with the general approval of everyone concerned. Then in the early 30's the slump came. Services had to be restricted drastically, taxation was increased quite heavily by the standards of those days after considerable controversy, people lost their employment and went on the labour market, and there was a general feeling of insecurity all round. The lessons of those years we have endeavoured to bear in mind in the preparation of this budget. It is a perfectly fair criticism to say that I am paying lip service to a principle which has not in fact been followed in this budget, as witness the large increase in recurrent expenditure. The first cause of that increase has been the increase in the cost of supplies of all kinds. I do not think we allowed sufficiently for it this year in respect of the 1943 estimates, because considerable additional sums have had to be provided by way of supplementary estimates; secondly, there is the cost to the country of the war bonus to Government employees, which this year has been included under recurrent expenditure in order that a

truer indication of the actual costs of each department may be available.

While on this subject of war bonus I should like to say this, that the war bonus scheme, which was introduced early in 1943, was introduced after very careful and prolonged consideration, and those of us who had anything to do with it felt that it was fair and reasonable. Unfortunately, war bonus is a matter in which in my experience no two people will agree, however knowledgeable they may be, and the scheme as finally approved had a number of elements of compromise in it. Nevertheless, by and large we all felt that it was fair, though no doubt there was room for improvement in small details. It was promulgated, and its reception by the Service was, to say the least, chilly. In fact, I think I might almost refer to it as icy! Both the European and Asian Associations petitioned the Secretary of State, and the Africans followed suit rather later and, as I announced in answer to a question this morning, the whole matter is to be reviewed early next year. What the results of that review will be I cannot predict, but I mention the matter now to indicate to hon. members that the figures included in the expenditure estimates on this account cannot be regarded as firm.

There has also been an expansion of existing services in certain ways which Your Excellency indicated from the chair. Education was fully dealt with, and perhaps I may say no more at the moment, but I would like to refer to the increase in the Police vote. There has, I am sorry to say, been an increase in crime in certain areas, and we reached the conclusion in consultation with the late Commissioner of Police that an all round increase in the Police Force was fully justified. There had been no substantial increase in the Police Force, as opposed to the Supplementary Police Force, since the beginning of the war. While I mention the Police vote, I feel I cannot let the occasion pass without referring to the untimely death of the late Commissioner, Mr. Kingsley Heath, when flying home to the United Kingdom on urgent private affairs. Mr. Kingsley Heath, I think everyone will agree, was a man who put his whole heart and soul into the improvement of the efficiency of the Police Force and in seeking to improve the payment and welfare of the officers

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and men under his command. By his death the Colony has suffered a serious loss, and I feel sure that the sympathy of all hon. members will be extended to Mrs. Kingsley Heath and her family in their untimely bereavement. (Hear, hear.)

Referring to the estimates, we have also made provision for necessary expenditure resulting from the war. If one takes the two heads, War Expenditure Civil and the expenditure controlled by the Agricultural Production and Settlement Board, one will find the total amount of the two is rather over half a million pounds. Nevertheless, it is expenditure which is necessary and which we can afford. We have also found it necessary to provide for a rather larger programme of public works. The fact is that the Colony is so short of necessary buildings that we must make what provision we can. We cannot wait until the end of the war. But the provision that we have made merely touches the fringe of the programme. Plans for post-war building and development generally are at present being prepared in consultation with the heads of departments and provincial commissioners and, as Your Excellency announced from the chair, the provision of the necessary finance will be considered as soon as we know what the bill is likely to be.

Hon. members have no doubt read the memorandum on the draft estimates and studied it—at least, I am going to assume that they have if they have not—and therefore I shall only touch on a very few points of detail. The first point I would refer to is the Education Department and the cost of education which I have already mentioned. Hon. members will see that there is a very large increase in the Education Department vote. Part of that increase arises, if I may make a confession, because the estimates of the department were cut down last year against the advice of the hon. Director. I was the person responsible, and events have proved me wrong, and the result is that the increase in the vote for recurrent expenditure is rather larger than would otherwise be the case. Nevertheless, the Education Department vote is getting larger and is causing the Government the most serious concern. Your Excellency has already referred from the chair to the position in regard to European education. At present we

are passing through an abnormal time largely caused by war conditions and shipping difficulties, but I do not for a moment think the hon. Director of Education believes that expenditure on European education will ever revert to anything like the pre-war level; indeed, with the development of increased closer settlement in this country, a progressive increase in expenditure on European education must be foreseen. (Hear, hear.) The position in regard to expenditure on Indian education is even more serious. As Your Excellency said, we are faced with an annual increase of about 10 per cent in the number of Indian children of school age. That must mean the provision of additional accommodation, extensions of existing accommodation, and increased expenditure on grants in aid to aided schools. As regards African education, we have accepted as a policy the advancement of the African, which must include education, I suggest in both the broad and narrow sense of the term. Increased expenditure will also be necessary here too. I mention these factors to indicate to hon. members that the taxpayers of this country will have heavy obligations to meet in future in respect of expenditure on education. The problem of African education is not one which is peculiar to Kenya alone, it is a problem which arises everywhere in Africa, and I think it is one in which we have every reason to expect financial assistance and support from the provision made under the Colonial Development and Welfare Act at home. (Hear, hear.) Nevertheless, that provision, though generous, is limited, and so far as I can see the amount on expenditure which will have to be incurred from our own resources on education is such that we will have to face high taxation.

The alternative is to curtail expenditure on services. Personally, I feel that the time has come when those parents who are able to afford it should contribute rather more than they now do towards their children's education. I realize that I am on controversial ground, and I have heard many people say that education should be free. Actually free education does not really mean free education; it means education for which somebody else pays. The whole problem of educational expenditure was to have been dealt with by a committee which Your Excellency appointed some time

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ago. That committee has not met, except for one brief meeting, when it was decided to adjourn *sine die* because of the preoccupation of the members with other more urgent matters, but I think that the growth in expenditure on education is such that this committee should be reconvened as early as possible and get down to its task. That task will be long and complicated and will require much investigation.

There is some expansion of staff under the Department of Inland Revenue, all of which has in fact been approved in principle by the Standing Finance Committee already. In point of fact there has been a large increase in the number of taxpayers, particularly in respect of personal tax. Hon. members will remember that the Department as a side-line to its normal activities carried out a registration of non-natives in Nairobi. Now, there was no suggestion that anyone who had not paid personal tax should not get a food ration but, nevertheless it is a strange coincidence that about that time a large number of people who had never paid a penny in tax in their lives came forward offering arrears of taxes. Additional staff is required for the Income Tax Department because of the greater number of assessments, the greater complexity of assessments, and the desirability of prosecuting defaulters with the full rigour of the law. Under "Medical", no special reference is required, but under Miscellaneous Services I would like to refer to one item, tourist traffic. You, sir, referred to that item from the chair yourself and I would just like to say I think there is a tendency for many of us who have lived a long time in this country to become blind to its attractions, or at least to become blasé about them. When you come to think of it, apart from the amenities we are all conscious of, Kenya has remarkable attractions, variations of scenery, climate, still in places prolific big game, and I think that any money that we expend on the development of tourist traffic after the war should be amply repaid. After all, Switzerland before the war lived on tourist traffic, so did Bermuda, so did the Isle of Man very largely, and I see no reason why we should not do something about it. I do not wish for a moment to exaggerate the amount that can be done, but nevertheless I think it is well worth

fostering. Some thought has already been given to the matter by various people, the hon. Member for Mombasa and the hon. Member for Nairobi North, for example, but I think that the time has come when the various interests concerned should be got together with a view to the production of co-ordinated plans for future development.

Turning to Public Works Extraordinary, I would like first to mention two omissions: one deliberate, one not. We have made no provision for extensions to existing African hospitals for the reason that at the time the draft Estimates were being prepared we had in mind to apply to the Colonial Development and Welfare Vote for a grant for this purpose. On further consideration I think that the omission was wrong and that we should make a start next year, irrespective of whether we apply to the Colonial Development and Welfare Vote or not, and I will suggest to the Standing Finance Committee that some provision should be made. There is a further omission, for which I am afraid I must plead guilty to inadvertence. The Standing Finance Committee recently approved a scheme for the improvement of Mathari Mental Hospital, which badly needs improvement and extension. The scheme is an £11,000 affair, of which £2,000 odd is likely to be spent this year and the work continued next year, but I am afraid that the provision was omitted inadvertently and I will ask the Committee to put the mistake right. I do not think that these omissions will lead to any increase in the gross total of Public Works Extraordinary because, with the best will in the world, the spending power of the hon. Director of Public Works—I mean his spending power in his official capacity (laughter)—is limited, and he shares my view that he will not be able to carry out a larger building programme in 1944 than is at present contemplated in the draft estimates. Under roads we have made provision for a continuation of the road-reconstruction programme and for some road development in the area bounded by Masai, the Kericho district and South Kavirondo, which has been rather unsettled lately. We have also made provision for the continuance of road development in Sotik. That area, as hon. members know, is vitally dependent on road communications, and I am glad that the hon. Director of Public Works

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is able to do something to improve matters. We have also made provision as a war measure for a modest transport subsidy to help in financing the transport of certain essential imports and exports.

Turning to the Agricultural Production and Settlement Board, we have separated expenditure on this out into a separate head, and expenditure is up by a certain amount. That is because the Board is continually expanding and taking on additional work, and we are perfectly satisfied that the increased vote is entirely warranted. The Board's expenditure is, like other expenditure, very difficult to estimate because of the number of unknown factors, and I am sure the hon. Member for Nairobi North would be the last to claim that his estimates represent either firm or final figures, but nevertheless they are the best shot we can make at the present time.

Under "War Expenditure Civil" we have provided, as Your Excellency said, a one-line vote of £50,000 for the subsidization of the cost to the consumer of essential foodstuffs. This is in accordance with the policy which has been adopted with conspicuous success in the United Kingdom. I would like to say this, that I feel that we in this Colony have had rather less need for such a subsidy than in many other places, because we are fortunate in that we have had right from the beginning of the war an efficient system of price control. The Price Controller has his critics, and very loud they are sometimes, but the fact remains that the cost of living in this country has not got out of hand. If hon. members read, as I have read, of the fantastic increase in the price level in India, in Cairo, where I am told stockings cost £6 a pair, in Palestine and in other places, I think they may in justice agree with me that here in East Africa the Colony owes a deep debt of gratitude to Mr. Grazebrook and his officers for the work that they have carried out. (Applause.) Unfortunately they cannot control the price of everything. They cannot control the prices of imports and they cannot control the prices paid to primary producers, and it is in respect of this sort of commodity that I personally feel that the vote for a subsidy in the cost of foodstuffs should be applied. I must emphasize that it is not a subsidy to the producer, because the producer has been dealt with by

guaranteed prices in other ways; it is definitely intended as a subsidy to the consumer. Token provision has been made for a subsidy to the sugar industry that will require amendment in the light of the statement I made to Council a few days ago and I need not refer to it further.

There is also a substantial increase in the Supplementary Police Force. That is chiefly on account of the Northern Frontier District, where a lot of quasi-police duty that was formerly carried out by the King's African Rifles has now to be carried out by the Police Force because the King's African Rifles are otherwise engaged. That is a definite additional contribution that the Kenya taxpayer is making to the common war effort. If hon. members will turn to the last page of the estimates they will find provision under Loan Expenditure for £50,000 in respect of expenses of closer settlement. Your Excellency has already referred to that from the chair, and I need say no more now than that the Government is fully alive to the importance of closer European settlement and this sum has been put in the estimates as an earnest of our intentions.

Some amendments to the Estimates will be necessary at the committee stage on account of various projects for which assistance has recently been promised from the Colonial Development and Welfare Vote. Your Excellency referred to them from the chair and also mentioned that three other major applications had been made, one of which was in respect of African housing. I am glad to be able to announce that a telegram has just been received conveying approval for a comprehensive scheme for African housing, particularly in urban areas. (Applause.) The carrying out of the project will be the responsibility of local authorities, and legislation giving them the necessary powers and dealing with the financial aspects of the matter will be introduced later in the present session. We recognize, and I am glad to say that His Majesty's Government in the United Kingdom recognizes, that in present circumstances African housing, if it is to be proper housing, cannot carry an economic rental. In order to meet the sub-economic element His Majesty's Government has agreed to a capital grant, not a loan, a capital grant of up to one-third the total expenditure in

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particular cases, the balance being by loan subject to the terms of interest and redemption which ordinarily apply to Government securities at home. The total amount involved in respect of Nairobi alone is large, and the Municipal Council have a programme costing over £500,000 in mind, so I think we must agree that the action of His Majesty's Government in contributing in certain cases as a free grant one-third of the cost of this housing is a most generous gesture. (Hear, hear, and applause.)

I have taken up the time of this Council long enough, but I would be grateful if hon. members will bear with me just for a minute or two more while I say a little about the future outlook as I see it. There is a tendency to think, I have noticed it among certain people, that after the war we will have a great expansion of social and other services, coupled with a material reduction in taxation. Now I would say that people who hold that view are living in a fool's paradise. At the moment our budget is just balanced and we have got certain factors to take into consideration. We have an abnormal population in this Colony at the present time. These people have plenty of money and they are spending it freely, with consequent benefit to revenue. Again, they are consuming food that would normally be exported, and possibly exported at a loss. Take dairy produce, for example, I read the speech of the Chairman of the Kenya Co-operative Creamery the other day and he referred to a pay-out of Sh. 1/50 per lb. Now, I know that costs have gone up but, quite apart from that, 10 years ago a pay-out of Sh. 1/50 a lb. to the dairy farmer would have been wealth beyond the dreams of avarice, and we have no export of butter at the moment worth the name. Again, after the war we will probably have the development of secondary industries which are wholly desirable, I think, because they add to the wealth of the country and they produce revenue in the form of direct taxation, but they also lead to a falling off in customs revenue. Taking all these factors in mind, without trying in any way to present hon. members with an equation, I do feel that the reduction when we get rid of the abnormal war expenditure will be balanced by the reduction in revenue which will result from the end of the

factors that I have mentioned, and therefore it seems to me that existing services can not be maintained post-war without very high taxation indeed. I do not pretend to be saying on behalf of the Government that all the temporary war taxation will have to remain after the war, but I do say, speaking personally, that I think hon. members will have to face curtailment of services or very high taxation. For that reason, recurrent expenditure must be carefully watched lest we overstep the mark and carry more than we can safely and soundly bear with a eye to the future, and I hope that when this budget is discussed both here and in the Standing Finance Committee that the criticisms that are going to be directed against it will be directed more towards getting things that are in put out than towards seeking additional provision.

If this resolution is approved the estimates will be carefully considered by the Standing Finance Committee. (Applause.)

MR. HARRAGIN seconded.

MR. WRIGHT: Your Excellency, I would at the outset associate myself with the hon. mover in his tribute to the late Mr. Kingsley Heath. On behalf of my colleagues and myself I would say how very greatly we feel the loss, and know that in his tragic death the Police Force has lost a very fine Commissioner and this Colony a first class officer. (Hear, hear.)

I would now congratulate the hon. Acting Financial Secretary on his introduction of this budget and the very masterly speech he has made. It is rare indeed to find a speech exceeding an hour's duration which holds attention all the time as his has done, and which, unlike most other budget speeches that we recall, is in no sense cluttered around with figures always confusing to the mind. We on this side, all of us, appreciate the skill and charming manner in which he has introduced estimates of a very smooth and easy nature. They are particularly easy to take, perhaps on account of the fact that they have no proposals for new taxation or any additions to existing taxation. But he has sprung one or two surprises in his marvellous survey going from the background of things to the future aspects. He introduced what he called a

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digression, a proposal that rather shakes some of us on a first hearing, and I think it requires a little thought. He proposed in that digression to put a sum from surplus of £350,000 to be tucked away to meet the 6 per cent 1921 loan.

MR. TROUGHTON: On a point of personal explanation, I stated that I proposed to recommend it to the Standing Finance Committee—I do not propose to put the money away.

MR. WRIGHT: Thank you. I hope the Standing Finance Committee will recall that and think well before committing itself to putting away a sum of money which, in fact, may prove to be more valuable in other ways. For instance, the hon. mover spoke about provision for silo storage, which commends itself to all producers, but there is no mention whatever about cold storage, which is greatly in demand in this Colony to-day, and while realizing the present difficulties of getting machinery and plant I would say that it would be better to devote this large sum of money in wartime for the insurance of cold storage rather than have it put aside at trifling investment rates against an expensive loan which in the aggregate only amounts to the sum of £21,000 a year interest. My claim is that the money should be spent beneficially and profitably while it can be made available. It was interesting, too, to hear that the excess profits fund will exceed this year one million pounds. It is proper that we cannot count much on it, as doubtless if bad times come again there will be claims on it. Certain points in the hon. member's speech were full of interest and accompanied with pawky humour, not the least that in which he gave an explanation of why natives should not be further taxed, and I agree that natives have already imposed a system of local rating to maintain their local native councils. That is most praiseworthy, but from that he derived the idea that settlers through their district councils should take the lesson to heart and impose a system of rating as soon as may be. That I know has the special support of the hon. Commissioner for Lands and Settlement, and is idealistic if it is practicable. But I have yet to find a practicable method by which it can be applied in farming areas, for conditions vary from district to district and even in

a district itself. I believe it is coming, and it is essential it should come, but how to reach a fair conclusion between rating ranching farms and intensely cultivated pyrethrum farms in a district I do not know.

I was glad also to hear that in the considered opinion of the hon. member taxation has reached the limit. That, at least, is encouraging. I am quite certain that hon. members on this side will support his increased vote under the Police head; some indeed of us think it probably has not gone far enough. Despite the fact that I was one of the members who served under the chairmanship of the hon. mover last year there is evidence that some of the junior officers in that great Force do still suffer some hardship. One gesture that commended itself to most of us is the action of the home Government in respect of African housing, in granting a third of the cost in certain cases; the capital sum required for that great project is long overdue. I have been dealing with the points as I took them from the speech of the hon. mover briefly before putting up certain other points of my own. In his outline of the future—the future outlook he called it—he referred specifically to the returns for dairy produce and cited Sh. 1/50 per lb. of butterfat which would have been, he said deemed to be wealth beyond the dreams of avarice of the dairy farmers in Kenya. While the price is admittedly good, it is clearly only fair in relation to the extraordinary rise in the cost of production. As President of the Stock Owners Association, I have lots of evidence and many protests that in fact that price is not sufficient. Lots of farmers are grouchers, but it is fair to state that the chief grouchers against what they deem the inadequate price of Sh. 1/50 are those who paid exceptionally high prices for their dairy stock. Last season while the price was Sh. 1/50, conditions of farming were such, dairy farming in particular, and especially owing to the drought, that they had a very bad time and a very poor revenue. That conditions may improve soon we all hope, and I hope to assure the hon. mover that not only the dairy industry but other branches of stock-owning interests feel that they have hardly had a fair deal, *vis à vis* other industries in production and so on. I have many figures to adduce

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that the wool clip price is less than pre-war while the costs are notably higher; I have lots of evidence to show that the mutton prices paid are completely uneconomic to the grower. These, I think, must be considered in the sense that prices have not been dealt with yet, and I hope that in collaboration with the hon. Director of Veterinary Services and others we shall get some equitable arrangement soon. I want, however, to dispose of the allegation that farmers, especially stock farmers, are enjoying to-day wealth beyond the dreams of avarice. It is not so, and if it were the Commissioner of Income Tax would make a very good haul out of them.

I want particularly to talk about the Public Works Department activities and road construction. A new road engineer has been appointed. I submitted a question last week, the answer to which has not yet been forthcoming. It asked if it was a fact that the specifications of the road, as seems the case to a tyro like myself, between Naivasha and Gilgil were ever changing. Having for my sins to travel over that road more than most people, I find it a bit galling to go mile after mile, some good, some bad, and to see miles of hard surfacing almost within completion but now bearing a very fine crop of Mexican marigolds! I asked what specification changes had taken place, how often, and why, and I am interested because it is reported that at the first construction of that road the assistance of a skilled Italian was invited and the specification laid before him, a skilled road engineer, that he looked at it and said, "You cannot construct a road like that, at least we won't; after all, we have our professional pride". That, I suggest, speaks for itself. Arising out of it, it might fairly be suggested that now these people are our co-belligerents, although it is an extraordinary word to use about that race, would not the time be now opportune to ask the Italian officers to come out of their co-belligerent cages, bringing their own constructional staff and finish the job, while the road engineer and his staff are put into concentration camps and kept there until the roads are passable? (Laughter.)

Another matter of which no mention has been made by the hon. mover is the Forest Department. I seem to return year after year to the charge against the Con-

servator of Forests, who contrives always to go to sleep on it and get all his skilled defences out and devastates me later with a cheap jest or two. My criticisms to-day are not ill-informed, nor are they of the nature of petulant criticism. I have been exceedingly well informed. I know one or two members of the Forest Advisory Committee who met on a recent occasion, but whose deliberations have not yet been heard in toto, but I wonder how that committee, serving under the Conservator's chairmanship, react to his broadcast some time ago in which he said that no shortage was imminent or likely of timber in Kenya and, secondly, to his proposal that at the end of this year, when he estimated £180,000 would be available for the Forest Replanting Fund, he proposed thereafter to hand the revenue from forests to the general revenue of the country, adding that he could not even see how this £180,000 could wisely be spent on future forestry. That grieved some of us. It assumes that Kenya is going to make no progress; that the native in his unprogressive way will live forever in his mud hut and will not aspire to living in decency and comfort. A vision on a modest scale might consider native housing in cheap wood which can be very cheaply grown in the country as the Conservator himself is bound to admit, so that future quantiles of soft woods from areas planted now would be hopelessly inadequate to meet such needs. As to costs, overheads are always difficult to compute in connexion with an afforestation programme, it is all relative to the scale, but in a world which is upset, when shortage of timber is grave now—and South Africa gives voice to that very strongly this year as I will presently give extracts to show—when we see all occupied Europe, Finland, and the vast timber-producing country of the U.S.S.R. itself, in the throes of a dreadful struggle, we know the supplies from those forests, badly wanted after the war, will not be available for a very long time to come, even if enough for local uses for reconstruction purposes is available. I suppose it is fair to surmise that, in the devastated areas of the wooded portions where much of the fighting has taken place, what the shell splinters and bombs have done to the trees will mean ruination to many a modern sawmill—a factor

[Mr. Wright] people overlook in speculations as to where future supplies are to come from.

I wonder if the Forest Advisory Committee would extend its scope a little and consult with the people who are really keen on a long range and short range afforestation scheme? We already have evidence that certain softwoods such as cypress and pines produce good saw-milling logs at 40 years of age, when a similar log would take at least twice that time in Europe. Apart from the overhead costs, the department adduces figures to show that the planting of such trees 9 ft. by 9 ft. works out (including nursery costs, seed, and planting) at Sh. 12 an acre. We know from literature and from experience that a similar plantation in Europe, especially in the United Kingdom, would cost £25 an acre to establish initially, but it is fair to say that at the end of 40 years on a big scale programme of an afforestation scheme in Kenya for softwoods badly required, that it would probably not exceed £21-10-0 an acre, and the value of such standing timber on that date would be £70 an acre. I have had my figures checked by a farseeing man in the Conservator's own department, and I thought my optimism would be dimmed, but it was an agreeable surprise to find that my own estimate had hopelessly understated the case. Therefore I hope, without prejudice to the great and strong position held by the Conservator personally, that facilities will be given for some of those officers who take the bold view and are just as concerned as some of us about the future requirements of timber in this country, especially for native purposes—and cheap timber I insist upon—should be consulted, and further that this Advisory Committee should wisely add to its numbers. There is obviously real need for the appointment of a forest research officer, and I was given to understand that that point had not only been represented by the Forest Advisory Committee but also had the support of the Conservator himself. I hope it may be possible soon to find such an officer. There is a further practical point of view as affecting saw-millers, and also the Conservator, and that is that the time must surely have come when timber should be sold on a royalty basis rather than the sawn output. There are precedents for and

exceptions in this matter, but it seems absurd in an understaffed department, when there is so much to be done in the way of afforestation, that a European officer should have to embark on measuring trees and then say what their conversion losses amount to, when there is a very good check up on it to-day, for all sawn output goes through the Timber Co-operative Society, where a check is ensured, thus saving an enormous waste of time and getting just as much money into the revenue as is now extracted by the department.

Forest reserves is a big subject. I had written personally a long memorandum on the subject and submitted it to one or two people who know more about the subject than I do. I have scrapped mine because it was too pessimistic in the vast prospects afforded in this Colony for quick growing of softwoods, and I want to bring it up to date. The only way this can be achieved is by the Conservator and Forest Committee consulting all the brains in his department, and he has some first-class men, and that they devise a really progressive programme, a 500,000 acre programme for 40 years I suggest, at a cost of, say £500,000—and about that I am not sure, because that is subject to checking—but treat it as an investment and not as mere expenditure. The Forest Department should no longer be considered a revenue earner for the Crown, but that it must conserve the soil and moisture of Kenya and ensure the provision of timber badly required in this Colony for many years to come. Run on a silvicultural basis, there is no reason why Kenya should not provide all the timber required locally but also export to countries which want it. And here is an extract from *Timber and Forests*, entitled "South Africa's Needs and Resources", by Professor Ernest J. Neethling, Professor of Forestry, Stellenbosch, written this year—I shall only read brief extracts: "The Forests of Central Europe have been subject to excessive exploitation for some time, and more so since the annexation or domination by Germany in some instances, or rearmament requirements in others. It is, therefore, quite conceivable that the large forests of Poland, Czechoslovakia, Yugoslavia, Rumania and the Baltic States will not even suffice to meet reconstruction demands at home. They will certainly be disregarded entirely as sur-

[Mr. Wright] plus regions for the future, and this will be so not only during the immediate post-war period but even permanently. It seems very definite that South Africa will, therefore, have to look in other directions than Europe for its post-war timber requirements." "The attempt at a prophecy of a post-war world timber situation, although it shows possibilities of our obtaining our imported timber needs—perhaps at a higher price than had to be paid before—nevertheless, makes us realize all the more forcibly the necessity for the Union to set forth with its afforestation policy with increased vigour to put it in a position to supply its own timber requirements, at least the softwoods."

I said that the forest policy of this country during the last 30 years has not been sufficiently one of foresight, and the time has come when a courageous and bold line should be taken.

Many people have asked if Government is satisfied with the labour position in Kenya. That is a constant worry to Government as to all of us, but it has been suggested to me lately that the vaccination figures should help to disclose the position in respect of labour in the settled areas and whether we are getting effective labour services from the natives or not. There are many, we know, so-called squatters who are lost sight of but who in times of vaccination scares come forward. It is probably safe also to say that the vaccination figures amount to probably not more than 75 per cent of the native population—my hon. friend the Acting Director of Medical Services may correct me—but at all events when one learns that some 20,000 people were inoculated at Thomson's Falls, another 5,000 at Rumuruti one should be able to compare those figures, allowing for women and children, of which there should be a record, to give an indication whether the natives there are pulling their weight. Another locality in which a useful check might be made is in and around Lake Naivasha, where I believe there are very many uncontrolled squatters. Apropos of this, to make a digression as the hon. mover called it, and using the same figures, it seems rather hopeless that a population of, say 25,000 in the Thomson's Falls-Rumuruti area should not be served with better hospital facilities, that only eight beds are

available. I commend that need now to the Director of Medical Services.

Generalizing, at a time when one is allowed to say almost anything, namely in the budget session, we have nothing against this budget. We believe that Government is doing its best. We feel, however, that through administrative weakness or other cause, there are still real difficulties affecting the settlers and the natives of this Colony alike. When the Administration tells the native that his posho price is limited to Sh. 4/90, a little later to Sh. 6/50, then Sh. 8/78, and now Sh. 8/40, what are the poor Africans to do, whom is he to trust? Most of them, I think, feel they are being double-crossed at every point, and when from our point of view we read a case—and I must go tenderly because it affects the Judiciary and I see the hon. and learned Attorney General getting ready, and I nearly offended once before—when I read a case which affects stockowners and African stock thieves are acquitted on appeal because the magistrate had misdirected himself—not the native, mark you, but himself, in a matter of onus of proof—what must these native gangs think but to see lightheartedly that they can be caught red-handed and because of misdirection of a magistrate of himself they are allowed free to escape? I want as delicately as I may to stress this subject, because the position of stock thieving is getting very serious indeed. My sympathies are with the police, who in the particular case I cited thought they had collected red-handed an easy court case. If misdirection of the magistrate of himself is the gravamen whereby a sentence of this kind is quashed, then I say that we have got to adapt our laws to a way understandable by the natives themselves, because they must think we are superlative fools where such conditions can prevail. Whether it can be done by tightening up the Stock and Produce Theft Ordinance or inculcating a better sense of discipline or conceivably by getting more policemen in the areas affected, I do not know, but it is grave because the country is getting very rattled about it, and the ease with which these wholesale thefts of this sort can be undertaken by gangs of natives make it a very bad situation for farmers.

One other native problem arises, which must puzzle the Administration, and they

[Mr. Wright] do not know what to do about it, if indeed they do anything. We are informed that every month Sh. 250,000 come into the Ukamba country from the splendid soldiers of the tribe whose allowances come home, but most of it finds its way into the black market in the vicinity. Is it tolerable that such conditions should be allowed for long? What will happen when these good soldiers come back? Having seen the report tabled from the Post-War Employment Committee on that aspect, I intend deliberately to cut out a lot of evidence which I have in this respect, because I hope to have the opportunity to do so later when the report comes up for debate, but I have lots of evidence to show that the *askaris* of the many tribes have from £50 to £150 in their accounts to-day. When the war is happily over and these *askaris* come back, what plan is there? Are they going to get land and where, cannot it be made an inter-territorial affair? because these *askaris* have been mixing in a way that tribally they would never have done before, as they are now recruited without racial discrimination. In my belief and that of several people who are their officers, they have established a degree of closer union with other territories than we have yet been able to achieve with our neighbours. When the Ukamba *askari* is interested in the Government system in Northern Rhodesia and tells his friend he would like to take some of his people there because it is a better show than they can get in Kenya, we have got to realize what is in the minds of those *askaris* who, having travelled the world in a manner they have never before known, are beginning to wonder whether the position here is fair to them or any good at all. With £50 or £100 in his pocket a native can do a lot. He will doubtless begin with wine, women and song, which will lead to discontent, and what then, unless they are very wisely looked after? I put the question in that simple way for others to think of, if, indeed, it is not already dealt with in this report.

Another thing that exercises the minds of some good people in this Colony is that, while our womenfolk, young and not so young, are quite properly called up for service, the women of other tribes are not. They see with some dismay the breakdown of tribal customs, the spread

of drunkenness among the youngsters, never tolerable under their tribal conditions, and increasing prostitution of their women; yet they say "Why cannot these women be trained as nurses to nurse their own kind and, conversely, why should we as Europeans have, because of the strange conditions prevailing, to import European nurses from England to nurse blacks when their own tribe could properly and more worthily and with better understanding look after them?" It is surely right that all races should have nurses for them of their own race. The case for the post-war conditions of natives has been, or would have been, the chief point of my speech to-day, but not yet having assimilated this report it is hardly fair that I should begin to announce the views shared by others, which have been perhaps covered already in these printed pages. I would therefore just once again express my appreciation of the hon. mover's statement on a budget to which we can take no very grave exception. (Applause.)

MR. PAROO: Your Excellency, in this country where a colour bar exists, a fact that cannot be ignored, the Indian community and their representatives usually get very scanty opportunity to come in social contact with the Administration, and therefore their difficulties and their questions are very much less appreciated by the Government officials. The Asian community has also not been given an opportunity to share in the responsibility of administering the country, and therefore it is not possible for them to make any suggestions or dictate any questions relating to the administration, and therefore the budget session becomes more or less an annual affair during which they have an opportunity to ventilate their grievances, although I must say that it is a sad commentary to make that the views which reflect the public opinion of the Indian community very often fall on deaf ears.

I cannot give a more glaring example than by referring to the question of the water supply difficulty of the Mariakani people. Last year I raised this question, and a whole year has elapsed, and it seems that no steps are being taken to remedy this deplorable condition. If I may, sir, I should like to recapitulate the whole matter. It is like this. Mariakani is a trading centre about 25 miles from

[Mr. Paroo] Mombasa, with a population of 200 souls consisting of Indians and Arabs. There are two ponds in the vicinity with stagnant water in them. The residents say that the water is very salty, and it has been proved during the year by the water being analysed in the Government laboratory more than twice that it contains very high salinity and yet, perforce, having no alternative, these people used to use this water for cleaning and washing purposes, but for their drinking and cooking purposes they were dependent upon the water supply from the Railway. The Railway used to supply water from the railway tanks and sell it to the people at the exorbitant price of 16 cents per tin of 4 gallons, which appears to be a very high figure in comparison with the water obtainable in other towns. The people, of course, had to yield to that high profiteering, and it seems that the Railway never gave any consideration to the peculiar circumstances of the place and considered any reduction in the price, but on the contrary, on the 17th October, instructions were given that the water supplies from the railway would cease from the 30th November. By the correspondence that I had with the Railway, I agree that it is not their job to look after the water supply question; it is up to the Government, but it seems that they have given no consideration to the humanitarian point of view. I am glad to say, however, that I have been able to persuade the Railway to continue the water supply until the end of this month, to the end of November, but I must appeal to you, sir, as the High Commissioner for Transport and also as the head of the Government, that this question of the Mariakani water supply must once and for all be permanently solved. I do not know what would be the position of the people if the water ceases to be supplied by the Railway at the end of this month. Last year when I raised this question and when I suggested an extension of the pipeline from Samburu to Mariakani I had a reply from the hon. Director of Public Works in which he said: "I cannot promise this at the moment, but at least there are two boreholes in the vicinity which, when not required by the military, can be brought into use at a price." A whole year has passed and it does not seem that the military people have relinquished the use of those bore-

holes and the position is exactly the same. I wonder how the Government would have been able to stand if a similar group of Europeans, or even prisoners of war, or even alien refugees, were concerned in such a difficulty? I would like to have an assurance from the hon. Director of Public Works that this question of the Mariakani water supply difficulty will immediately be taken in hand, and in the meantime that the water supplies which the Railway ordered to be stopped at the end of this month will not cease.

The second point is one small point which concerns the Public Works Department, and that is the question of the Likoni Ferry. It is, I understand, contemplated to construct a new Jetty at Likoni and a new road which will pass through some land owned by a European company, and it is also understood that probably high compensation will be paid for that purpose. I am not raising the question of compensation, but the point I am raising is that no consideration seems to have been given to those property owners on the old route who have owned houses, shops and businesses there for the last 40 years.

I will raise once again the question of agricultural training and agricultural settlement for Indians. There has never been a time like to-day when there has been so much demand for agricultural training and settlement among the Indians. They realize that after the war there will be very limited scope for trade, and therefore they have asked, one, that there should be agricultural training incorporated in the school curricula, two, that there should be agricultural training schools established immediately, and three, after having given adequate agricultural training a grant of suitable land should be made available for the Indian community with proper irrigation, etc. In it, I raised this question last year and I should like to read out in full the reply which the hon. Commissioner of Lands and Settlement gave. He said: "The Indian Land Settlement Board has met on a few occasions and has considered this point, but the Board felt that it would be very unwise for each of the East African territories to embark upon a scheme of Indian agricultural education on its own, and that only on an East African basis could satisfactory results be achieved. The Board was aware

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that the report of the Central Development Committee of Tanganyika, published in 1940—that is three years ago, sir, now—had recommended a scheme for Indian agricultural education beginning on a small scale but with provision for expansion. We also knew that the Tanganyika Government had not yet decided upon any policy in that regard, but we felt that when decisions were under consideration they should be on an East African basis, and we therefore made representations to the Kenya Government and requested that negotiations be commenced with a view to co-operating with the Tanganyika Government should they embark upon such a scheme. It is not expected that any final report of the Indian Land Settlement Board will be submitted at an early date.—He did not mention any date, probably after a decade—“A great deal of the land that is suitable and available for Indian settlement requires the provision of water supplies, in some instances on a vast scale. That is obviously a difficult question during the war, but investigations will proceed at an early date on the possibilities of an irrigation scheme on the Tsavo River.”

I was not satisfied with this reply given last year, nor am I satisfied with the suggestion which was made by the hon. Commissioner of Lands and Settlement in a letter to me, that there was very small inclination on the part of the Indian community to go in for agricultural settlement. I might inform him that I know better the feeling of the Indian community than the hon. gentleman. I do not understand why Government hesitate to embark upon a scheme for the Indian community when there is a demand, and when on the one side we see that Government has budgeted to spend £250,000 for white settlement in this country and we see in the estimates already a token sum of £50,000 has been provided for 1944, and also £250,000 for land acquisition, while Government has not hesitated to write off £50,000 under the Agricultural Advances Ordinance, 1930. Government provides cheap money through the Land Bank and guarantees the crop. I am not grudging that, but what I wish to suggest is that when a similar facility is asked for by the Indian community the Government try to shelve it under the pretext of war conditions. In

point of fact, nothing is insurmountable if there is a will, and I should like to see adequate provision made in the estimates for 1944 for agricultural training schools and development of land suitable for Indian settlement. It is a point we are going to press for, and I trust that when these estimates are referred to the Standing Finance Committee this point will not be ignored.

Now I will refer briefly to the Police Department. There is a country-wide complaint of great audacity on the part of the native criminals in attacks on civilian men and women and also for robberies and house-breaking. I attribute this mainly to two factors. One is an inadequate Police Force in the big towns, and secondly, to some extent, the very unexemplary punishment inflicted on the criminals which tempt them to repeat the crimes. Hand-bag snatching from Indian women and the grabbing of ornaments from Indian children nowadays has become a more or less daily affair. These natives also employ very cunning and subtle methods in their attacks and in their robberies. I may quote the example of what happened a few months back when a native posing as a mosquito inspector of the Municipality entered a house of an Indian, and with violence forced the Indian woman to surrender her ornaments. I may also add that European women nowadays are also not segregated from such attacks, because only a few days ago in Mombasa a similar incident of an attack on a European woman occurred. The Municipal Board of Mombasa also seems to have been alarmed by this state of affairs which prevails in the town. I notice that the Police vote has been increased by £45,000, but the hon. Acting Financial Secretary also mentioned in his speech that there has never been additional provision since the war for this department, and I consider that an increase of £45,000 after four years is not adequate. I also see that about 304 sergeants and constables are proposed to be increased, but it also mentions that out of these 304 persons which it is intended to increase during 1944, a large increase is being effected in Nairobi, and I fear that the town of Mombasa may not get any adequate share of the increase.

Alluding to the Education Department, I must point out the great disparity in the amount of expenditure which is esti-

[Mr. Paroo]

mated in 1944 between European and Indian education. It is proposed to increase the European educational vote from £71,000 to £110,000, an increase of about £40,000, whereas it is proposed to increase Indian expenditure from £52,000 to £61,000, an increase of £9,000, despite the very large number of children. This increase of £9,000 is really not an increase, because I understand that most of it is going to be spent in the high salaries of two European principals who have recently been engaged much against the unanimous wish of the Indian community and their representatives. I do not know how the hon. Director of Education will justify this great disparity, knowing there have been large claims from the Indian community clamouring for the education of their children. The Director knows there are several schools which await a grant-in-aid and, in respect of schools which get the grant-in-aid, the grant at the rate of £3 per annum per head is not an adequate amount to run any school efficiently. There is an instance where the department has been paying £3, a paltry sum, and the school at Malindi could not engage an efficient teacher, and on that ground, although they pleaded the difficulty of obtaining suitable teachers during the war, yet their grant was stopped, and two months ago when I visited Malindi I saw 50 children in the town not receiving any education. Similarly, in my constituency, other schools like Voi and Mwatani also await a grant-in-aid. It is satisfactory, however, to note that after all provision has been made for expenditure of £17,500 for the Indian Girls' School in Nairobi. But I would point out another question, and that is about accommodation not being available in the elementary school at Mombasa. I have read letters addressed by the Education Department to two private Indian clubs in Mombasa asking whether those two clubs would provide accommodation during 1944 for the children at the elementary school because there was no accommodation. Another point I wish to point out is that these two clubs are about a quarter of a mile distant from the existing school building, and I do not know how the Education Department propose to look after the classes in those clubs at a distance of quarter of a mile. Such a state of affairs prevails for Indian education, and yet

an increase of only £9,000 is provided for, whereas the large increase of £40,000 has been provided for European education.

As you are aware, sir, in the last 18 months or so there have been restrictions imposed on new trading licences. In this country there are no other means for the Indian community except in trade, and in the Civil Service there are discriminatory restrictions and stagnation for them, so that the opportunities for employment, the rates of remuneration, and the chances of promotion in this country are chiefly based on one's colour and not on one's ability or merit. If you are a white man all avenues are open to you, whereas if you are brown or black you have to remain a subordinate even if you are proved to be much abler. Due to war conditions, several people have lost their jobs. I know several brokering firms which have had to close their business; I know clearing agents who, due to there being very few ships calling, have had to close their businesses of clearing and forwarding agents, which is a separate trade entirely, and if these people, despite their long residence in Kenya, wish to enter into another trade their applications are rejected. But I feel more for the people previously in trade and yet are denied the right of getting a trading licence. In this connexion I would like to read the recommendations of the Federation of Indian Chambers of Commerce and Industry of Eastern Africa, a recommendation which I consider should be implemented: “This Federation urges the Government to instruct revenue officers to issue trading licences to applicants who have held a trading licence for an aggregate period of five years in the Colony without having to apply for a licence to the provincial traders licensing committees”. The Federation puts up a very reasonable stipulation that if a person has held a licence in this country for an aggregate period of five years but due to circumstances or reasons has ceased to trade in recent years, he should automatically get a trading licence without applying to the provincial licensing committees. I know instances especially at the time of evacuation and when Italy entered the war and circumstances looked very very gloomy, of people who closed their businesses and to-day, if they wish to go into trading again, they are denied that right. I trust that this recommenda-

[Mr. Paroo] tion of the Federation will receive due consideration.

There have been very serious complaints from people in India that they had not received any mails between the period of August and October this year. It was rumoured that other air mails transhipped at Cairo were given preference over mails from East Africa to India. I do not know how far this is correct, but it is mainly Indian business people and domestic letters of people in India which are affected, and if there is any substance in it I consider it wrong to have such discrimination with the consent or knowledge of the Postmaster General here. I may also make a further suggestion, of linking the airgraph service with India. Trading with India has increased largely and requires an accelerated service. There is the question of telephone difficulties in this country, too. I understand that several applications are on the waiting list, and I am told—how far correct it is I do not know—that a very free supply of telephone installations is given in the adjoining territories of Uganda and Tanganyika. I am glad to say that there is a very cordial relationship between the Customs Department and the Indian Merchants Chamber. Whenever we have any difficulties; if they are placed before the Commissioner of Customs, although not always remedied entirely, invariably we have had a very sympathetic hearing from him. In order to avoid fraudulent transactions and at the same time to facilitate clearing the goods quicker, the principle has been adopted by the Mombasa Chamber of Commerce which has suggested that specific duties should be imposed or introduced on as many items as possible. I trust this suggestion will receive very careful consideration by the Department, and at the same time it should not be forgotten that beside new specific rates during war conditions there is the present high values of goods, and taking that into consideration specific duties should be introduced as soon as possible.

I should now like to refer to a few out of the several Controls which exist in this country. I once counted over 33 Directors and/or Controllers in this country, and there is a belief, a genuine belief, that if anything is put under control it magically disappears. I should like to tender the

advice to Government to indulge less in appointing new Controllers. However, I see there has been some improvement in the Imports Control Department in its methods, but it will have to justify the expenditure of £15,000 which is estimated for it next year. I am not yet quite satisfied with the system adopted in that Department, and in that connexion I should like to read the recommendations made by the Federation of Indian Merchants Chambers, which I consider to be very sound. They say: "To grant import licences on the basis of 1937-41 importations" instead of it being 1937-38 or 1939, prewar, or the war years of 1940 and 1941, or two years after the war, so that no one should have any reason to complain—to grant import licences on the basis of 1937-1941 importations and to appoint Indian joint advisers to the present European group advisers and vice versa". There is a feeling that the Import Control Department is very much influenced and is under the control of the European group advisers and that many of them are interested parties themselves.

I shall now refer to the Price Control Department, which has received great praise from you, sir, as well as from the hon. Acting Financial Secretary this morning. When the hon. member praised that Department this morning you, sir, should have noticed the smiles on the faces on this side of Council, and I think that must have given you the public opinion about that Department. If I am asked who is the more responsible in creating the black market, I would unhesitatingly say it is the Price Control Department. I have noticed that this Department adheres to its last word of clause 8 of the Price Control Regulations, which allows the percentage of profit in the six months before 26th August, 1939, multiplied by a factor which makes the present margin of profit practically the same as before the war. I will give my reasons why the same conditions do not prevail to-day. The conditions now are entirely different, and if the Price Control Department took this into more sympathetic consideration and allowed a little more margin of profit commensurate with the circumstances prevailing to-day, such as small importations and less stocks, I consider that a great deal of the black marketing would have been arrested. But this Department is much too over-zealous in guarding the con-

[Mr. Paroo] sumer, and perhaps it might be amusing if I say that they fix very often a price like Sh. 12/49 or Sh. 15/99 instead of Sh. 12/50 and Sh. 16 lest the profit be one cent too much.

Although the matter does not come within my constituency, and I am sure the hon. Member for the Western Area will do it justice, I wish to refer to the new native markets which have been established in the South Kavirondo District of Nyanza Province, by notification in the Gazette of 2nd March this year, against the existing 20 trading centres in the district. This has caused a great stir among traders in that part of the country. Some of them have been there for the last 40 years and have developed those markets at the risk of their lives in the early days. I should like to submit that the Indian community do not begrudge the competition from the natives. If that had been the reason for creating new markets they would welcome any competition from the natives, but not in the manner in which it has been done, which means that traders who have been in that area for the last 40 years have been put to a loss. When I refer to native marketing I should like also to refer to the native policy which is being pursued in this Colony. Recently I saw a memorandum in the form of a White Paper printed by some institution, which gives various schemes for the advancement of the natives. To my mind, this memorandum is of no more value than propaganda. In fact, if any impartial person is appointed to inquire who has been responsible in spreading civilization from the primitive stage to the present stage among the natives, the indigenous population of this country, I am sure his verdict would be that the Indian traders living in the small centres, some of the officials, and quite a number of padres, have been responsible for the uplift. If this has been the work of the Indian community, any scheme for the advancement of the natives that has any sincere intention behind it will receive full support from the Indians. But I see that a dual policy has been followed in connexion with native policy in this country both by the officials and non-officials, and the non-officials are of course the European community. The officials, while on the one hand accept the principle of paramountcy of the native interests, yet

they give their blessings legally to the reservation of the best part and best pieces of the land in the country to one section of the community, and also give separate prices for native and European products. On the one hand the Europeans show great concern for the natives, but at the same time they proclaim this as a white man's country. Both are inconsistent in their policy, I consider, whereas the Indian community has accepted that they are here for the advancement of the native, to remain as his friend, to remain as his guest, until they are ready; and all their aspirations, social, intellectual, and even political, will always be supported by them. Let us agree with this and follow this principle in reality.

I should like to congratulate the Government on that principle of subsidizing the consumer. Under head 40, item 30, a small amount of £50,000 has been reserved, and I am glad it has been accepted that the cost of living, particularly of the poorer people, which includes the natives, and the poorer classes of Indians, require some aid. However, I consider that £50,000 is not sufficient but I am glad a token sum has been included.

Before I conclude I should like to repeat what I said last year about the loyalty of the Indian community, to which I have received endorsements from all my colleagues. The same assurance of loyalty still remains, but I should be failing in my duty if I did not make one point clear, and that is, that with the Allied victories the Indian community find a change of attitude among both officials and other communities. They find that the officials treat the Indians with undisguised contempt, and the other communities have initiated a racial controversy both in the Press and from the platform against the Indian community. This has caused alarm and resentment in the minds of the Indian public, and I think it is high time it is realized that there are two communities besides the indigenous population of this country which reside and have to share in its development, and they are the European and the Indian community. The existence of 70,000 Indians and perhaps the same number in the adjoining territories, if my figures are correct, cannot be ignored, and no final solution can be achieved in the development of the country until their problems are understood. I for one, and I am sure

[Mr. Paroo] thousands of Indians share my views, have great faith in the future of this country in which we have made our homes, but if any of them believe in the policy of "live" and "not let live", I think they are under a great illusion. The Indian community are here and we shall remain here, whatever may come.

His EXCELLENCY: I think it would be as well if we adjourned now, and I understand hon. members would be agreeable to sit this afternoon at half past two.

Mr. WRIGHT: Yes, sir.

Council adjourned at 12.50 p.m.

Council resumed at 2.30 p.m.

His EXCELLENCY: If it suits this Council we will sit until 4 p.m. and I will adjourn sharp at 4 p.m.

Mr. VINCENT: Your Excellency, there are just two points that I want to deal with in this debate. I am a member of the Standing Finance Committee, and I don't want to waste the time of this Council giving my views or asking obvious questions when it may be done when that committee is sitting. The first of my subjects is a road programme for this Colony, which will take just a few minutes, and the other subject is the financial relationship between the Home Government, the British taxpayer, and this Colony, with particular reference to the estimates now before us.

Last year, the hon. Director of Public Works very commendably told us in the Standing Finance Committee that he considered it was essential that we had a road engineer in this country who would be entirely responsible for the construction and upkeep of the Colony's roads. That appointment was made at £1,000 per annum, I believe, if my memory is correct, and we on this side of Council want Government to understand that we accept that only as a token appointment. In studying the position closely this year and relating the construction of roads to every other activity in the Colony, we have come to the conclusion that our ideas of a road programme may differ entirely from the Government view and, therefore, although we recognize that the real construction programme must of necessity be a post-war matter, we think

that we should take this opportunity at this session of acquainting the Government with our views and asking Government to give an expression of opinion as to whether they accept these views or not. It was thought that the best approach to this question was possibly the tabling of a motion, because it has been known that Government does sometimes evade questions, whether written or oral, in this Council, and if Government is unable to answer our questions and subscribe to our views at this session I think we shall have to waste the time of Council by tabling a motion later on on this definite subject.

In the very excellent dispatch No. 112 of the 6th August, 1943, on the subject of colonial development, commenting on the programme of road improvement, in the last two lines of paragraph 16, page 6, it is stated: "It may however"—(may, however)—"become necessary for an application for assistance from the vote to be made at a later date". Again, in your address to Council, sir, at the opening of this session you stated: "apart from the re-alignment of the Mombasa-Tanga road, no application for immediate assistance from the Colonial Development and Welfare Vote in respect of road development has been made. Provision of just over £100,000 for reconstruction of the Colony's roads was made in the 1943 Estimates and a Road Engineer has been appointed to the Public Works Department to supervise the programme. A further sum of £100,000 has been provided in the 1944 draft Estimates and the Central Roads and Traffic Board at their next meeting will consider the way in which this sum can be spent to best advantage. If it is considered that an additional amount can be spent wisely and advantageously during 1944 I have no doubt that the Standing Finance Committee will be very ready to recommend the necessary provision. The Government hopes that it will be possible in this way to finance most of our road development programme from revenue without seeking assistance from His Majesty's Government." There is no doubt more money has literally gone down the drain in this country because of our hand-to-mouth haphazard methods of making roads in the past than in any other way. (Hear, hear.) This has been caused principally through insufficient funds to provide an oppor-

[Mr. Vincent] tunity for those responsible for the construction of our roads to approach and tackle this work in the right manner, on the most scientific lines, and on the most economic basis.

The development of an economic road programme must of necessity be associated with considerable secured finance and with the most efficient type of road-making machinery. It will be necessary to lay down a definite programme, secure irrevocably the finance to see the whole programme through and not leave it to the mercy of falling revenue—and I will repeat it, not leave it to the mercy of falling revenue. To accomplish this, a road construction specialist of practical experience in the most up to date and recent methods of road construction should be engaged on a special contract by this Government, not only to advise them on the programme and to devise it, but to remain here and see the job through. That man, I submit to you, is not obtainable at £1,000, or anything like it. We are, as I said before, of course aware that this cannot be done until after the war, but it is inevitable, especially after the statement made by the hon. mover this morning, that this must be one of the heads under which we must apply for assistance from the Colonial Development and Welfare Vote, and we feel that Government should make this unmistakably clear to His Majesty's Government at the earliest possible moment. I am informed it takes two years to construct 100 miles of road under normal conditions—if we proceed at the present pace perhaps our great grandchildren may be in a position to welcome the tourist traffic referred to by the hon. mover this morning! (Hear, hear.) If we have sufficient funds at our command and the programme is extensive enough, contractors of experience, equipped as I say adequately, would be attracted, and a number of important roads could be constructed in various parts of the country at the same time, under the one overhead cost, and the wastage both on roads and in motor vehicles in terms of time would be reduced by many years. Our coming road engineers would profit by this experience and tuition, so that the one expert we have imported will do his job, and we will carry on behind him, but it must be one complete programme and Govern-

ment must divorce their minds from any of the methods which have been adopted in the past. I know it is difficult to do that, but let us face this issue now, and make application for the necessary finance, without hesitation. I hope, therefore, Government will give this assurance asked for in the reply to this debate.

The second question is a very important one, and I approach it with no diffidence whatever. I feel that it is about time that we looked facts squarely in the face. In fact, I speak in defence of Kenya and in reply to the general slander and misconceptions which surround us at the present time. During the recent valuable visit of the Secretary of State for the Colonies, according to Press reports he expressed the following views. In reply to the Mayor of Nairobi at a luncheon given by him on Tuesday, 12th October, he stated: "We at home shall in future be able to give you a greater measure of assistance than we have been able to give in the past. There is a much closer feeling between the people at home and the people in the Colonial Empire than ever before. But I must warn you, that our help, although it will be gratefully and generously given, is bound to be limited in its extent. The problems you have put tip to us are duplicated in many other parts of the Empire, parts which are not so able to help themselves. I am sure you will realize that, much as we want to help, and much as I hope we shall be able to help, the great majority of that help will still have to be borne by the people of the Colonies themselves. The very noble sentiments you have expressed cannot be brought one hundred per cent on the shoulders of the taxpayer of the United Kingdom. If they are to be translated into deeds they will call for sacrifice on the part of all of you." At a Press Conference on October 18th: "Colonel Stanley said his visit had confirmed his view that there was great scope for development and the British Government was only too anxious to help. But he emphasized that help could only be limited and a great deal had to be done by the Colonies themselves."

At the opening of the present session, you, sir, also warned us that the vote, although generous, was limited, and responsible authorities in London must naturally take into account the claims of all colonial dependencies. The hon. Acting Financial Secretary this morning with

[Mr. Vincent] his fluid persuasiveness, also referred to it in like terms and gave us a fatherly warning in this respect. It is no surprise to me that the statements made by the Secretary of State when he was here have already been misinterpreted to our detriment, and I think we should clarify the position now and bring it into the right perspective. If we impartially examine the record of the home Government's financial assistance to this Colony over the last 30 years, we shall find that it is neither impressive nor glorious; in fact, in terms of financial assistance, it amounts almost to Colonial financial starvation, culminating at the outbreak of war in this Colony being left in a practically helpless condition with a well equipped, overwhelming army of the Axis on our borders. In 1929 the colonial financial conscience seems to have awakened in the shape of the Colonial Development Act; then it gradually slumbered, and reawakened in 1940 in the shape of the present Colonial Development and Welfare Act which, I tell you now, will assuredly prove inadequate. (Hear, hear.) The question is, what has Kenya had? The impression seems to exist that we in Kenya have been living on the British taxpayers for years, which I most emphatically deny in the face of any statement to that effect. Now, do not assume that I do not pity the British taxpayers. I most certainly do, but not because of anything Kenya has had or done. I do pity them because their money has been used largely by successive British Governments to help mostly everyone in the world except their own people, including their own flesh and blood in their own colonies. I pity the British taxpayers as much as I pity Kenya, but for a different reason: I pity Kenya because she has been and is such a pitiful pawn in Imperial politics for the last 30 years or more and as helpless in this respect as the British taxpayer is in the hands of their own British politicians at home. As I see it, in one sense the colonies must be regarded as assets of the British taxpayers and should be developed as such. Looking on the other side of the picture, very few people realize the enormous amount of money which flows from this Colony to England every year in normal times: thousands of pounds are spent by officials on leave, very few people realize in fact that every

Government order is diverted through that incubus the Crown Agents for the Colonies—that white ant of legitimate commerce—and that in many other ways money from this country flows back to Great Britain, and I think the balance is on our side! In fairness, however, I must refer to one great benefit which we are privileged to have which has been bestowed upon us by the home Government and left with us: we have the great privilege of paying all the civil and colonial servants in this country; on the other hand, we have no say in their selection or in their control, which surely is Gilbertian. (Hear, hear.) An Imperial officer, a great critic of our "grab and greed" attitude, was amazed to hear from me that British taxpayers did not pay the officials of this country but that we did, the community of this country.

We have been warned not to expect too much, but it is a source of great satisfaction to know that in Colonel Stanley's opinion there is a much closer feeling between the people at home and in the colonial Empire to-day than ever before and that we can now expect much greater assistance. But the shadow over that opinion is, I submit, that it took the war to bring it about!

I laid great stress in this Council last year that in considering the applications from the British colonies under the Colonial Development and Welfare Act, those administering the Act should remember that had the British Government carried out its obligations to the colonies in the past the colonies would not be in the backward condition they are to-day. The apparent immensity of the claims now pouring in are the direct result merely of their own neglect and nothing else, including their own neglect of their own investments. Therefore, while they may derive comfort from feeling exceedingly generous at the present time, in fact they are only attempting to redeem the past, and redeeming it far too late. We have heard this morning from the hon. Acting Financial Secretary that practically every social service in this country is years behind. I interpret it to mean that, because he referred to large programmes which will have to be financed, and it is also perfectly clear that we have not even enough schools for our own children to-day, and never had, and I was amused and amazed to

[Mr. Vincent] bear that he had found the committee on the cost of education would have to sit because we had got to find so much money to house and look after education. I make this point, that the assistance which we are now promised and are alleged to be getting from the Colonial Office is late, because I submit to you in all seriousness that had we received proper assistance from the coffers of the owners of this investment with our roads in the last 15 years our road programme might have approached the standard of road excellence in Ethiopia to-day, and if the British Government requires a lesson in sane, practical colonial development I invite them to visit Ethiopia for that purpose, although the hon. mover will remind us that that development was probably done with British loans.

Col. Stanley said "The problems you put to us are duplicated in many parts of the Empire, parts which are not able to help themselves". To me that is very significant, and I would therefore invite your attention to my old friend page 7 of the draft estimates, "Financial Statement." This page conveys the impression to those who do not understand it, and there are many, that in 1944 we may sanguinarily believe there will be £2,207,963 in our general revenue balance. The very natural question arises, if we are in this wonderful position why apply for any money out of the Colonial Development and Welfare Vote? Last year, if you refer to the report of the Standing Finance Committee on the draft estimates for 1943, and Hansard, you will find that Government admitted that of their alleged revenue balance at that time approximately half a million did not even belong to them, in the form of contributions to the widows and orphans pensions fund. The qualification in the report of the Standing Finance Committee was: "Surplus Revenue Balance, 115." The Committee considered that a note should be inserted against item (10) in the Financial Statement on page 5 of the Estimates to make it clear that the following major contingent liabilities had not been taken into account in arriving at the General Revenue Balance there shown:—(a) Widows and Orphans Pensions, see para. 67; (b) The Balance over the sum of £40,000 provided under Head 4A, Item 11, of the contingent liability in respect of the guaranteed re-

turn per acre for crops grown under the Increased Production of Crops Ordinance, 1942. Mr. Vincent asked that his view should be recorded that the following item should be added after (b) above: (c) The cost of passages for leave purposes which normally would have been paid for those eligible during the past three years."

I am not unmindful of the fact that the hon. mover has very justly pointed out that we have considerable contingent liabilities. I do not think he stated them all, and I am anxious to state them all, and I am anxious to qualify this figure of ours by stating them all and not leaving such a figure, unless it is accurate, to mislead any innocent person either here or at home. To continue this point. On 6th October, 1931, the Fitzgerald Committee on page 3 of their report set out in Table A "The estimated cost to the Colony of European pensionable officers at various salary points". At that time "Hidden emoluments" (a term I dislike—it means "Emoluments other than those specifically expressed in cash in the estimates") consisted of house allowance, proportion of passage for officer and wife, medical and dental attention, pension and other charges amounted to 66 per cent of a salary of £300 per annum scaling down to 43 per cent on a salary of £1,500 per annum; the Pim report showed that these had receded to a figure of 61 per cent and 41 per cent respectively, and I know that they may be lower to-day, because of various adjustments made in house allowances, pension constants, and other factors. The fact remains, however, that some of these headings are not included in the figure before us, particularly our liability for pensions. They are earned during the year, they are a definite cost of operation, the officials have earned them, and we are committed to them. I know that actuarial difficulties may arise as to the expression of the actual figure dependent on the limit of the length of life of the beneficiary, etc., but nevertheless the liability is a very considerable one, under present circumstances especially, and I submit that that liability should be expressed. If it cannot be expressed in figures, let us honestly express it in words, although I do not impugn any dishonest intention on the part of the hon. mover. I have often heard it alleged and heard it said that people are becom-

[Mr. Vincent]

ing alarmed at the increasing burden of the pension list, and I am not surprised. These figures are illuminating. In 1914, these are pensions and commuted pensions, the figure was £4,316, in 1924, £61,807, in 1934, £168,000, in 1944 £255,000. Had this been taken into account from the commencement and funded at the time these liabilities were incurred, we should not be called on to pay this money to-day, but should be called on only to make provision for those pensions which are earned during this year of operation. I expect that this will lead to a nice financial argument between myself and the hon. mover, but people do not understand, and when you know all official salaries increase each year you cannot argue that the pension position has yet become static. Pensions are very necessary and are not begrudged, they are a legitimate part of a contract of an official, and in my opinion they are a right part, but in any statement issued to the public we must be careful that the position is not exaggerated either for better or for worse, and that is the whole point of my argument.

Finally, Col. Stanley, whose visit to this Colony was undoubtedly one of the best things that has happened for a long time, did exhibit a keen appreciation of the position when he stated "the great majority of that help will still have to be borne by the people of the colonies themselves", thereby acknowledging that he at least was aware that it had been so in the past. In his closing words he frankly admitted "The very noble sentiments you have expressed cannot be brought 100 per cent on to the shoulders of the taxpayer of the United Kingdom—if they are to be translated into deeds, they will call for sacrifice on the part of all of you." With this I am certain that the whole country will most sincerely agree, but this time (and this is where I come to the point in the speech of the hon. mover of this morning) let the position be reversed. I am tired of this country having vague promises on the part of one Government which are immediately switched over when another Government succeeds in England, and I say to you that every community, every part of this Colony, is willing to bear its burden provided we have no vague promises. Let the British cabinet through its colonial secretariat say what they are

prepared to do, and let us do our part in proportion, but let them come out with a fair and square offer. I say this, sir, because I have known money which was intended for one colony to be diverted to another when the Government at home has changed, and I do just hate to think that money which was intended for this country was diverted to, say, Tanganyika, to assist poor German settlers to return there, whose return will not be interpreted as a matter of mercy on our part but weakness, if not defeat, by the native population. Lord Woolton has recently been appointed Minister of Reconstruction for the United Kingdom. I suppose it will be stupid to think of a Minister of Reconstruction for the Colonies when little reconstruction has even been undertaken, but I do submit to Col. Stanley that it should be suggested to the British Cabinet, of which he is a member, that when framing the illusive new colonial policy he should frame it in conference with all political parties in the United Kingdom on lines permanent in character, wholly in the interests of the colonial Empire, and not subject to alteration by each succeeding Government on lines which they think will catch the most votes at the next general election. We cannot and will not remain the shuttlecock of British political caprice!

You, sir, very ably described this Colony in your address as an adolescent Colony, but whatever its shortcomings I am certain that with your long experience of it and your intimate knowledge of it you will agree with me that, although adolescent, it has been for many years and is to-day doing a man-size job. (Hear, hear.) I know of no country which responds more rapidly to fair and reasonable treatment, but it would be a mistake on anybody's part to misinterpret its deep sense of loyalty as being supine docility. Just over a year ago in this Council I quoted reputable English journals calling for a statement on colonial policy. The Atlantic Charter had been published, but as I say we are the odd man out, the colonies were entirely ignored. The only statement which has been made in the meantime was that made by Mr. Winston Churchill at the Guildhall recently, to the effect that it had been suggested he should liquidate the British Empire, but he did not think it was part of his job as First Minister

[Mr. Vincent]

of the Crown to do so. During this year nothing has happened on policy except drift. I am referring to policy adopted by the British Cabinet through their colonial secretariat, I am not referring to our Secretariat here—and I would like to pay tribute to the very excellent work which was done by its officials, especially the Chief Secretary, in the submission of the schemes under the Colonial Development Act. I asked a simple question in the Standing Finance Committee during July regarding finance for the purchase of land for settlement, but so far apparently the British Government have been unable to make up their minds on such a simple point. This country cannot be expected to stagger along any longer without a policy while bearing the whole burden but without control over its own affairs. We must know where we stand, and having an agreed policy I am certain we will undertake our share in the basic development of this British asset in the interests of Kenya, His Majesty's Government, and the poor British taxpayers.

MRS. WATKINS: Your Excellency, in speaking to the budget I should like to take the different points I want to take to-day in the order of a blue book of the budget and deal first, rather appropriately perhaps, with agriculture. I would like first to express appreciation of the way the Coffee Board has been working, the results it has achieved for use. We very rarely hear grumbles about them now, and considering it is one of the Controls I think that says a great deal. I regard it as a wartime measure, at any rate the present form of control, and it is working smoothly and we appreciate it. The next brief, reference I should like to make is appreciation of what Your Excellency mentioned in your speech the other day, when you told us the steps that had been taken by the civil and military authorities against the locusts, against this dire threat which would have involved every farmer, whether of wheat or grain or anything else, and we are very grateful. The next point I want to raise is another appreciation for the very excellent scheme of Italian prisoners of war. These men are mostly skilled labourers; they have been released to us at feasible production rates and many of our farms are now in a better state of permanent production than

they have ever been before, with the buildings they have put up, the irrigation they have put through, and their knowledge and care of machinery, but I should like to support our Chairman's words to-day when he spoke of a further scheme that might be made available for the use of Italian prisoners of war. There are very many buildings in this country which will have to be put up soon, and not only buildings but such things as dams and so forth which will have to be put through immediately post-war, if not now, and I submit that if that scheme could be extended, and if the master craftsmen among the Italian prisoners could be allowed to select their own gangs and contract for the labour of certain works—only the labour, not the materials—we might get a great many of these buildings and other public work done.

If I am asked what buildings I refer to, I should like to mention the Kiambu Hospital ward. And there is another point. Squatters are now being eliminated partially from the Kiambu area, perhaps that elimination will have to continue, and when that squatter labour has to be replaced by other labour under slightly better conditions farmers will badly need new housing. If there is anything that the Italian is skilled at it is constructing really good housing out of very local materials. I shall be told there are no materials; my reply is that the country is full of them, and it will require very little beyond Italian labour to convert that raw material into the housing that is necessary. The schemes do not go far enough at present. If Italians were allowed to select their own gangs, when you wanted housing to be put up you would not be given a barber, a baker, and a wireless operator, as one of my friends was when she wanted to put up her pig styes; you would be given a gang of men who knew the job and could do it properly. I do think the scheme might be extended now that they are co-belligerents, and they would be very useful.

I looked down the agricultural list of posts this year, and I am horrified to see that even yet we have not recognized the necessity for food-and-fodder inspectors. What is happening now is this. The Control decides what ingredients in what proportion shall go into which bags for each district, and the unfortunate native

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and the still more unfortunate cattle have to accept at face value whatever is in that bag. Time and again the whole of the maize has been left out, to go, I presume, to the black market, and I fail to see why when *mitama* is being sold at Sh. 17 a bag of 100 lb., the farmer should pay Sh. 17 for 200 lb. of *mitama* and 100 lb. of good red earth with which it has been mixed. We know these things are going on; we know it is only to be expected because there are no inspectors and it is difficult to get any expert analysis of these bags—it takes three, four or five weeks, by which time the source of the foodstuff is not provable in a court of law. I think it is absolutely essential that we should have two inspectors at the very least moving round the country and apt to drop on any miller or mixer at any time. Before leaving the agricultural side, I would like just very briefly to refer to the Hot Springs Conference with its idea of planned agriculture. I am quite sure we should try and follow that lead here in the future, but I do hope I shall live to see linked up with it a nutrition policy for the whole of Kenya and probably the whole of East Africa. I think Maize Control, soup kitchens, or even stew will fade into ignominy besides a national nutritional policy. We shall have to think out what are the needs of every race and plan how to get them. I believe that it ought to be coupled with the Hot Springs idea of planned agriculture, and it will be much appreciated if the hon. Director of Agriculture and the Director of Medical Services could give us some idea during the next year of what would be involved in a nutritional policy for Kenya and the principles that would have to be laid down. I am sure the Colony would welcome it.

Education: I am glad to see that at last we are approaching the wider issues in our problems out here. As our medical and municipal responsibilities grow in this land of ignorance and superstition, we do look to the Education Department to help us considerably with those difficulties, and therefore I would put in a word for a system of planned bursaries. I think, when we know we need such things as welfare workers, dispensers and what not, that, through the Director of Education, we should get in touch with the senior classes in our own schools, and

bursaries to enable our own lads and our own girls to fill those posts should be given in time, a couple of years ahead of whatever the development might be, because then we should not only render a service to the country but we should be providing our own youth with the jobs they will badly need at the end of this war. Speaking, if I may, for one moment in the name of the women of Kenya, I should like to give a great welcome to that new post in the Education Department, the Supervisor of Women's Education. It was badly needed and the choice is excellent.

We heard a pleasant rumour that a women's college was going to arise near Nairobi. I searched the budget and I could not find any reference to it at all. I hear it is now going to come out of the Colonial Development and Welfare Vote, but I would far sooner see us pay for our own girls' education locally, if not personally and individually. But in any case we welcome that college. I hear it is mainly for Froebel teacher training. I would ask at once that domestic science teacher training be added; it is if anything more necessary. I should also like an assurance from the hon. Director of Education to this Council that such training as may be available in Nairobi will be allowed to be taken by girls who will be resident in that college, because at the present moment mothers of my own generation are really frightened of sending their young girls down to Nairobi for training, Nairobi not being a very suitable place to put an adolescent girl when she is away from her home. Girls enjoy living in such an institution and should do so, and we very much hope that the college will open its doors to other training. For the college I would like to suggest that spinning and weaving workshops should be added, attached to or connected with the college, as a very good handiwork for girls taking other training, and also so as not to lose that very valuable industry that we have already started in this country. It seems to be a most suitable annexation for the college.

There is one further suggestion I should like to make on behalf of the children of Kenya, and that is that Swahili should be made compulsory in the schools. Swahili is largely a matter like a contagious disease which you

[Mrs. Watkins]
and I have lived most of my life in an area where good Swahili has been contagious and I have picked up a certain amount of it, but it is not enough, and most of the kitchen Swahili with which we carry on our misunderstandings with the native is absolutely appalling. I do suggest that if we cannot find room for it on the school curriculum Swahili should be counted as a modern language and should be taken in examinations as a modern language. I believe that would be possible; I believe it would be a new possibility in this country.

Labour: I have been asked to say quite a lot about labour. I have been asked to say that it does less work, that it is more difficult to come by and that there is less check kept upon it than ever before in this country, and I know these things to be true. I have no panacea for promising peace and harmony, but there are pointers which if followed will enormously ameliorate the situation of the farmer, and the first of these deals with employers. I think that certainly all new farmers, and probably all old-established farmers, should be licensed for the amount of labour they are allowed to use. This is because in every district you will find one or two men holding on to their peak labour requirements all through the year, mostly in the form of squatters. These are then employed in sweeping roads or tidying up flower gardens, and this causes discontent through the district, because they are not doing an 8-hour day's work, or anything approaching it, and other labourers wish to approach the same slackness. Also when you are dealing with new farmers you do not want the whole of their capital and energies directed to one-line crops like pyrethrum and coffee. You are going to make the situation much worse in that way. I do not suggest that the licence would guarantee us that labour; it would merely prevent us wasting labour and encouraging slackers. The licence itself should be a peppercorn affair and should be obtainable in the same way as we licence our coffee farms or any other of our products. That seems to me quite a sensible thing.

The statistics are interesting. There are 1,895 farmers approximately in this country, each using 50 boys, plus 20

squatters on the average, but the number of male adult natives, fit men, used in domestic service are one-fifth, or very nearly, of all the labour employed in agriculture. That would indicate to me, a farmer, that it is not only the farmers that should be licensed but also our luxuriously staffed houses. We hear of bachelors employing six or five houseboys. If they could be licensed, and if also our offices could be licensed, I think we should find a tremendous saving in labour would be effected. It would also mean that competition between householders would not be quite so severe. I have one other suggestion to offer and that is that employers who, like myself, regrettably, are sometimes late in their returns should be much more heavily fined, because it prevents other people tracing their deserters—say four or five times as heavily, £2 or £3 instead of Sh. 5 or Sh. 10. Then if you trebled or quadrupled or multiplied by five the sentences on the deserters when they were caught I think it would be fairly just. You would stop desertion and would jolt us into sending in our returns punctually. Another point is that I think we must press for complete registration of all natives. I am told it is against the *amour propre* of certain tribes. I can only suggest a dual policy in this: register all the white people too. It would not much matter if you registered a few thousand extra whites and all the natives were registered as well. It seems to me a perfectly simple way out. At the present moment none of the coast tribes and various others are registered. My Jaluo, when they feel they do not want to remain with me any more, don a cap and *kanzu* and go down for a few years to the coast and become a Swahili. It is not good enough—it is just like a watering-can with a large hole in it.

I am going for one brief second to talk on the larger issue, the longer vision. I have spoken before of apprenticeship, and I think we must have apprenticeship for the natives when they first come out to work. At the present moment the native is in the unfortunate position that he does not know what is expected of him; he does not know how to work; nor does he know what he can expect. Sometimes he finds appalling conditions and sometimes he finds good ones, and I believe if Government selected certain farms and certain works—I was almost

[Mrs. Watkins] going to say anybody except the Public Works Department road gangs, because they are not very well supervised at present—if we could get apprenticeship for these natives under Government regulation, with medical services, food, housing, everything a native wants, and teach him to work eight hours a day and to stick on the job for 18 months of his young life, you would have done away with a great deal of running round the country to see if conditions anywhere else are better. It would have the inverted result that the other farmers who were not licensed for these apprentices would bring their conditions up to the other conditions so as to be able to take the boys on later on. It would have a very healthy effect. At the present moment we have conscription, and that would help us to have the apprenticeship system right now during this year or the next coming year and gradually try out apprenticeship without the conscription a little later on. I believe now is the time to tackle it, and it is only fair on the native that he should learn the meaning of consecutive work.

Another plea I want to put to this Council is that we no longer try and appease Mr. Creech Jones. I do not believe in appeasement, it has never worked well and never will; and we all speak in this Council with an eye on Mr. Creech Jones and what he is going to say in the House of Commons. Let us show that we are capable of running our own affairs in this Colony, and as long as we keep within the laws of Britain I do not see that anybody can have a grouse. I have not noticed any statement by Mr. Creech Jones on the recent affair in England when the land girls, mostly of gentle birth, were conscripted to land work for 10 hours a day; all "whole" Sundays taken away from them and told they can only have one week's leave a year, and we never had a squeal from Mr. Creech Jones. But when Mr. Kikuyu is allowed to work six months a year on a farm it is disgraceful, iniquitous slavery. I believe we can perfectly well keep within the laws of Britain and, if we do commit an injustice, at least we Britishers share that injustice with the Kikuyu or Kavirondo, as the case may be.

To the hon. Chief Native Commissioner, who is shortly leaving his official

work, I would like to say one word of appreciation for all he has done and the patience he has shown to one particular farmer, if not to them all, and I would like to suggest to him a parting present to the natives he has served so well. I would like to suggest he should give a draft regulation to every Local Native Council forbidding the use of the head-band for women carrying head loads. I suppose I am one of the few people in this Council who has seen the result on the women's bodies, and I believe it would be perfectly easy to abolish this heavy load carrying if regulations were put through the Local Native Councils that this was forbidden. I am going to be met with the protest "what is the poor Kikuyu going to do without his cheap transport?" I believe my grandfather had some reply to that when he was confronted with the question of children working in the mines. My reply would be what his was: "Then let the mines go to hell". I believe he was right. I believe if the hon. Chief Native Commissioner asked that the Kikuyu Local Native Councils should put that through he would have done a great deal and a grand thing for the native women of this country.

Medical Department: I should just like to say that the native dispensary in Nairobi is quite a different thing this year; it has been grand! (Laughter.) I may say I am sorry that the former Director of Medical Services is not here to hear me say it! There has been a British medical officer of health there nearly all the year and nothing has been too much trouble for him, and we have got a dentist for all the Kiambu boys. They no longer come out nursing a lacerated jaw for days; they now step out jauntily and say "Huyu najua kazi sana". There is a sad rumour that the medical officer of health is going to be given another job which will take him away. We earnestly hope that is not so.

Your Excellency, the dispensary being a success does not say that Mathari is. I have got a few words to say about Mathari; I should like to try and keep them very brief. The buildings are outdated; there is no hot water for the patients who sometimes need three and four baths a day; the sitting-rooms for men and women patients are furnished on the lines of a third-class railway station at a very remote place in

[Mrs. Watkins] England; there is no wireless, believe it or not; the white women's yard—I cannot call it a garden—backs on the native women's yard, where the noise is terrific; there is no white supervision at night time at all; there is no occupational therapy; there is no workshop; there is no recreation of any sort unless the attendants themselves put their hands in their pockets, take out the money and pay for it; they have been paying for tennis balls, tennis nets and such things. If a child should be committed for such a crime as has happened before killing of his sister with a *panga*, there is no accommodation except in this yard. The staff quarters have no hot water laid on; and they suffer both from uncomfortable quarters, long hours and convenience nil. I do not blame the Medical Department entirely for that, I think the blame comes nearer home, it comes to the public, to us, and the visitors. I take no particular pride in starting a visit at quarter past two in the afternoon and finishing at 4 o'clock when I am supposed to have contacted something like 300 to 400 patients; it cannot be done. The attendants are not encouraged, and the doctor is definitely discouraged. I am glad to see that Your Excellency came; you saw, and you are about to conquer, for we shall get something I never dared to ask for—new buildings and a general realignment of what we want. We want money, and we are asking for only £2,000; that amount is neither here nor there. We shall need much more. I would particularly recommend this to the consideration of the Standing Finance Committee, for I would remind all hon. members here present that none enter there willingly. None of us know how long God's loan of a sane mind in a sound body may be vouchsafed to any one of us, and with that thought in mind I am sure I can leave the matter of Mathari to the consideration of this Council.

I would, however, draw the hon. Attorney General's attention to one point, and that is we badly need a new lunacy law. The date of the last law under which we are at present labouring, I have not verified this, has been given to me as 1858, and the hon. Attorney General's great grandfather was probably working on it, or some similar scheme, but it is a long time ago now. I would like to see if he can get that altered. One

of the anomalies that come up under this is that you cannot detain anybody in Mathari without confirming him insane. That is all very well, but when it comes to babies born there you cannot even detain them long enough to be nursed by their mothers. As we all know, a woman often suffers some shock before childbirth, and it is for her own safety and the safety of her child that she should be detained in Mathari, and I can imagine nothing more apt to send her entirely out of her mind than to have her baby snatched from her because the child cannot be certified as insane, and so she is not allowed to nurse it. I would draw the hon. Attorney General's attention to another slight amendment, and that is in the law of adoption, that is wanted. Lately we wanted to get a child adopted out of Mathari, and we found we could not because the native family who wanted to adopt it had to pay the full British stamp duties for adoption at the same rate, Sh. 60 or 70; and I submit to the hon. Attorney General that a small amendment in the law of adoption allowing natives to pay only one-tenth, or whatever it is, of the stamp duties might mean quite a lot of children born in unfortunate circumstances would get good homes. The natives are just as frightened of adopting a child without the formalities in case it is taken away as soon as it gets to a reasonable age, as white families are.

There is another thing I am going to ask for, and that is I am going to ask this Council for free maternity. It has been pointed out that these things are never free, they are merely spread among the rest of the community. That is just what I want to do; I want to spread them over the bachelors! I want free maternity in this country and would ask the hospital committee to consider it. I have a firm belief that Your Excellency's successors will be faced with a most calamitous shortage, a shortage of British workers in the future, and that it is going to be acute. I have also heard it said by a slipshod naval brother of mine that if you want the birth rate to rise you need only give a good marriage allowance to the whole of the British Navy! I think that is a very excellent plan for England, being a maritime nation. Here I think that if we merely lift the expense of maternity off the families now struggling to bear it, we should find a very con-

[Mrs. Watkins] siderable rise in our coming generation, and we shall need them extremely badly. I have definite evidence from the younger generation that the present price of the maternity fees, hospital and doctors are a definite deterrent. These come to about £40, which is the average wage-earner's whole monthly pay, and therefore the second, third and fourth babies are very rarely born when the parents are struggling along in that state.

Posts: I should like to make one short reference to the Post Office profits. The other day, when I had to send a cable up to the Middle East, I found none of the advantages offered to the whole of the Empire for family telegrams to go through giving serious family news applied in any way to any of our troops in the Middle East. I suggest, especially for other ranks, that the Post Office should subsidize these telegrams so that families can wire up under the same system as they can in the rest of the British Empire. There seems to be no reason, except that Egypt is a foreign country, why, because a son happens to be serving in the Middle East, you should have to spend Sh. 25 on a cablegram which would cost Sh. 5 if he were in India. I believe a subsidy to our troops for that purpose would be a good thing.

Police: We know a committee sat and discussed the Police question within the Local Civil Service possibilities. The whole of my constituency feel very strongly indeed that it has not necessarily anything to do with the Local Civil Service conditions. The Police conditions should be quite separate. The Police have grave responsibilities to bear and very onerous; they take risks by day and night, and are more open to corruption than any other part of our service, and we want to keep our Police free from that great temptation. You must at least enable them to keep out of debt, and at present you are not. Senior inspectors and junior married inspectors are being treated abominably in this country, and we in Kiambu are completely ashamed about the way they are being treated and want to see them properly paid, and we do not want to see them pay rent and then housed in a police station when the whole of it is infested with bugs. These are conditions we do not think our public servants should live under, and we think it is a deplorable state of affairs.

I am very nearly finished, Your Excellency. (Members: Hear, hear!)

Secretariat: There is one small point I should like to bring up. I was once rude enough to refer to the hon. Chief Native Commissioner as a hermit crab in an ill-fitting shell. I do suggest to Your Excellency that now that another hermit crab is about to back in we might perhaps alter the shape of the shell. I see no reason why we should not have a Chief Secretary for Native Affairs. Why call him a Chief Native Commissioner when he has no native commissioners under him, when he is entirely advisory? Surely we might alter the shell for him a little bit? I should like to express my extreme distress that you did not find from among the ranks of our own senior officers here our new Chief Native Commissioner. We feel, that however good the new man may be, we could have found an equally good one here.

There are two points which come under no headings. One is the bastardy laws because they do not exist. (Laughter.) In England the Poor Law and the Bastardy Act provide for affiliation proceedings. I need not go into the full details here, but I do suggest we ought to have a Bastardy Act. I have been going into the matter, and one solicitor told me it might be a statute of general application which could be applied here, but two solicitors have also told me it is not a statute of general application. As a layman I should have thought it was of very general application; but there you are. This was brought up a little time ago and the then Attorney General drafted the bill, and then one man got frightened. (Laughter.) One man got frightened because he was afraid it might mean "black" blackmail, and he said it was a very dangerous thing to bring into this country, and the other gentlemen agreed. Now I have brought it up before this Council to-day because I am perfectly certain no one here is so cowardly as to say that, because one man might be unsuitably sued at an awkward moment, therefore all the illegitimate children born out here now have to be brought up by the mothers entirely without any kind of support from their fathers. It is such a gross injustice that I am quite certain this Council does not realize it. It would be too cowardly to say "We do not want to take the risk so the women can take it". Here on one

[Mrs. Watkins] We have another point, and that is for point I am admittedly speaking without full information to be given in good time. Now, again in the evidence in front of the book, but I believe that the conditions under which "black" blackmail becomes feasible are getting less year by year. I do suggest that now that the Services *en masse* are here, and one man already has provided the country with three fatherless children, it is time bastardy laws were introduced. I brought it up in this Council because I want the support of public opinion behind it to bring it through, even if we do have a squeal from one or two frightened men.

There is only one more point. There are certain matters for which we feel Government cannot evade responsibility, and one of these matters of course was the recent maize shortage. We feel in that case that this was enormously accentuated by the advice of the Production Board not being taken, that was a very serious matter. We think all advice when tendered by them should be taken. It was serious enough to affect the Empire's shipping. Locally, it affected the native women and children most severely, and I would like to refer to the debate in this Council six months ago when I said I had had orders to return the native women and children for whom I was responsible to the reserves, and I said I hesitated to do so because I was not certain of what conditions they were going to meet. I had an immediate Government reply that they resented the imputation that these women and children would be returned to starvation conditions. Government meant that perfectly honestly, but I was interested in the Food Commission's evidence given on oath that the Medical Officer, Kisumu, put the deaths in that particular reserve at 200 from starvation, and the Administration admitted 20. I do submit that in these crises the employers of labour should not be encouraged to part with all their dependants. It is a wrong principle. However troublesome our natives may be, however many tricks they may play, there is still a very strong instinct for us employers to hold together and look after them in these times of crisis, and I do not think they should be sent back to those conditions. It makes them think that the white people do not want to see them when there is a shortage. That is how it is being read by our boys anyway.

We have another point, and that is for full information to be given in good time. Now, again in the evidence in front of the Food Commission, one of the witnesses—a Government witness, I believe—was asked: "Would not the situation have been easier if the public had been told earlier?" and the answer was: "That may be so, but it is not Government policy". Well, Your Excellency, I think the policy of suppressing the truth, of withholding information is perhaps paltry, and here we would ask you, in view of the loyal support all taxation has received and the loyal way we have worked, to consider that we have not the privilege, but the right, to full information. I think our Prime Minister got us right when he took over in the greatest crisis ever. What did he promise us: blood, tears, toil and sweat, and we are behind him. And what did his predecessor promise us: peace in our time, when he knew, or should have known, what was being prepared in Germany. That has been a lesson in not withholding information and that has been a lesson in facing our facts, and I would hope that we could trust in future that we shall get the information and be trusted to use it properly and not panic.

Before I entirely leave the food situation I should like to refer for one second to the invested problem of strong drink. The problem gets ever greater with the shortage of food. I mentioned this before; it needs mentioning again. Like erosion of the land, it is the erosion of the native. Crime increases enormously when they have got a lot of drink. None of the boys in any of the houses near Muthaiga Forest can stop thieving because of the drink, and Muthaiga Forest reminds me of the petrol advertisement: "That was Muthaiga Forest, that was". What is it now? It is not a forest any longer. It is a collection of brothels and breweries surrounded by a few bushes. They tell me no woman of less than my stature or less than my years can walk there safely. Those breweries are surrounded by caches of stolen property, stolen petrol and stolen car springs all over the forest. That is the crime that is coming from drink, and I have got no recommendation to make about it except that you consider it very seriously indeed. It is just as bad as erosion for the soil and some check must be found for it, because the feeling

[Mrs. Watkins]

at the moment is that when white employers have to take action into their own hands it is always the first sign of a breakdown in that particular part of the Government.

That is all I have to say.

MR. NICOL: Your Excellency, first of all I should like to congratulate the hon. mover for the very clear introductory remarks which he made this morning. In looking at the estimates I am sorry that the practice adopted last year of carrying forward unspent votes had not been continued. The precedent was established, and it does have the advantage of virtually increasing our surplus, and when the budget goes to the Standing Finance Committee I am going to urge the retention of that practice we commenced last year. In his remarks my hon. friend took to himself a full measure of blame for the estimates of 1943 appearing to be so much out in that we have, or rather anticipate, finishing this year with a considerably greater surplus than we had put before hon. members this time last year. Well, I am a member of the Standing Finance Committee, and I signed that report last year, and I also am perfectly prepared to accept my full share of any blame, if there is any, but I do not think that, taking into consideration the general situation as it was at that time, the conservatism of our estimating was faulty. I personally still consider that we should examine this budget also with considerable conservatism, and this policy I am sure is the correct one in estimating. I was very glad to hear the hon. members' remarks regarding the incidence of taxation, and the statement that our income tax is the highest in Africa—

MR. TROUGHTON: On a point of explanation, I said in respect of personal liability—I did not suggest that the company tax is the highest.

MR. NICOL: I accept that I was really considering it from a personal point of view. From the personal point of view our income tax is the highest in Africa. Also, I was very glad of his statement in regard to the high rate of indirect taxation. I sincerely trust that these remarks will receive the widest publicity, the very widest publicity, because it should be found a lot of uninformed criticism which is about at the present moment.

Estimating in wartime is difficult in the extreme, and I do not intend to go into figures at this stage—I shall have that opportunity in Standing Finance Committee. With regard to my hon. friend's remarks about the future outlook, I could not agree more with him. His note of warning that taxation will not—repeat not—come down with a bump after the war is timely. Existing surpluses, of course, cannot be maintained without taxation or increased revenue, and we should do what we can to develop projects that will achieve that aim. I shall touch briefly on that later.

If hon. members will turn to page 2 of the memorandum and to the last paragraph but one on that page, I think there is one very dangerous statement made there, and that is that the increases in customs are largely due to the improvement in the shipping situation. I cannot agree that the shipping situation has improved. Admittedly we have been most fortunate in that cargoes destined for Kenya have in the main successfully arrived here, but I think it would be very unwise to assume that shipping will be made available to us in the future as was possible in the past, for as the war develops not only in Europe but also in the Far East, more and more shipping will be required for taking supplies and reinforcements to our troops, and those most important supplies to the liberated countries. Admittedly there is a considerable increase in shipbuilding, but I contend that with certain figures which were published the other day every available piece of shipping space will be most jealously guarded before it is released for any particular area or for this area. I have a note that it is estimated that in the first six months of the liberation of Western Europe shipping there will be required to import no less than 46 million tons of goods, of which over seven millions will be foodstuffs alone, and that is going to require a very vast amount of shipping. I therefore contend that it would be more prudent to considerably reduce your idea in regard to what you will get from customs. If my pessimism is proved to be unjustified, and I sincerely trust it will be, you will of course receive your full revenue as a windfall, and it will be most welcome, but to go all out on the assumption that the existing position will be maintained is in my opinion unsound.

[Mr. Nicol]

One other matter in regard to the revenue side, and that is on the question of income tax and allowances. Under the Income Tax Rules £100 is allowed as a deduction for life insurance and provident fund. There is a strong argument, I contend, in favour of the old figure of £200 being reinstated, and my argument for that is this. A pension of £400 is recognized as the minimum for a man who has served a commercial company in East Africa retiring at the age of 55 after 30 years' service. I think that this figure of £400 per annum can easily be justified, particularly if you take a look at the scale of Government pensions. At the annuity rate of 7 per cent the capital value of a pension of £400 is £5,700 at the age of 55. To accumulate this capital sum over a period of 30 years you require an annual payment of £127 per annum at 2½ per cent compound interest, or £117 per annum at 3 per cent compound interest. It is unlikely that the average employee at the age of 25 will be enjoying a salary that would permit him to contribute an amount of that magnitude from the outset. Take as an example a provident fund where the contributions are 10 per cent by the employee and 10 per cent by the employer. The commencing contribution by an employee at the age of 25, and presuming that he was drawing £400 per annum, would be £80, that is £40 from him and £40 from his employer, but do not forget that on the £40 his employer contributes he will have to bear income tax. To attain the capital sum that I have mentioned, £5,700, the contribution will increase from £80 a year to £170 or £180 in the later years of his life. Supposing, and it is quite justifiable, that the employee in question will get married between the age of 30 or 35—

HIS EXCELLENCY: Order, order! It is now 4 o'clock, and Council will adjourn until to-morrow.

The debate was adjourned.

ADJOURNMENT

Council adjourned until 10 a.m. on Wednesday, 17th November, 1943.

Wednesday, 17th November, 1943

Council assembled in the Memorial Hall, Nairobi, at 10 a.m. on Wednesday, 17th November, 1943. His Excellency the Governor (Sir Henry Moore, G.C.M.G.) presiding.

His Excellency opened the Council with prayer.

ADMINISTRATION OF OATH

The Oath of Allegiance was administered to Major A. G. Keyser, Acting Member for Trans Nzola.

MINUTES

The minutes of the meeting of 16th November, were confirmed.

ORAL ANSWERS TO QUESTIONS

No. 58—CONTRACT LABOUR DESERTIONS
MR. COOKE:

Is the Government aware that contract labourers working on estates contiguous with the border often desert to Tanganyika Territory taking with them tools belonging to the estate?

And are they aware that these Kenya natives are frequently signed on by private employers in Tanganyika and by the military authorities there?

If so, will they take up the matter strongly with the Tanganyika Government in order to put a stop to this undesirable and criminal practice?

MR. HOSKING: (a) The Government is aware that allegations of such a nature have been made.

(b) The Government has received reports that natives of Kenya have been engaged by employers in Tanganyika before the completion of contracts which they have entered into with employers in this Colony.

(c) The matter has already been taken up with the Government of Tanganyika Territory, which has promised to take all possible steps to stop this practice.

No. 69—ARAB AND AFRICAN TERMS OF SERVICE

MR. BEECHER:

1. (a) Is Government aware of the continued dissatisfaction with the provisions of the report of the Committee on Arab and African Terms of Service, particularly at the disproportionate gap between the lower scales and the so-called "Makerere" scales? (b) If Government has taken no steps to alleviate this disproportion (as, for

[Mr. Beecher] example, by the adoption of the recommendation of the Advisory Council on African Education in respect of the salaries of primary teachers, can it be stated what action is proposed and when it is likely to come into operation?

2. (a) Will Government please state when it is proposed to commence the provident fund to which paragraph 11 of the report refers, the "early inauguration" of which the committee recommended in April, 1941? (b) When the provident fund is inaugurated, in view of the long delay involved and the consequent deprivation of certain benefits both of capital and interest, will Government please consider the payment in arrear of 10 per cent of each employee's salary from the date on which he first drew a salary in accordance with the provisions of the report and the date of inauguration of the provident fund, payments thereafter being on the contributory basis recommended by the report?

MR. TROUGHTON: 1. (a) Government is aware that some dissatisfaction persists amongst the African staff with regard to the action taken on the recommendations of the report of the Committee on Arab and African Terms of Service, but the hesitation on the part of many officers to join the Service is believed to be due to the delay in enacting the Provident Fund legislation rather than to any disproportionate gap between any of the salary scales.

(b) The Government has not taken, nor does it propose to take, any action to vary the salaries now introduced until the new terms of service have been given an extended trial.

2. (a) A draft Provident Fund Bill has been sent to the Secretary of State for the Colonies, whose views are now awaited; a telegraphic reply has been asked for. It will be introduced into the Legislative Council as early as possible after the receipt of the Secretary of State's reply.

(b) As at present advised, no, sir, but I would invite the hon. member's attention to the fact that an African who is eligible to transfer to the African Civil Service and thus become a contributor to the Provident Fund can elect to do so with effect from the 1st of January, 1943,

in which case the Government would pay back contributions to the Fund with effect from that date.

No. 71—NATIVE LAW AND CUSTOM

MR. BEECHER:

Will Government please state: (a) What steps are being taken within each administrative district to ensure that Africans in positions of responsibility (particularly tribunal elders and clerks) receive a reliable education in native customary law and of the requirements of the Native Authority Ordinance, the Native Tribunal Ordinance, and such other local or general legislation as they may be required to administer, as well as instruction in procedure, seeing that the prerequisites to admission to a comparable position under old tribal conditions which ensured a knowledge of this kind for the most part no longer obtain? (b) What account is being taken of the very considerable modifications which native customary law had undergone and is undergoing as a result of culture contact, and of the fact that there is a considerable and increasing number of Africans to whom native customary law as formerly understood now no longer applies? (c) In particular, what steps are contemplated to provide by an African Succession Ordinance or otherwise means whereby Africans who so desire may dispose of their property by will?

MR. HOSKING: (a) and (b) As the hon. member is aware, an officer of the Legal Department was appointed during the year to carry out an investigation into the workings and procedure of native tribunals and to make recommendations to the Government regarding the duties and functions to be attached to the post of Judicial Adviser, and a Senior District Commissioner has also been appointed to investigate and report upon the customs relating to Kikuyu Land Tenure with particular reference to any changes in original customs which may have taken place in recent years. The investigations of these two officers will cover the matters referred to in parts (a) and (b) of this question.

(c) The Government will consider the advisability of enacting an African Succession Ordinance in the light of the reports of these two officers.

No. 78—GROUNDNUT AND SIMSIM OILS

MR. KASIM:

1. Would Government please state if it is a fact that groundnut and simsim oils are controlled commodities, sales of which are permitted against coupons or points only?

2. Is it a fact that when such oils are slightly purified and sold as salad or standard oils, no points or coupons are asked for?

3. Would Government please state how many tons of simsim and groundnut oils have been supplied to the purifiers during 1942 and up to the end of September, 1943?

4. In view of there being adequate supplies of vegetable oils, would Government consider decontrolling them?

5. If the reply to the foregoing is in the negative, would Government please consider controlling the purified simsim and groundnut oils also?

MR. RENNIE: 1. Groundnut and simsim oils are controlled commodities and sales to non-natives are only permitted against coupons issued under the "Points" rationing system. Allocations under permits are also made by the Commodity Distribution Authorities to manufacturers, hotels, eating-houses, confectioners, dhows, to certain employers for their African labour and to selected shops for African consumption.

2. No points or coupons are required for "Salad" or "Standard" oils. These are imported from Tanganyika and Uganda and are highly, not slightly, purified. The price is approximately twice that of the unpurified article.

3. The quantity of oil supplied to purifiers in Kenya from the 20th of March, 1943, when the Control came into operation, until the end of October was 105 tons for the production of "Oliva".

4. The Government does not intend to remove the control of vegetable oils as this would destroy the basis of the "points" rationing system in regard to fats.

5. When it is considered that the quantities coming on to the market are likely to interfere with the rationing scheme the matter will receive consideration.

MR. SHAMSUD-DEEN: Arising out of that answer, is Government aware that the quality of the vegetable oils manufactured in the Colony deteriorates to an

extent that they become unfit for human consumption?

MR. RENNIE: I am afraid that I am not in a position to answer that at present.

No. 83—TRADERS' LICENCES

MR. VINCENT:

Will Government state the number of traders' licences issued since the 1st January, 1943, under the following heads:—

- (a) Europeans,
- (b) Indians,
- (c) Natives,

giving the class of licence if possible.

MR. TROUGHTON: The following are the numbers of traders' licences issued to Europeans and Indians since the 1st January, 1943, in the classes (i) stocks over £300, (ii) stocks under £300, but over £100, and (iii) stocks under £100:—
(a) Europeans: 276, 71, 162, total 509.
(b) Indians: 1,255, 1,768, 3,343, total 6,366.

As regards (c) natives, no record is immediately available and reference to all districts would be required in order to furnish the desired information.

No. 96—AFRICANS AND SAVINGS BANKS

MR. BEECHER:

(a) Will Government please state the conditions on which literate Africans and those on which illiterate Africans can withdraw money from the Post Office Savings Bank in Uganda and Tanganyika respectively.

(b) If these conditions are different from those which apply in Kenya will Government, having in mind the fact that the Post Office is an inter-territorial service, and the fact that Kenya conditions have aroused considerable resentment among literate Africans in particular, even to the extent of ceasing to use the Post Office Savings Bank, consider the application of a uniform method of withdrawal along the lines now operated in the adjacent territories?

MR. TROUGHTON: (a) I understand that in Uganda and Tanganyika both literate and illiterate Africans can withdraw sums not in excess of Sh. 50 on demand; provided that they are known to the paying officer, or can establish their identity to his satisfaction by the production of reputable witnesses.

[Mr. Beecher]

(b) Until recently the same procedure was in force in Kenya, but it has now been modified to require the imposition of a thumb print on the withdrawal form in the case of both literate and illiterate depositors. The reason for this modification was that it was represented to the Government that identification by the production of reputable witnesses constituted a hardship to depositors and rendered the Savings Bank unpopular. The question of reverting to the original procedure is being considered.

DRAFT ESTIMATES, 1944

The debate was resumed.

Mr. NICOL: Your Excellency, for the benefit of those hon. members who, perhaps at the time that the clock arrested us yesterday, had succumbed to the soporific effects of a good lunch, I would say that I was talking about the income tax allowances. I mentioned that a capital sum of £5,700 at age 55 was required to provide an annuity of £400 a year. The contribution to that rose from £80 a year to £170 or £180 in later life. Again, if the employee marries between the age of 30 or 35, it is not unreasonable to suppose that he will also wish to take out a life insurance policy at, say, £2,000, which will cost him at the lowest possible rates and without participation in profits, £32 a year. At the age of 35 you can assume that his contribution to provident fund alone would be £120, and with this other £32 I mentioned, a total of £152, which in later years could very well reach more than £200 per annum. I therefore contend that it is quite a justifiable request that the old allowance of £200 be reinstated in regard to income tax as apposed to the £100 which exists to-day.

On the 20th November last year the question of a pension for an ex-chief was debated in Council, and the hon. Member for Nairobi North moved an amendment, which was seconded by my hon. friend the noble lord the hon. Member for Rift Valley, to the effect that the whole question of chiefs' pensions should be re-examined. The hon. Chief Secretary gave an undertaking that that would happen, and I was wondering whether we could be informed as to what the position now is with regard to chiefs' pensions and whether Government have come to any decision?

In regard to education, I should like to ask the hon. Director as to what steps he is taking for the intensification of education among African women and girls and, again, I should like to submit that it is high time that the English language was taught generally throughout all African schools, because by bringing the English language to the African you open up a wide range of culture that is otherwise forbidden them. I must say I do deplore the habit which seems to persist of always making the African speak in his own language. I personally go the other way and try to encourage him to speak English. What we really require is an intensified drive against illiteracy. However, I must say I was glad to hear from my hon. friend the mover that the Education vote is causing alarm. I think it has caused a considerable amount of alarm to us for some time on this side of Council. However, we realise that education is absolutely essential.

Paragraph 55 of the Memorandum deals with reimbursements to Kenya from the Governments of Tanganyika, Uganda and Zanzibar for services rendered by the Kenya staff of the Inland Revenue Department to those territories. Surely it would be very much simpler if we had union of the East African territories, and then we should not have to have a lot of cross book entries to settle small matters such as that. Turning to paragraph 62, Resident Magistrates is the item with which it deals. At the last budget debate I suggested, that in order to relieve the Resident Magistrate in Mombasa of a considerable amount of detailed work and time in trying petty cases, perhaps the justice of the peace system might be introduced down there and further, that the practice which I believe is in existence in Ceylon—Colombo—where the Port Captain or the Port Manager has third-class magisterial powers for trying petty cases in the port area, might also be applied to Mombasa. I would like to know whether this suggestion has been given any more consideration and what, if any, are the reasons why it should not be given a trial. There is another point I was asked to raise from Mombasa, and my informant tells me that in the European Hospital in Nairobi earphones for wireless receiver sets are supplied to patients. I have been asked to request

[Mr. Nicol]

that a similar facility might be extended to Mombasa. I am told that the request is really made on account of the very large number of merchant seamen who happen to be in the hospital there, and the request is made mainly on their behalf.

I was very glad indeed, Your Excellency, that you took an opportunity of publicly recognizing in your address that tourist traffic is of real value to this territory, and that was further enunciated by the hon. mover in his speech. Properly handled in the post-war years, I am quite convinced that tourism could be one of the best, if not our best, imports, and it is very necessary that sound planning for tourist traffic should take place now and that amenities should be worked out and schemes prepared. I sincerely trust that this £1,000 which has been set aside will be used to enforce the Ancient Monuments Ordinance. I am thinking of various archaeological sites which are of inestimable value to this territory. The hon. Financial Secretary said in his speech that Switzerland and Bermuda lived in the main on their tourist traffic. He is perfectly correct, and in peacetime Italy and Belgium, taking two Continental countries, exist to a very very large extent on their tourist traffic. Canada also I believe benefits greatly from such traffic. I would like to ask in regard to the implementation of the Ancient Monuments Ordinance that we should go in for a Director of Research, a Director of Archaeological Research or some such post. I believe the Sudan have a similar counterpart, and I think it is high time we had one here.

Now I come to the Police. I was most distressed to learn of the death of our Commissioner of Police under tragic circumstances. I should like to pay my tribute to him here. I feel that we have lost a very valuable member of the community and a very able and conscientious Commissioner of Police. In regard to the Police Force generally, we are all very well aware of the lamentable shortness of staff of that Force. Before dealing, however, with the question of the rise in the incidence of crime I should like to tackle what perhaps is a minor aspect of police work and for which they would appear quite definitely not to have sufficient staff, and that is in regard to traffic offences and control. I think you

will agree that some of the drivers of motor vehicles to-day, both in urban and rural areas, are not fitted to really be in charge of motor vehicles, be they cars or lorries. I am not referring particularly to military vehicles, though some of their drivers are bad enough, but a lot of civilian owned vehicles which are on the road to-day travel at speeds which are frightening in the extreme, and in the main they are driven by Africans, but other races also contravene these speed limits. The trouble is that generally these dangerous drivers are going so fast that, if you happen to be driving your own car, you are so busy trying to get out of their way that you have not got the time to get the number of the offending vehicle. In view of the fact that the motor vehicles to-day are getting very old, that tyres also are old and very difficult to come by, and that spare parts are very difficult to come by also, and also the fact that the vehicles themselves are difficult to come by, I do feel that the time has come when the introduction of compulsory third party insurance should be given serious consideration. At the present moment quite a number of the owners of vehicles which are on the road to-day have no capital at all, and if they crash into you and they are not insured against third party risks you go to the courts possibly and run them, but they have no money to pay and you are in consequence penalized by not only the loss of your car but possibly a limb as well, and you get no compensation at all out of the offending party. In the past it was argued that such insurance would bear harshly on the upcountry settlers, but to-day I think that has rather changed in that they are fortunately in better circumstances, and it would not apply in my opinion to vehicles used entirely on farms, but before a vehicle could receive a licence the owner would have to produce to the licensing officer an insurance policy showing that he was insured against third party risk. I do hope that some steps will be taken to introduce this legislation. It is in existence in England and has been for some considerable time.

Now I want to come down to the question of the orgy of crime which is being indulged in, particularly in Mombasa, and I believe that theft is not unknown even in Nairobi. I have a very great admiration indeed for the Police

[Mr. Nicol] and the police officers, and I am perfectly satisfied that they are undoubtedly overworked and I do not wish my remarks to be taken as a stigma on them. The general matter of crime in Mombasa has been receiving the attention of the Municipal Board of that town and I have been asked to take it up here on their behalf, and so, sir, with your permission, I propose to read a letter I have received from the Town Clerk together with a minute of the Finance and General Purposes Committee which was recorded on the 26th October, 1943: "Crime at Mombasa.—In compliance with the requirements of Minute No. 303 of the Finance and General Purposes Committee recorded on the 26th October, 1943, and adopted by my Board at its meeting held on the 2nd November, 1943, I attach hereto a copy of the Minute in full. I shall be obliged if you will take the matter up at the next session of Legislative Council in Nairobi. Your support in this connexion will be greatly appreciated by my Board." I wrote to them and asked whether they took this matter of the question of crime generally or in a particular degree, and in reply to that the Town Clerk writes as follows: "The general ineptness of the police action in suppressing crime was discussed in the general rather than in the particular and this is reflected in Minute 'so' and 'so'. This is the minute: "303. Crime at Mombasa. (Ref. Minute No. 297). The following letter, No. A.20/110/43 dated the 12th October, 1943, from the Acting Superintendent of Police, Mombasa, had been set out in the agenda and was considered: 'I have to refer to your letter No. 1/14 of the 7th October, 1943, on the subject of crime at Mombasa and to inform you that representations have already been made to increase the establishment of African police at Mombasa so as to enable more preventive measures to be taken. The Commissioner of Police has agreed to augment the numerical strength of police and additional men will be posted here in the near future.' 2. In regard to an increase of inspectors, I have recently been provided with one, additional to my authorized establishment, but owing to the difficulty at the present time of obtaining European personnel for the Force there is little prospect of any further increase. 3. I understand that equipment referred

to in the resolution of the Board comprises apparatus for finger print comparison and photography to assist in the detection of crime. At present all work of this nature is carried out at the Criminal Investigation Department, Nairobi, from which expert assistance can be obtained when necessary."

Continuing the minute: "Subsequent to this letter a letter No. L.G. 361/82 dated the 22nd October, 1943, had been received from the Commissioner of Local Government in reply to the resolution contained in Minute No. 297, in which he states that he has consulted the Commissioner of Police, who has nothing to add to the above quoted letter from the Superintendent of Police, with which he agrees. The Commissioner for Local Government further states that the Board's request appears to have been met as far as it is possible at present. The matter was discussed at length. (i) The Committee was unanimously of the opinion that it would appear from the correspondence that the gravity of the situation was not fully appreciated. (ii) The proposals suggested could not be effective unless backed up by a marked increase in the Inspectorate staff, as European supervision was essential in order to ensure preventive measures being taken and in putting down the very serious state of crime prevailing in Mombasa. (iii) The present practice of sending fingerprints for comparison and photography to Nairobi lost both in time and value, and (iv) It was agreed that the support of members for Mombasa and for the Coast should be enlisted in this connexion. Resolved to recommend the Board that a further letter be addressed to the Commissioner for Local Government expressing its gravest concern about the present situation, and asking that the matter be taken up again with the Commissioner of Police strongly urging at all costs: (a) that the full equipment necessary for the taking of finger-prints to assist in the detection of crime be made available in Mombasa; (b) that in addition to the increase in African personnel sufficient European personnel for effective supervision also be made available, and (c) that more intensive measures be adopted by the Police in order to reduce crime in Mombasa." And that resolution was adopted by the Municipal Board of Mombasa at its meeting held on the 2nd November, 1943.

[Mr. Nicol] You will see in to-day's paper that there has been quite a considerable amount of burglary and theft over the week-end, and my hon. friend the Provincial Commissioner for the Coast was one of the victims.

But, quite apart from the question of petty thefts, there is a much more serious wave of crime around Mombasa, and that is the molestation of persons in the town. Several Europeans, and I will give examples of them, have been attacked, and on making inquiries I find that the same state of affairs has existed in the Bazaar, where I am informed that for some time now Indian ladies have not dared to go out at night without an escort because they fear attack and molestation by Africans who are bent on crime. Recently, a member of the Women's Royal Naval Service was assaulted in Cliffe Avenue. Admittedly her assailant was a youth about 15 years of age, and he was about the only one caught, and was summarily dealt with by the magistrate in being ordered 12 strokes—I think it was unfortunate that it was only with a light cane. Then there was a member of the Women's Transport Service who was actually knocked down by an African and, as far as I know, she is still in hospital suffering from facial injuries. A chief petty officer steward on his way home was assaulted and beaten up, and another petty officer just before I left Mombasa was also beaten up and was in hospital suffering from a punctured eardrum. The assailants have, unfortunately, not been caught. Again, a friend of mine, a surgeon lieutenant-commander, was stopped one night by an African on his way back to camp and asked for a light for a cigarette. That African was a bit unlucky, because my friend, who is a pretty tough fellow, and who has played rugby for Scotland, is quick witted, and he just hit hard and was not in consequence beaten up. I do submit that this wave of assault which is going through Mombasa has got to be stopped, and the infliction of corporal punishment with a light cane is no earthly use at all. In England, I believe the judges are not averse to handing out pretty severe punishment with the cat-o-nine-tails on people who indulge in beating up their fellow citizens, and in view of the urgent necessity of inflicting a real deterrent sentence on people

who think they can make easy money by embarking on a life of crime such as is abroad at the present moment I do urge that the cat-o-nine-tails be introduced into this country forthwith.

Turning to paragraph 105 of the Memorandum, on the 17th November last year, exactly one year ago to-day, the hon. Member for Nairobi South asked if Government would arrange a conference between the Official Receivers of the three East African territories in order to settle necessary drastic amendments to the Bankruptcy Ordinance. The hon. Chief Secretary replied that Government had under consideration certain proposals made by the Official Receiver and if it was found necessary to call a conference such a conference would be called. May I ask, sir, as to what has transpired in the intervening period, and if we can hope for an amending ordinance in the near future? The announcement of the hon. mover that His Majesty's Government is going to give us a third of the cost towards African housing will be welcomed by everybody. It is a generous gesture and one for which we should be duly thankful. But, in regard to paragraph 119, I should like to know how much was spent of the funds voted in 1942 on the housing for the accommodation of Government African employees in Mombasa, and also in 1943; I see a further £10,000 is being voted this year. Turning to paragraph 137, can we be informed as to how much money has been spent to date on the Taveta irrigation scheme and to what stage of development has this project reached, and if any planting has as yet commenced? The irrigation scheme, I think, should prove a valuable asset in the post-war years in that it should be a useful area for an African settlement, particularly as that settlement is very close indeed to work which can be given to the Africans who have settled there. Paragraph 149 deals with the return of enemy aliens from internment in South Africa: can we be informed as to how many enemy aliens and what their nationalities are that have been so returned and whether they are still locked up or free to move about without let or hindrance?

I would now turn to the question of Controls generally. There is a very grave danger in the delegation of powers under the Defence Regulations that we are

[Mr. Nicol] verging on a state of Fascism by stealth. I suggest that the time has come when a select committee of Council should be appointed to review all orders and regulations issued under the Defence Act and to see which regulations, if any, should or should not be repealed. There is considerable concern being expressed in England over the powers which have been given to Ministers, which powers are such that an individual is not even allowed to query them in either Parliament or through the courts. I do not think, perhaps, that we have become so involved as they have in England, but I think that for a masterpiece of involved obscurity a recent regulation dealing with the question of offensive trades promulgated at home is hard to beat. As an illustration I will read it out because it is a prize one and it might perhaps put our learned friends on their mettle. This is paragraph 2 of the regulation: "In sub-paragraph (b) of paragraph (1) of this Regulation, the expression 'limited period' means, in relation to a consent given under the said section one hundred and seven, any period specified in the consent under the powers conferred by sub-section (3) of that section, and includes any extension thereof granted under that sub-section; and, where any such period or extension has been expressed as terminating on a particular date, that date shall for the purposes of the provisions of this Regulation be disregarded, and those provisions shall apply with respect thereto as if the period or, as the case may be, the period as so extended, had been a period of the same duration, but not expressed to terminate on a particular date." (Laughter.) I think that is rather rich myself. The real danger of these delegated powers is that the ordinary peace-loving man and law-abiding citizen at times unwittingly contravenes these regulations and he is dealt with very summarily through the court. A man may, therefore, through the operation of this recondite type of legislation, become a criminal when in his original disposition he is no more criminally inclined than either you, sir, and shall we say the Bishop of Mombasa, and I contend that in the interests of the preservation of some semblance of democracy we should have an opportunity of examining the regulations that have been imposed on us.

Now I will turn for a moment to the Information Office, and I would like to ask if Your Excellency has seen the communiqué which was issued by that department a short time ago and which was published in the edition of *East Africa and Rhodesia* of 26th August? Well, quite rightly in my opinion, the editor of that journal has devoted a whole leader to the condemnation of this pathetic literary effusion. It is a pathetic effort, affording in my view the worst possible form of publicity for this territory and conveying to the people at home, who are entirely ignorant of this part of the world a picture of a self-satisfied and snobbish community. If you have not read the communiqué I would commend it to you, and would also commend to you the whole of the editorial of *East Africa and Rhodesia* of the 26th August—(Members: Read it!) I did intend to quote from the leader, and that embodies really most of the disgraceful part of the communiqué. It starts off under the heading of "An egregious effusion" and says: "But there is worse to come, for this jejune memorandum then says in its most creditable passage: 'At first these inquiries were mostly from lower ranks in the Services whose lack of capital would be an obstacle to starting in at once as owner-farmers'. Is the theme of the 'constant and unstained publicity'—when it is at long last begun—to be that Kenya does not want 'lower ranks'? The copy-writer should have no difficulty in making it quite plain to his betters, to sergeant pilots for instance, that they should apply elsewhere—to, say, Southern Rhodesia, which, having trained thousands of them, not to mention both higher and lower ranks, has declared her intention of welcoming as permanent settlers all men of ability who will work with their head and their hands, irrespective of the amount of capital they may chance to possess. That Colony withholds insulting reference to rank—as, to do them justice, do the vast majority of Kenya's European community, official and non-official. Yet a Government department now issues for general publication this travesty of the Colony's outlook. We have previously pointed out that Kenya's current brochure on settlement bears no sort of comparison with the Southern Rhodesian plan for post-war settlement, and that it throws all the

[Mr. Nicol] emphasis on capital, whereas Southern Rhodesia is wise enough to give character its rightful pre-eminence. This egregious effusion from the Kenya Information Office goes one better: it appears to assume that senior officers are men of wealth and 'lower ranks' necessarily men without capital. Have the members of its staff never met senior officers who are heavily in debt, or heard of rich men and the sons of rich men serving on the lower deck and as non-commissioned officers or privates in the Army and the Royal Air Force? It would seem that these practitioners of unstained publicity are themselves stained with the worst kind of class-consciousness. It reveals itself in the very next sentence to that above quoted, which reads: 'Later in the year inquiries began to come in from senior officers and well-established farmers at home'. So all is not lost after all. We need but add three words to the title selected for this official statement, and so make it 'Putting Kenya on the Map for Senior Officers.'"

Well, sir, it seems pretty pathetic, and if that is the sort of publicity for increased settlement in this country that the Information Office can turn out the sooner it is closed down the better. (Hear, hear.)

Now I am afraid that I must once again bring up the vexed question of Price Control. The hon. mover paid a tribute to the Price Controller, and I am the first to agree that he has done probably a very good job of work. Anyway, he has worked very hard, and I am not attacking the individual—I am returning to the attack on the system here. I have always contended, and shall continue to contend, that the distribution of goods by way of control or rationing must also control the price. That was the decision at the time Mr. Lockhart was Chairman of the Supply Board. The alteration came after he went away. In the budget debate of last year I said: "But in practice Price Control has failed as far as this country is concerned and, as I see it, for three reasons: The first reason is that here we try the unique experiment of keeping Price Control in a separate watertight compartment. In England, Price Control is linked with supply, and I think it will be agreed that it is obvious that unless there is some link as between supply and Price Control and distribution

it is impossible for effective control measures to be brought in." I was therefore somewhat amazed or surprised to read in the *East African Standard* reporting Your Excellency's address to the Association of Chambers of Commerce that Your Excellency was stated to have said this: "It has been suggested to me from time to time that Price Control in all other parts of the world is directed through a Board or Committee. I wish to say that the evidence I have on this subject does not bear this out. I think, therefore, that I should also take this opportunity of stating that in my view the Price Controller should remain independent to seek the advice of those most competent to give it and to receive instructions from the Government through the appropriate channels. I have no doubts on this score."

I must say that that is very nearly a challenge, and I must return to the charge for, as I see it, Your Excellency has been let down in the advice tendered to you. I have here a copy of the magazine *Digest* of November, 1942; it is a publication which emanates from Toronto in Canada, and I think that after I have read—(I am sorry I have to do so much quoting, but it cannot be helped, to bring up these points)—two extracts from it you will agree that the information you got was wrong. The article is entitled "The danger of price control without rationing": "In modern war, rationing and price control go together like ham and eggs, whisky and soda, Damon and Pythias. They are the inseparables of the home front, the coefficients of economic order. Tried in conjunction, they have turned the trick. Tried in disjunction, they have turned trickster. Their relationship is mutually complementary. What the one can't do, the other can. And, like the man with no legs and the man with no arms, they need each other. England has found it so. France has found it so. Germany has found it so. English administrators, for instance, say: 'Never attempt to fix prices unless you are prepared to ration supplies. Never attempt to ration supplies unless you are prepared to fix prices.' They add: 'The sooner price control and rationing begin, the better the chance to avoid inflation'." This is where I think the evidence given Your Excellency is contradicted. "Canada, for instance, handles rationing and price

[Mr. Nicol] control jointly—through a single agency, the Wartime Prices and Trade Board. The United States, too, administers them jointly—likewise through a single agency, the Office of Price Administration. And England also groups their handling—the Food Ministry managing the rationing and price control of food; the Board of Trade the rationing and price control of other domestic commodities. If that is not enough I have here a copy of the Bulletin of Economic Control Board of Zanzibar for the fortnight ending 21st September this year, which quotes *in extenso* a memo embodying the resolutions passed by delegates to the Middle East Supply Centre Conference on rationing and control of distribution held in Cairo on the 21st and 22nd August last. There are two points they make here. The first is: "Rationing in its most general sense includes all forms of allocation and distribution of goods at fixed prices as opposed to competitive buying and uncontrolled distribution at market prices. Rationing by cards and coupons may be called 'consumer rationing'. Control of prices, by removing the free play of market forces, and keeping prices at a level at which demand exceeds supply, needs as a general rule to be accompanied by some form of allocation or rationing if it is to prove just, efficacious and practicable. Price control without allocation or rationing cannot by itself achieve fair distribution". I think I have said enough on that to refute the argument that price control and distribution are not in the main controlled by the distributing side of Africa.

In regard to Your Excellency's remarks concerning secondary industries, in your Communication from the Chair, they will undoubtedly come as a tonic. I am firmly convinced that if these territories are to go ahead at all they must to a certain extent become industrialized, and had we to a certain extent become industrialized and had we been to a certain extent prior to the war, many valuable tons of shipping space would have been saved. I think I am correct in saying that the Secretary of State when he was here also made reference to the fact that secondary industries would be encouraged. I must say that it was a very great pleasure to meet and see the Secretary of State here, though his visit was very short, and I do hope he will come out

again and stay longer with us. Undoubtedly he is obviously sympathetic to us and is out to learn our troubles, and I formed the opinion that he is definitely out to help us, and I sincerely trust that his return is not far off. I should like to express our thanks from this part of the world to Your Excellency in that the Secretary of State has agreed to advance from the Colonial Development and Welfare Vote £16,000 for the Mombasa-Tanga road. I sincerely trust too that the hon. Director of Public Works will be able to find the labour to put that road in order.

Turning for one moment to the financial arguments enunciated by the hon. Member for Nairobi South, I should like to say that I wholeheartedly support his remarks. I should particularly like to make one point. He referred to a Minister of Reconstruction being appointed at home. I think we could very well at this stage have the appointment of a Minister or adviser of Reconstruction and Economics, somebody who can co-relate the whole economy of the territories. The Secretary of State said that any assistance which we can look forward to from home must be of a limited nature. Well, of course, as far as development is concerned—and we have heard a lot from time to time in this Council—we require very large sums of money, and in your opening address you, sir, referred to this correspondence which you had had with the Secretary of State on the subject of colonial development. I should like to congratulate Your Excellency on your despatch and to say how encouraging the Secretary of State's reply is. But, quite apart from these schemes which are set out in Appendix A in this White Paper, there are many other schemes for which we shall require money in the post-war years and which we must set about considering to-day. I think it is generally appreciated by a number of people who take an active interest in the general economics that the economic system of the world to which we have been brought is definitely crumbling, if it has not already crumbled. In fact, the failure of the economic system is the cause of this war—

HIS EXCELLENCY: Order, order! I must ask the hon. member not to read his speech.

MR. NICOL: I was glancing at my notes. It is therefore imperative that we should co-ordinate our ideas. The Chancellor in the House of Lords in 1942 said: "I am speaking with the authority of the Treasury when I say that it may well be that in the course of our common discussions we shall find that new and far-reaching international measures are called for. We do not intend to be bound by the (economic) orthodoxies of the nineteenth century. We shall, at all times, be ready to join with our Allies in following a course that may be, as far as past experience goes, comparatively uncharted, if it is going to lead to the greater welfare of all the people whom the Atlantic Charter seeks to serve".

Now that we are going to embark on a long range programme of capital works and thereby ensure the employment of returning soldiers of all races, we have got to have finance available, and promptly the idea of a loan is conjured up in the minds of people, but a loan really is purely and simply putting a millstone of interest round the neck of the Colony, and there is a growing opinion in England and elsewhere that the control of currency should revert to the State and not be the prerogative or monopoly of the Bank of England, which it is to-day, or the subsidiaries, the Joint Stock Bank. In 1694, King William III wished to raise £1,200,000 to prosecute his war with France, and to do this he went to a party of money-lenders who subsequently created—they were the people who created—the Bank of England. Admittedly a certain portion of the loan which they made was in gold, but they lent the King £1,200,000, and on that security were empowered to issue a still further £1,200,000, and the Bank of England was so formed, and by the creation of the Bank of England the King also created the national debt in the form that we understand it—

MR. TROUGHTON: On a point of order, does this arise from the Colony's Estimates?

MR. NICOL: Sir, in reply to that, it does arise because it is the background to the suggestion for the provision of finance for the development of projects which I believe can be found nowhere suggested in the budget. As I was saying, King William III sold, or gave away, the State's control of currency—

COL. GROGAN: On a point of order, is the hon. member in order? Cannot we have the balance of his essay issued in a white paper?

HIS EXCELLENCY: As hon. members know, very considerable latitude is always allowed to members in a budget debate, but I would appeal to the hon. member that he is not the only hon. member of this Council who has observations to make, and that as we are anxious during this session to take, shall I say, an objective view of the budget I would ask him to confine himself as closely as possible. He has had a full share of the time of the Council in making his remarks.

MR. NICOL: Well, sir, I merely want to propound the theory that if we are going to raise a loan for developmental work, for goodness sake cannot we raise it against our national asset, which is, after all, the country? I do not see why we should not realize that—in the future we have got to realize that this borrowing from banks merely leads to ultimate disaster, and therefore the control of currency and note issue and loan should be the prerogative of the State.

MR. KASIM: Your Excellency, I would like to make a few observations on the draft estimates. I would like to congratulate the Government for making provision of £50,000 for the reduction in the cost of foodstuffs. The usefulness of this expenditure largely depends upon how it is allocated and spent and I hope that the amount will be spent for the benefit of all sections of the community. Another sum of £50,000 has been included in these estimates for famine relief, which sum I hope will be very helpful to those inhabitants in famine stricken areas. Your Excellency is aware that the Live Stock Control has made large profits out of cattle bought from the native, and I suggest that that profit should be utilized for famine relief. In the estimates a sum of £140,393 has been included for the Agricultural Production and Settlement Board. Owing to present conditions it has been necessary to spend this huge amount on agricultural production. If the indirect subsidies are worked out it works out at about half a million pounds, which benefits one section of the community, namely the European farmers, at the cost of the non-Fairmean taxpayers. In Uganda no such

[Mr. Kasim] money is being spent, and yet the African grower is producing more food and other economic crops, and the price paid to him is much lower than that paid to European farmers. I hope that such expenditure will be stopped immediately when conditions permit.

Turning to the £50,000 provided in the estimates for the Commodity Distribution Boards, it must be said that this is too large a sum. It will be remembered that during the last great war, in Kisumu we had one distribution officer, who was Mr. R. Pedraza, now Commissioner of Mines and a member of this Council, who was assisted by one clerk, and they managed all the distribution work. Now we have a dozen officers, European and non-European, which cost thousands of pounds. In my view by employing a large number of staff the work has been complicated and duplicated.

In regard to controllers, I am sorry to say that some of the unofficial controllers do not do justice to the Indian traders. There are so many instances of this, but I would like to quote one only. Here is a letter which was addressed to the Deputy Sugar Controller by one of my constituents: "Dear Sir, *Re* Jaggery. It was rather a surprise to us to see Messrs. K.F.A. Co-op., Ltd., and Nyanza Farmers' Society Co-op., Ltd., gazetted as jaggery distributors in the Province. We beg to submit that we have been dealing in this line ever since the inception of our business in the year 1906, when the above two parties never existed. We have the main business of produce and have been dealing in it for last 37 years and upwards, and have systematically developed our business to such an extent that our purchases and supplies of jaggery during the year 1941-42 have been the topmost. We have dealt in 680 tons jaggery during the last year. Messrs. The Nyanza Farmers' Society Co-op., Ltd., is a limited firm consisting of jaggery producers, who bring all their jaggery to the Society and who have been selling this through the distributors such as ourselves. The records of Messrs. Nyanza Farmers' Society Co-op., Ltd., would be sufficient enough to prove that we are the genuine dealers in the line. It has been the policy of the Government to protect the interest of the trader, and as such the Group System has been adopted whereby the genuine traders are

allowed their share based on past performances—thus no trader is ousted from any line. For example, the sugar manufacturers sell all their production to their appointed agents or distributors, who in turn sell to retailers or book elsewhere against permits. Accordingly, the same method is adopted in ghee, as the manufacturer sell to the distributors, viz. ourselves, and we sell both in the Province and outside as per the instructions of the Controller."

It is clear from this letter that an Indian firm which has been dealing in jaggery for the last 37 years has been eliminated from this trade, whereas the K.F.A., who have never done any jaggery trade before, have been appointed as distributors. I hope Government will inquire into the matter.

Thefts of fishing nets: I should like to bring to the notice of Government that in recent months a large number of fishing nets have been stolen on Lake Victoria, which has resulted in considerable financial loss to the fishermen. Government is budgeting about £1,500 for the Lake Fishery Licences, and if it is necessary to employ more scouts it should be done to stop this increasing theft of nets. Trading licences: With regard to the restrictions on trading licences, Your Excellency is aware that the Uganda restrictions on trading licences have been revoked, and I hope the Kenya Government will similarly revoke the restrictions on trading licences in Kenya. Squatter maize: I strongly protest against Defence Regulation Notice No. 42 which appeared in the Official Gazette on the 2nd November, 1943, by which it has become illegal for traders to buy maize grown on European farms. For several years both African and Indian traders have been buying squatter maize, and by this proclamation a large number of traders will be deprived of their livelihood. Secondly, it is a departure from the Government's accepted policy that trade will be maintained through normal trade channels. There are several telegrams which have been sent to Government by various traders from the various trading centres which I hope the Government have got on their files.

In view of the high cost of living, the grant in aid paid to various schools is becoming hopelessly inadequate. Besides the Government grant, parents in rural areas have contributed substantial sums

[Mr. Kasim] to run the schools, but owing to the high cost of living they cannot raise the extra sum. As a result a number of schools in my constituency have had to be closed down. I therefore hope Government will consider paying extra grants to run the schools. The following schools are being run efficiently and are eligible for grant in aid:—Londiani, Oyugis, Kimilili, Gungoma, Mirogi and Nambhare, and I hope a grant in aid will be sanctioned to them next year.

In regard to the rationing of Indian foodstuffs, I should like to draw Government's attention to the fact that the quantity of atta, rice, ghee and oil issued to the Indians is not sufficient, and I would suggest that the quantity should be increased. Pulses, which form an important item of the Indian diets, are in short supply and Government should arrange to import them from the adjoining territories. According to a recent K.F.A. report, there are indications of a bumper wheat crop, and in my view there is no need for the admixture of rye and wheat flour. If 15 per cent of bran is retained in wholemeal, then there is no necessity for an admixture of rye. The Indian community would appreciate it if they were supplied with wheat or wholemeal instead of starchy atta, but the Government contention was that bran was necessary for cattle feed. If bran is necessary for animals, then it is equally necessary for human beings. Your Excellency is aware that it is expected in Uganda that there will be a large quantity of cotton seed available for cattle, and I hope Government will favourably consider the Indian point of view. In regard to the new produce markets which have been established in Nyanza, the Federation of Indian Chambers of Commerce and Industry has submitted a comprehensive memorandum on this subject, which I hope Government will favourably consider.

Sir, I beg to support the motion before the Council.

MR. COOKE: Your Excellency, in common with other members I listened with a good deal of admiration and not a little envy to the lucid and logical exposition of the hon. mover but, unlike other hon. members, I was not unduly impressed by some of his arguments. It is very easy for the hon. mover to stand up and with his real eloquence to paint a picture of

"roses, roses, all the way", but behind that camouflage there is the stark and sombre truth that we in this country at the present moment are faced with vast discontent in the Civil Service, with empty larders, and with the spectre of famine, if I may say so, brooding over the land. There is plenty of sham wealth in this country, but not very much real wealth; there is plenty, lashings of money, but little maize; there is plenty of pence, but no poise; and, if I may anticipate certain repercussions from the other side, I might remark that there is plenty of finance but no fish! (Laughter.) If I may quote the lines of a poet whose statue stands outside the gates of an ancient university of which the hon. mover is a distinguished alumnus and I a more humble one: "Ill fares the land, to hastening ills a prey, When wealth accumulates and men decay". I am always reminded at these budget sessions of the remarks of one of the greatest, if not the greatest, statesman-cum-financier which Great Britain has produced, Mr. Gladstone. (Col. Grogan: Shame! and laughter.) Did I hear the hon. member say "Shame"? Perhaps when I spoke of financiers I should have associated him with Mr. Gladstone! (Laughter.) At any rate, I think the hon. member shares the same Christian name with that remarkable statesman. Mr. Gladstone's remark was—"Good finance consists rather in the spending than the collection of revenue".

I am not going to make any criticisms, but will content myself with instancing the amount of salaries which are paid, under Head 40, to the various members of boards, committees, and controls. I contend that a great many of these controllers, etc., are paid sums far in excess of what they would get in the ordinary competition of life, but they have—it is not their fault—been encouraged by Government to a certain extent to cash in on this war, and although there is price control a good many of them seem to be black-marketing their own services! The country was considerably startled last year by the facts elicited by the hon. Member for Uasin Gishu (Col. Gherie) as to the huge sums that we are paying. My hon. friend will perhaps remark that you cannot get men on less salaries: I would suggest drastic measures, and

[Mr. Cooke]

that is that under the Compulsory National Service Bill, if it becomes law, to conscript these men and pay them salaries more compatible with the salaries paid to people in Great Britain who are doing equally difficult work under probably far more arduous circumstances.

The question of pay turns me to my old subject, the Police. I am not going to say very much this morning because there may be an opportunity some other day, but I must protest to the hon. Acting Financial Secretary against the report of his committee in which very little consideration was paid to the assistant inspectors and inspectors. He cannot plead not guilty in this matter, because I happened to hear when the report was in draft that these men's conditions were not receiving consideration, and my hon. friend will agree that I approached him and made a strong representation that before the report was finally drafted an alteration should be made. These men of 15 and 20 years standing are receiving salaries of about £400 a year, totally inadequate salaries. If I may convert it into terms of money, the hon. Acting Financial Secretary is equal to four strapping inspectors, and my hon. friend the Chief Secretary is equal to five because he gets five times their salary! We have heard a lot about undetected crime in this country. I put a different aspect on this matter; that is, that these men, suffering a good deal under grievances, there is and must be a lack of morale in consequence. It is all very fine to blame the Africans for the crime—they are to blame—but the lack of police and the fact that these policemen have a feeling of frustration, is bound to make them less keen than they should be, and I need not remind Your Excellency of the state into which the London Police Force, which is universally acknowledged to be the finest police force in the world, was brought 20 years ago by bad conditions of service. I think the red light is apparent in this country in that respect at the present moment.

I should like to deal with item 11 of the same Head 40, that is vacation leave allowances. I am glad to congratulate the hon. Chief Secretary that he has at last taken my advice in this matter after nearly four years! My hon. friend is wont to accuse me of being a destructive critic, by which no doubt he means I am

one of those irrepressible Irishmen who are always looking for trouble and knocking down things for the sake of knocking them down, the implication being that he is a sturdy Scot, full of constructive abilities, all four square to the wind like Edinburgh Castle! But I would, without looking a gift horse in the mouth, ask Government to consider three things in this matter. First, will the advance which is being made to officers on leave—I have not seen the circular, but I think it is £20 for two months leave—be increased, especially for the lower paid officers if found inadequate? Second, will this allowance be made retrospective? A good many officers have proceeded on leave and they have become financially embarrassed in consequence, and I do not see why they should be penalized because of Mr. Dilly and Mr. Dally have taken four years in making up their minds. The third is not arising exactly out of this, but I would ask Government what will be done with the money that has been saved by these officers not having gone on leave in the last six or seven years? Commercial firms, I understand, have a fund into which they pay these savings, but Government, of course, pays it into the Treasury, and I do suggest that some of the money saved should be used to reimburse officers for the passage money of wives and children or else paid them in a lump sum when they proceed on leave.

I would like to deal shortly with item 30, cost of foodstuffs, and here again I might say to the hon. mover "I told you so", but I will refrain from doing so this time. Your Excellency, in Great Britain vast sums have been devoted to subsidization of prices, and that has done more than anything else to keep prices at a proper level and it has more than anything else helped to avoid inflation. On this subject of inflation, I would ask why has not more been done to avoid inflation in the native areas? The committee on the post-war employment of Africans, of which I was a member, realized from the very start this danger, and drew the attention of Government and made some proposals as to how it might be overcome, but very little has been done. My hon. friend in his logical and succinct argument said the natives should not be taxed any more. I agree, they should not be taxed to help general

[Mr. Cooke]

revenue, but I do suggest that the local native council rates might be raised and that the money should be paid into a fund for native betterment after the war. Unless this is done, it seems to me that inflation will become rampant. It has another very bad effect, which I suggest is the native women receiving all these remittances. It is only in human nature that they will work less hard and, of course, a vicious circle is formed, for the less hard they work the less food they produce and the less they produce the less hard they work, and that is what is happening at the present moment. A living example is Machakos. There, prices are rampant, and again I do not see how you can blame the Wakamba: the blame lies with the people who are the trustees of the natives, they should have made some arrangement by which this inflation should not happen. I should like to draw attention to the fact that I have been informed through two authoritative sources—and I will disclose the names to my hon. friend if he likes later—that there are Europeans in the reserve shooting zebra and selling the meat to the Wakamba at exorbitant and excessive prices. I think that is an absolutely scandalous state of affairs. If the Wakamba are starving, while I would very much deprecate such a course, they should be allowed to kill game themselves, but that is a course I should never personally advocate. At any rate, Government should provide people to shoot game and sell it to the natives at a purely nominal cost. I do not see how we could possibly defend the present rumour that will get back to England, it will not do this country any good.

I want to touch on the question of labour, which is the most serious problem I think before the country to-day. I have had it on no less an authority than that of Your Excellency and the Secretary of State that the most vital thing at the moment is food production, but Government is taking no practical steps whatever that I can see to deal with the present situation. There are, I believe, meetings after meetings, and those who go in to them come out as wise as they went in and no practical steps are taken. Now, first of all, I would say that I am not criticizing only Government. I think a great many of the settlers in this country are just as much to blame as

Government themselves for this wastage of labour. I do not see why Government should not deal firmly with that position. There is a great deal of waste also in the military and R.A.F. camps. I am informed by the Labour Commissioner that there are something between 4,000 and 5,000 M.L.S. natives working as personal boys in camps, and I contend they were never recruited for that. I was told by a squadron-leader at Nanyuki before that camp was dispersed that something like 1,000 M.L.S. worked as personal servants. They not only got paid by the military but got tips from the officers, and I do not know what their own officers could have done during the day, while the M.L.S. were working as domestics and so on. I think it is in the towns especially where the most wastage of labour takes place. Coming from Mombasa, I know it is essential to have a certain daily labour pool, but I submit that this pool is much too large. Anyone going to the railway station this afternoon will be set upon by half a dozen sturdy natives who tear your baggage from your hands, and none is in the uniform of station employees. You have only got to go to Pangani to see scores of native barbers and you will see scores of natives on the streets. Those are only a few examples.

It would be too futile for anything to take those people and put them on the farms, because naturally they would run away, but I do submit that they should be formed into a labour battalion, not a penal one, because they have not committed any offence that I am aware of, and put in uniform, and drilled the first month and then put on public work, releasing for the farmers those people now working on public works. I submit it would serve a dual purpose, because it would take away from the towns these potential criminals of whom we have heard, and justly heard, a lot this morning, and I think that perhaps both problems would be partially solved by that measure. I am not one of those who on my past reputation have led anyone to believe that I am in favour of conscription or compulsory labour. I should oppose it in the strongest possible manner if there was not a war on, but when you consider that boys in England at the age of 16 are compulsorily made to work in the mines underground I do not see anything unjust or unreasonable in

[Mr. Cooke] expecting Africans 16 years of age to work on farms purely as a war measure under, of course, proper regulations. I am assuming now that food is essential; if it is not, let the labour go, but if food is essential as munitions are essential in England let us say to the farmers "Here are the tools, and finish the job". I understand from the hon. Member for Nairobi North that that shortage of labour is one of the main reasons of—of course he will not admit it—the failure of production in this country. I think it would have another effect, which is not an unreasonable one to suggest, which has been one of the curses of the country. I have overlooked a point I was going to make, the rationing of labour, which the hon. Member for Kiambu has for a long time suggested. It does seem to me perfectly illogical to ration food and not labour. Why put people in prison for blackmarketing food if not for blackmarketing labour, which is just as essential as food, and it would have this effect, it seems to me. Everybody knows that this country is a country of one man one job, and no employer likes reducing his staff because he is afraid that the houseboy will complain that he has not got a kitchen *toto* and will leave his service, but if you put the onus on Government to say that an employer shall only have two or three boys we might solve in a remarkable manner one of the greatest problems we have had in this country. I myself since I have retired have run my household with a servant and a cook, so that it is not impossible, and if Government will take the unpopularity on their shoulders these houseboys cannot then say "We want kitchen *totos*" and so on.

I have not very much more to say. I should like, if I may, to say how much I was impressed by Your Excellency's wise and necessary remark about not pursuing "politics as usual" in this country. But I might also make the remark that, of course, would only apply to the other side of Council. I would reply to the other side and say let us not have complacency and apathy "as usual" in this country. There appear to me to be three problems in front of us, three main problems, and all the others are side issues. One, I submit, is the production of food; the other is the saving of our soil and water destruction;

and the third, I would submit, is the problem of post-war employment. And I do suggest that Your Excellency should direct everybody to devote all his attention and bend all his energies to the solution of those problems.

MR. BEECHER: Your Excellency, I will endeavour to be brief because I think that by so doing I can secure, my ends more effectively. I had intended to go into some detail on the present labour situation and analyse those figures which have recently been published, and to use them in support of what Your Excellency has already stated, namely that the amount of labour which can be drawn from the reserves has to all-intents and purposes reached the limit beyond which it would not be wise at this stage to go, and then to proceed to a discussion of the labour situation as it affects the welfare of that labour once it is outside the reserves. It is quite patent that the African labour outside the reserves enjoys only a small fraction of the social welfare and amenities that are already made available to those who remain behind, and but for the kindly interest of settlers and employers generally, not excluding the miner, for the labour which he employs, the Africans receive little compensation for what he pays in taxation, direct and indirect. But because I feel that the whole thing comes down to a question of welfare, very little purpose would be served by elaborating the discussion on the labour situation and its welfare, but rather one should go to the draft estimates and seek to examine those in the light of the need for a considerable increase in the welfare facilities that are made available to the African.

It was very pleasant yesterday to listen to the hon. mover make his speech and, in particular, to the references he made to the African and taxation. Quite clearly the African is entitled to a very considerable increase in the social welfare services that are made available to him, and, not because of any personal animosity between myself and the hon. Director of Education but because his vote elaborates the point clearly that I wish to make, with your permission, sir, I should like to take the Education Department as the basis for my very brief examination of the situation as it affects the African. In your Communication from the Chair last year you made reference to the educational problem.

[Mr. Beecher] They have reached the age of 7, interpreted by the African as 6 and by the European as 7 plus, and their normal elementary education lasting five years means they are out on the streets again or playing around in the reserves at the age of 12. The demand, therefore, is for a very great increase in primary education facilities or, on the other hand, a considerable extension of the elementary school course. The African is, I think, in increasing measure becoming aware of the true nature of education and the part that it has to play in the future of African society. Leaders of African life and thought no longer regard it as a short cut to detribalization and a black-coated job; they have come, and very wisely, to look upon it in its sociological context, and the demand is for a considerable increase in facilities for education, and that not in any restricted sense, and with that in mind I should like to turn to the estimates as they actually are before us.

I know that racial comparisons are nearly always undesirable. I am going to make a racial comparison not because on behalf of the African one begrudges a single cent that is expended on the increase of the education of other races, but rather to indicate that my hon. friend appears to have bowed his neck once again to the axe of expediency and because the African is perhaps a little less vocal and less threatening than others. The figures are as follows: European education advanced from roughly £71,000 to well over £110,000—an addition of 55 per cent, and tucked away in the Public Works Department vote there is another £48,000. That is to say, the basic vote for 1943 is in 1944, including the Public Works Department vote, more than doubled. The Indian vote has advanced from £52,600 to over £61,000; that is an increase of 17 per cent, and it has a Public Works Department vote of £18,350. Again, adding the Public Works Department vote to that for ordinary recurrent expenditure and comparing it with the basic vote for 1943, it shows an addition of 50 per cent. Now, sir, the African vote advanced from just a few pounds under £77,000 in 1943 to a little over £86,000; that is an increase of 12 per cent, and it has a meagre Public Works Department vote of £940. I cannot conceive of any argument in favour of the advance in European education in

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(Mr. Beecher)

1944, either on a capital or recurrent basis, which is of any urgency which could not equally be applied to the African side. Unless we are going to make available immediately for the African an increase in all forms of social service—and in his mind they centre round, quite rightly, education—we are going to find ourselves in a very serious state, here and now and not just after the war.

I should like to analyse a little more closely the African education vote. It shows, as I have already indicated, an increase of £9,367. If that sum is taken and analysed it is found that of that £9,367, £2,533 is taken up straight away in normal salary increments. A further £3,583 is the total of sums which have the little tell-tale (e) against them, having been previously underestimated in the current year. A further £720 provides for nine new bursaries at Makerere and there is a £2,521 increase in grants-in-aid. This is explained in the Memorandum, which indicates that that sum includes war bonus. Now in all other votes war bonus is included under a separate head. Therefore I think one is justified in saying that that £2,521 grant to voluntary agencies can considerably be reduced. In fact, having taken away war bonus, all that is left in that increase to voluntary agencies is 25 additional grants for places in secondary schools. To all intents and purposes then the African education vote, State provided and State aided, is for 1944 exactly and precisely where it was for 1943. Apart altogether from the fact that the African contribution to revenue has increased in the way in which the hon. mover indicated yesterday, we cannot, even if it had not increased, allow his social services to remain stationary, for in an advancing world anything that appears to remain stationary is in fact being retarded.

One might take other votes perhaps not so glaringly demonstrative, but none the less also indicative, of the fact that African social services have not been advanced in this budget in the way in which they should. I suggest that during the committee stage this should be borne in mind and, if possible, some redress should be given, particularly in that sphere of education which rightly applies to African life and thought and means so much in creating better conditions for the

African, which will make him truly the partner and not just the servant and slave of the other communities in the country.

MR. AMIN: Your Excellency, I should like to start with an expression of my profound appreciation of what the hon. Member for Native Interests has said in regard to the education vote for Africans. It is really pleasant to do so, because in my opinion for years past we have failed to do justice to the requirements of the African. Looking to the prospects of the post-war world I see quite clearly that world opinion will demand that when the promises given to the world by the democratic powers have to be fulfilled, compulsory education of the African will have to be undertaken by the Governments in charge of the various parts of Africa. I will only touch on one point in that regard. Are we taking adequate action in regard to this matter? After the war, thousands of school children, hundreds of thousands of new pupils in Kenya, will demand education; are we now training the teachers who will be required to give that education, even elementary education?

In my submission, the time is ripe and proper to develop, without any further delay, the training of a sufficient number of African teachers so that we will be able to do justice to the cause that we of the United Nations have taken on our shoulders. On this point there is one thing I want to add, and it is this, that the Government departments in the past, and quite a lot of other people of other races, have thought that the African is a labourer and no more. The African will not remain a labourer for ever and the Government should not allow him to remain a labourer for ever. He will be a teacher, a lawyer, a doctor, a politician, an economist, and the education he gets for that purpose must be adapted to the responsibility he will have to shoulder in the very near future.

The department which mainly concerns the African is that of the Commissioner of Labour. Without referring to personalities, I will say this, that that department belies its designation; it is merely a labour recruiting office, and it does very little for the purpose of reducing the burdens on the labourer by way of reduction in the amount of work he has to do, by way of improving the wages that

[Mr. Amin] he earns, by way of enhancing the amenities that he must require and ought to be taught to require. There is another department, or perhaps a section of a department, dealing with the Africans, and that is the department under the hon. Chief Native Commissioner.

MR. HOSKING: Your Excellency, on a point of personal explanation, there is no such department.

MR. AMIN: I withdraw the imputation. But the hon. Chief Native Commissioner has been indirectly concerned with the policies that determined the treatment or the administration of the African population. A few days back he expressed some apprehension as to the mentality of the African. If we are to follow the enlightened opinion of the world's thinkers, there is no truth whatsoever in the belief that any particular tribe or any particular race is inherently inferior to the others. It is the circumstances, economic, political and industrial, that determine the backwardness of a particular tribe or race. We have promised the world at large that we want to change these, change the circumstances in which the races in Africa are placed and in which the races in many other parts of the world are placed, and I am quite sure and honestly believe in the promises of the democratic powers of the world; they will go about doing it, doing what they can for the Africans. This Government also will have to do what has been promised on its behalf, but you cannot do any good to any race or tribe as long as you believe that they are of a childish mentality; you have to think of them as adults, and even if they are not advanced in every walk of life you have to let them believe that you have faith in their future and that they are not born criminals and that they do not take to crime as a matter of course. That is all I will say at the moment on the question of the policy of Government in regard to the Africans in the future.

I will say a few words in regard to the future generally of all the races in this Colony. I believe that we will have to live together, and we will have to live together with as little as possible of the suspicion and the fear that the various races of the country have for each other. For that purpose I am quite sure the Government also will have to bear some responsibility. It is here that I wish to

touch on the points where Government have in the past failed and are likely to fail in the future years. We are quite aware of what they are. In all countries of the world the wages that Government pays to its servants are the criterion of its desire to improve the standards of life of the various classes of people. We in this country in the past have done something very surprising; we have ignored all the dictates of democracy in regard to the wages we should pay on behalf of Government to its servants. If we want to improve the standards of life of the African to the level of the Asian or of the European, we must consider the question of the wages paid to them. It is the rich who ought to be paid the least and the poor who ought to be paid the most, as otherwise there is no method of indicating what the Government's intentions are. What do we see in the budget? Let us look at any page of the estimates relating to any department of Government and refer to the wages which are being paid to the various clerks, officers and others of the Government. The lowest pay is that paid to the African, and he needs the most; he has to go far; he has to reach up to a high level, and soon too. Think of the Asian who for years works as a senior clerk in a department and teaches the young totos coming raw from various European schools and institutions of this country or from England. The young European learns from the senior Asian clerks all that is to be learned in the department. He is quite polite and courteous to begin with, but by the time he has learnt enough he takes on a superior attitude to the Asian clerk, and even in the clerical grade he obtains higher wages than the most senior Asian clerk can expect to earn even at the end of his career after a number of years.

I believe that the past justified perhaps the policy Government had to follow, but I want to say that the future we envisage does not justify a continuation of this policy. How we set about it, how we set about improving the situation, is not for this debate to disclose, but the problem is there and the Government will have to think over it and meet it. There are also the problems so far as the social and economic life of the country is concerned. There is the prospect of the political future which it will have to think about. Are we prepared for the

[Mr. Amin]
 political reconstruction that will be required of us in this Colony immediately after the war? In my submission we have not been thinking about it, and the draft estimates do not disclose any provision in that regard. I am quite sure that we will soon have here some direct representation of the African tribes in this Council. Are we thereby suggesting that the representation at present by members of a different race is not adequate? I think so. It is no comment on the ability of the members who at present represent Africans. As I have said already, some of the able spokesmen of the African interests on this Council have done immense service and will continue to do so in future. But the African will not remain content to let other people represent him, and it is our duty to see to it that he does not remain content that his interests or his views are expressed by people belonging to other races. In that regard we should all be thinking of the steps we have got to take. Now, I am quite sure that if Government have any policy in that regard or if they have any promise to make, they should make it as early as possible.

I will now come to several aspects of the problems particularly relating to my constituency. I will start with the trading centres in my area. Some of those trading centres have been serving the community for a number of years, some of them started long before there were any decent roads existing in this country; they are the places in the native reserves. The roads in some of the areas are in a deplorable condition to-day, and the drains are not even worthy of mention. Representations have been made recently in regard to the financial requirements to permit the necessary repairs for these roads and drains, and I am glad to mention that I have got some assurance that at least in the future these trading centres will not be neglected as they have been neglected in the past. I am not blaming anybody, because partly the people in the trading centres have been neglectful of their own requirements. But there is one point I want to emphasize. In reply to one representation on this matter, a district officer mentioned that a road serving shops in a particular trading centre was in a bad condition for a number of years, and that no representations were ever made to him or repairs

ever made by anybody. I submit that it was the duty of the district officer or district commissioner who was in charge of the trading centre to see that the road did not remain in such an awful condition for such a long time. The people who live in the trading centres do not know your language, most of them do not speak your language, and in addition there is the difficulty of social contacts with the heads of departments or the district administration. There is a feeling that it is difficult in the province for these people to take advantage of the advice and guidance of the district officers. It needs, therefore, greater care and more serious consideration of the requirements of the trading centres on the part of provincial and district officers of the Administration.

There is one other aspect I will refer to in regard to these trading centres. There is one named Karatina in my area where for several years the people have had no crematorium or burial place of any kind. When I made representations on this matter I was told with some relish, perhaps, that the people of Karatina were trying this on every new member who came along, and it was annoying to hear it so described, but I did not think the problem was worth being angry over. But it does remain a fact that for several years this necessity of the trading centre has been ignored. These people have asked for only an acre or two of land for this purpose. Someone of the officials of Government objected to the use of a particular place which was given to them for the purpose, and took the law into his own hands, and the plot did not come into use and has not been given to the community to use up to now. Another plot was proposed, and medical and sanitary grounds were put forward to again avoid the issue. I may say here that the disposal of the dead according to the Hindu custom is perhaps the most sanitary of all: they burn their bodies and dispose of them quickly. Recently the matter was taken up again, and I have now an opportunity to make a suggestion. We have under the powers granted to Government recently taken some land for purposes beneficial to the community from native reserves. May we not take an acre or two, when we can dispose of thousands of acres for other purposes, for this crematorium for this community at Karatina? At least it will

[Mr. Amin]
 be no hardship to anybody, as there is in the vicinity land which is not useful for agriculture, which is barren, mere rock, where nothing can grow. If these people are given this land Government will be doing something which will touch the hearts of the people concerned. It has been suggested in this particular matter that to bear dead bodies from Karatina to Fort Hall is an inconvenience only. In my opinion it is a matter of urgency, and that these people have kept quiet for so many years is a greater reason for Government to move quicker now. Because the duty and responsibility attending a funeral or cremation is a matter which is both a social and religious necessity, if people have had to walk or travel miles at any time of the day or night to dispose of their dead, I think you have in the past offended them, and in the future you should not keep on doing so.

Coming to some of the general problems affecting the country and particularly my constituents, I will refer to the working of the Commodity Distribution Boards, especially in the Fort Hall District. I am not touching on the other localities at the moment, because what I wish now particularly to mention illustrates what often happens in other districts or in respect of other commodities. It is in connexion with the sugar distribution at Fort Hall. This commodity is produced mostly by Indian firms. They have proved their efficiency in every way. They have on no occasion demanded any subsidies to meet their losses, and they have been distributing this sugar to the several parts of the Colony in the past without any hitch, but in this particular district retailers of long standing, especially at Maragua, Saba Saba and Fort Hall and one or two smaller centres have been deprived of their part in the distribution of this commodity. There has been a shortage of sugar everybody admits. A great quantity of the sugar which is available is distributed through farmers to their labourers without the intervention of any trader. This did not happen in the past, and now some Indian traders have been appointed sole distributors and the rest of the commodity is handed over in some cases to hundreds of African shopkeepers. I do not object to the African shopkeeper having his share in the dis-

tribution of this commodity, but these people were buying from the retailers the sugar they required, and if there is any genuineness in our claim that the usual channels of trade are being maintained, these retailers should no longer be deprived of this distribution, and something should be done about it. I am only touching on one point in regard to distribution, because I am sure it illustrates the difficulties in many other respects connected with this distribution of commodities.

Coming to the work of the Imports Control I have one or two points to make. There is a general feeling in my community that the continuously changing policy of issuing import licences has created serious anomalies. At the beginning of the war import licences were issued on the basis of imports proved prior to the war. Then those who did not have any substantial share in the trade before the start of the war for over two years did not get any import licences in addition to what they were importing before. Then some people who are intelligent, perhaps clever, kept on ordering goods without the necessary permits and when the goods arrived somehow or other those people got licences and kept the goods. Later, about the beginning of 1941, there was a change, and the basis of issuing import licences was changed to a quota, to be fixed on the basis of importations not only before the war but also during the first two or three years of the war. What happened? The people who did not apply for licences in addition to what they were importing before the war and who did not order goods for which they had no permits were the worse off; the people who cleverly ordered goods and subsequently got the licences obtained an unfair advantage. This is one of the instances which I wish to emphasize in regard to the working of the Imports Control. There is also another aspect of this work. Several people who were purely manufacturers agents and who imported no goods on their own before the war, are now allowed to import goods on their own on the basis of the figures of their total imports for their customers. They have been in very important positions, they are in positions of influence with the Imports Control, and for a long period they have had their way. After serious

[Mr. Amin] representations some change was made, and now they have become bulk importers, and the basis of bulk imports is this. They obtain orders from their customers in the country and place a bulk order, there is no guarantee that the orders they obtain are from dealers who were importers of the particular goods before the war. In several cases instances have occurred where people who ought to have priority in respect of their quota have been deprived of it because of some mismanagement or misunderstanding on the part of the people who give the bulk orders.

I now come to the department which deals with law and order in this Colony. I associate myself with the remarks made in regard to the untimely death of the Commissioner of Police. I am quite sure all my colleagues will join with me in that association. In regard to the working of the department I have very little which is pleasant to say. For the last two years in Nairobi there has been a serious increase in the cases of housebreaking and assaults of simple character, assaults with harm and also grievous bodily harm. The reason for this, I believe, is that somehow or other the persons in charge of the Nairobi area have lost the confidence of the Nairobi community, because cases of thefts have increased by more than 50 per cent from September, 1942, to September, 1943, the cases of housebreaking have increased about 100 per cent, and that is also from September, 1942, to September, 1943. This is a serious increase in both respects, but what is more serious is that several reports have been made and I am quite convinced in my own mind that those reports have not been recorded. I am assured on one point, and I am glad of it, that an inquiry will be made as to how this happened and that it will not happen in the future. There is another aspect of the working of the Police Department, that in spite of a continuous increase in the number of the Asian population of the Colony there is no commensurate increase in the Asian staff. There is, on the contrary, a tendency in the minds of some responsible persons concerned with the department that in future there will be no increase but a decrease, because it is intended that the

work of the Asian officers will be confined to the policing of the Asian community only. That is what I gather from the report of the committee appointed for the purpose of reporting on the vocational training after the war of Asians now serving with the forces or doing other war work. I hope I am wrong in my assumption, but if I am not I should like to say that we have segregation in every walk of life and it is not right to segregate the officers of one race to the work connected with that race only. It will lead to greater efficiency if the European officer is aware of the fact that his Asian subordinate does the same job and knows what is happening, and the Asian officer should remain aware that others are aware of the job he is doing, and that if he is inefficient or dishonest he will soon be detected and punished. We have in the British Commonwealth people of all races who have come together willing or unwillingly. We suffer many disadvantages—why not let us have some of the advantages of this mixture of races in the work of Government Departments?

Regarding the vote for the Medical Department, this is of serious importance so far as the people of Nairobi are concerned. For several years they have been promised that a proper hospital would be built for the requirements of the Indian community. There exists some sort of hospital facilities for the Europeans and some facilities for hospital accommodation for the African, but the kind of hospital accommodation which is in existence in Nairobi for the Indian community is of a kind which is a disgrace to any Government in any part of the world. For several years we have demanded and have been promised that something would be done about it, and the biggest organization of Indians, the East African National Indian Congress, some years ago passed a stiffly worded resolution condemning the callousness of Government in respect of this matter. The reply given by the then Governor was that the work would be begun as soon as possible. That was in 1939. Funds have been spent on many different but less urgent necessities in the Colony, millions of shillings have been spent, but it is not yet found possible to do anything about Indian hospital facilities. That also holds true of Mombasa. But

[Mr. Amin] I trust that in spite of all the difficulties, in spite of the labour difficulties, or the difficulties of obtaining materials that a start will soon be made, so that people who suffer from lack of accommodation will not have the idea in their hearts that their requirements are continuously ignored and that more harsh words are needed to wake up the department and Government to pay attention to this matter.

There is one other aspect of the work of the department which is connected with recent legislation to which I wish to call attention, and that is in connexion with the control and distribution of what are called poisonous drugs. From what I read of the debate which took place when the Poisons and Pharmacy Ordinance was before this Council in August, 1942, the impression was given that that legislation was similar to that which existed in Tanganyika and in conformity with the legislation in Great Britain. One hon. member at the time pointed out the advisability of having before this Council a list of poisons which were to be affected by the Ordinance, and he was told this was going to be prepared by the board which was to be appointed under the Ordinance. A board was appointed months after, in May of this year. Long before they appointed the board the people concerned with the distribution of some of these drugs asked for the list of drugs which were to be affected, and they were told it was not ready and that the board would prepare the list. The board prepared the list, the public not knowing anything about it, and published it on a particular day and brought it into force within five or six days afterwards. So that as I have already said in another place and say again, the public had no opportunity of judging the wisdom or otherwise of the authorities. The basis of their complaint is that certain poisons and drugs are to be dealt with by qualified pharmacists only, as is the case in England without having provided the necessary number of pharmacists. While they are in England perhaps more pharmacists than can find employment probably out of proportion to the population of Great Britain, it is not so in this Colony. We have 3½ millions of population, and the total number of pharmacists available for doing the job which the Ordinance requires is 23, and

out of those 23 pharmacists 16 are employed by two firms who have businesses in Mombasa, Nairobi, Kisumu, and perhaps elsewhere; the other 7 are also concentrated in the big centres. Is it to be imagined that the doctors who go out miles from the big centres to see patients have at their disposal all the drugs necessary? In my submission it is not so, and the number of pharmacists is inadequate as I see it. Then one would imagine that Government would have a policy to meet the requirements of the Ordinance, that there would be a scheme for training the pharmacists required. I have inquired if that were so, and I am told that no such scheme is contemplated or is under consideration.

Council adjourned at 1 p.m.

Council resumed at 2.30 p.m.

MR. AMIN: Your Excellency, I will deal with the point that we had in this country inadequate numbers of pharmacists to deal with the rules and regulations under the Pharmacy and Poisons Ordinance. There is one more aspect of this matter which I should like to mention. It is this, that even if the people who have been dealing in medicines and drugs and who are covered by these rules, wish to import pharmacists from Great Britain or from India they cannot do so at this stage because they are not available under war conditions. After the war this may be possible, but at the moment they have to do whatever they are asked to do, even stopping the trade altogether and handing over the goods they have to the few people who have the pharmacists. If it is possible to have in the future either at Makerere College or at some other institution the necessary facilities for the training of these people, we will be quite right in enforcing the rules and requiring the dealers to fulfil the regulations in this connexion. I will not deal with that matter further. There is another aspect of these regulations which exercised the intelligence of perhaps the most intelligent of the members of this Council when the regulations were debated. It was in regard to the provisions dealing with licences for wholesale dealers. The section as worded was so complicated that I gathered from the debates that Your Excellency had to intervene and suggest some amendments. The section dealing with it is clear to my mind although it may not be clear to others, but what the Board has been

[Mr. Amin] doing is that they are confusing themselves in the same way that the Council did when the debate took place. Some of the people who have been dealing with these drugs for several years have been refused licences for wholesale dealing on the grounds that they are not provided for by the legislation.

There is another matter connected with the supply and distribution of medical goods which has nothing to do with poisons and dangerous drugs, but it has something to do with medicines generally and the Imports Controller, and it is on the subject of Indian doctors who imported their requirements direct or through their indenters. Two years ago these doctors and indenters were asked by the Medical Department to state their requirements for the next two years. They did so. The goods arrived in the country. In the normal course of the policy that is usually followed by the Imports Control office, these goods would have been distributed to the indenters at a nominal distribution cost. This has not been done in this case. All the goods have been handed over to a particular distributor. He charges profits as a wholesaler in some cases and as a retailer in other cases—to the indenters themselves, to the people who placed the orders on their own behalf in the first place. The profits vary according to the personal connexion of the distributor to the indenter or the purchaser. They have varied in some instances between 50 per cent and 15 per cent and in other between 7 and 70 per cent. Several people have made representations to the firms concerned and those who were energetic enough have got their goods but others have not. This is a matter which gets to the root of the policy of the Imports Controller and the Supply Council.

I now come to another subject, and that is a subject which has partly been dealt with, under the heading of African educational policy. I will now deal with the requirements of the Indian community in regard to education. By the policy followed by the Education Department for several years there has been a shortage of teachers in the Government Indian schools. There has been a continuous increase of pupils, but the increase of teachers has not been commensurate with the increase of pupils. Roughly, there has been an increase of

10 per cent every year in the number of pupils, and according to the figures given to Council only yesterday by the hon. Director of Education, in 1940 the number of Indian pupils in Government Indian schools was 4,530. In 1943 the number was 5,538. The number of teachers, permanent and temporary, in 1940 was 163; the number of teachers, permanent and temporary, employed by the Department in 1943 is 180. It is apparent from these figures that the classes which these teachers deal with are overcrowded. The number of pupils they have to teach are contrary to all ideas of modern education. You cannot say, with these figures of teachers and pupils, that the number of teachers is adequate. The number of teachers given to us includes the teachers who might be on their overseas leave every three or four years, so the actual number of teachers at any time will be far less. On my calculation they would be about three-quarters of the number given. In spite of this, the Department's treatment of the teachers, I beg to say, is not calculated to encourage people with self-respect and dignity to accept a job in that Department. You will see, Sir, that the number of new teachers employed in these four years was 111, and the number of teachers who either resigned or who were dismissed or whose services have been terminated for other reasons is 82.

There is another aspect of this vote, and it is the financial aspect. In the Financial Report and Statement for the year 1942 I find that somehow the vote which has been over-spent is the European vote, or the vote for European children's education. In every other respect the expenditure has been far less than the budgetary figure. I will quote the figures. On page 35 of the report the total expenditure for 1942 is shown to be in excess of the estimate by £1,752. The original estimate of expenditure was £213,712, the actual expenditure was £215,464. The money budgeted for Indian education for that year was £52,293 while the amount actually spent on Indian education during that year was £48,163. How the Director of Education managed to do that is not easy for me to understand. The number of children increased, the expenses of teachers and boys increased, other requirements increased, but the expenditure actually de-

[Mr. Amin] creased. That happened not only in the case of Indian education. You will be surprised to learn that in some respects even the money budgeted for African education was not spent. Some of it came under the axe of economy. It also happened in respect of the amount spent in grants-in-aid to Indian schools. The Indian community itself provides the major part of the expenses of the education of their children, schools all over the country are run by the community and most of the expenditure is met from voluntary contributions by the community. The grant in aid of £3 per head per year was perhaps satisfactory some years back but it is not satisfactory now. The requirements of the Education Department of these schools have increased; they demand higher efficiency; they demand better teachers and better housing for the schools, and the provision for grant in aid remained stationary more or less. There is this policy which I would urge on the Government in respect of some of the aided schools. Some have been running for years at the expense of the community. Some of them have more than the minimum number of pupils required by the Government. They have buildings of their own which they are prepared to offer to the Government; they have the furniture, the books and other things they have acquired for the schools which they desire to hand over. One such school is the school at Nyeri which has become an important centre in that Province, and for years the people concerned with that school have asked the Director of Education to consider taking over the school, but they have not yet had a satisfactory response from the Department. In regard to the expenditure of the money budgeted for last year I cannot say much, but it is apparent that the amount budgeted for was not actually expended. The vote for Indian education is dealt with on pages 10 and 11. The total estimated expenditure for 1943 was £52,636, but as actual expenditure is not shown I cannot say much about it, but the figures for 1942 do show that on many items actual economy has been effected.

There is one matter which goes to the root of the whole budgetary figure on Indian education and it is this. The Indian community has considered and expressed its consideration in very em-

phatic words that much of the actual amount budgeted for is squandered on people whom we do not want, such as European principals. The amount spent on the Indian education is lower than that spent on the European education. Why then use our money on high wages of people who do only the administrative work, and do not take a share in the actual teaching of subjects which more or less they alone can teach best, such as the teaching of the English language. There is a feeling among the community that resolutions of all our committees which deal with these matters have been ignored. The Indian Association and the Congress of the Indian community here have also expressed the feeling that we do not need European principals any longer. Not from any motives of racial animosity but from motives of saving money and of employing more teachers we have pressed this point, but we have not had any sympathetic hearing from any quarter. We hope that in future we will receive the consideration which we demand on this particular point.

There is one other matter which I would touch on in regard to the question of education. It is this. In the Education Department's Annual Report for 1942, on page 3, paragraph 19, we are informed that "a serious strike occurred in the Government Indian High School, Nairobi, in September. The Indian community was at the time still somewhat disturbed over the political situation in India. It had been decided that the display in school of portraits of Indian political leaders was unwise; the removal of one such portrait from a classroom was the immediate pretext of the disturbance. It was found necessary to close the school for a week and subsequently to take disciplinary action against a number of pupils." This part of the Report deals with a very painful subject so far as the Indian community is concerned. They have taken every step to see to it that the matter was settled, but it was found impossible to satisfy the requirements of the Education Department, and the victims were some boys who were expelled. They may have been wrong in some of their interpretation of what was happening in India, they were anxious about it. But there is one particular aspect which nobody has realized. If it is necessary to remove the portraits of Indian political leaders from an

[Mr. Amin] Indian school then the Department should have seen that the portraits of all political leaders were removed. What happened is that the portraits of political leaders of the British race have remained. What is the psychological effect of that action? The boys who always see these portraits in the schools do not feel very happy about it, and all the childish antagonism which is roused is diverted towards persons who deserve not animosity or hatred. This is a matter which I refer to only as a matter of future policy. In dealing with people who have some special affection for their leaders, the Department should have had some regard for their sentiments and should not have fought the issue to the length of removing portraits of their political leaders. It is done, but recently the Central Advisory Board on Indian Education recommended as a matter of grace on the part of the Government that the boys having gone through the process of expulsion should now be allowed to resume their studies. This matter is perhaps not to the liking of some people in the Education Department, but I am quite sure it is not only the likes and dislikes of individuals which ought to matter; it is the larger happiness, the readiness to understand the mentality of the pupils who belong to a community which has for some reason or other strained relations with the Government. I am quite sure that the matter can and should be settled amicably.

Apart from this I have nothing to add on the Education Department.

There is one more subject which I wish to touch on, and it is in regard to the general policy of introducing legislation into this Colony with just one remark or argument that it exists in adjoining territories. We have recently had a motion to have some Defence Regulations which exist in Uganda to be introduced as Defence Regulations in Kenya; they are the Defence Regulations pertaining to the restrictions on traders' licences. Uganda has now found these regulations unnecessary and removed them. If it was a sound argument to bring about such legislation here because it existed in Uganda, I think it is equally sound to say now that Uganda has found it necessary to remove these Regulations they might well be removed from Kenya. There is also another aspect of the

matter. We have imported legislation from Great Britain. Circumstances there may justify such legislation but circumstances here, if we are frank and honest about it, are different. Often it has been done and with great difficulty. I will give as an example the legislation on the subject of trades unions. When the original legislation was introduced here it was on the basis of legislation in England. There was opposition to several clauses, and the original clauses were altered to suit what they called local requirements. Ultimately last year, or perhaps the year before, we had to have further legislation which conformed entirely to the model Ordinance which was recommended by the Colonial Office. There is also the Pharmacy and Poisons Ordinance. It was explained at the time that this legislation was exactly like the legislation in Great Britain and that similar legislation was introduced in Tanganyika. We have changed it in many particulars and have included in the poisons list such articles as Parke Davis shaving cream. I now come to a subject which perhaps affects the whole community. It is that of censorship. In the past there have been cases of material being subjected to censorship and information derived from such work being used for purposes other than those provided for by the regulations. In England similar legislation exists and when this sort of case occurred at the beginning of the war there was great public agitation and the public were assured that this would not be allowed to happen. In this country also, due to nobody's fault; due to somebody's over-zealous desire to assist the Government, correspondence was used for the purpose of bringing cases against people without the prior consent of His Excellency the Governor, as required by the regulations. One such case came to my notice. It had to go to the court, but when the party concerned refused to plead guilty the case was withdrawn, but the question of the legality of the use of the information has remained in abeyance. I wonder whether the Legal Department has had an opportunity of meeting cases of this kind, and whether some assurance has been given that the use of information obtained by censorship work will not be made for purposes other than the purposes of the safety of the State.

There is in that connexion one more point, and it is that correspondence and

[Mr. Amin] periodicals coming from India take a very long time before they reach their destination. Several cases of a delay of months have occurred. Some material which was paid for at the end of the year 1942 has not yet reached the people to whom it was addressed. I made inquiries about it and I was satisfied that there was a shortage of staff, but shortage of staff should not involve in my submission any delay of this character where private correspondence or periodicals of temporary use or interest are allowed to remain for several months in the department or in the house of the clerks who deal with it. I am told by the hon. Postmaster General that he will see to it in future that cases of this kind do not occur, but I wish to press the point for the benefit of the members of the Standing Finance Committee who will be dealing with the estimates of the Department. The point has been made that in several departments the work which has not been completed at the end of the day is taken to the house of the clerk or officer who deals with it for completion in his spare time. That might be all right, but material for censorship is of a nature which requires that it should be protected, and there are special regulations providing that the information contained therein be not used for any other purpose. I have nothing to say about the Post Office or the vote for it.

I will finish with a few words. I think my constituents, as well as the constituents all over the country of other races, will soon have to consider how best we can deal with the problem of the post-war world, and I am quite sure that it will not be long before all these constituents, as well as the Government, heads of departments and their subordinates, will have to think in new terms, in terms of the circumstances which will come into existence in the future, different from the circumstances which have existed in the past. I pray to God Almighty that he may give us wisdom and strength to face the new situation and rise to the great honour and great opportunity that all of us in this country will have to face immediately the war is over. I have great faith in the forces of democracy of the world. I have great faith that these forces will be a dominant factor in the future of this Colony. I hope and trust that no power within the

Colony will be allowed to frustrate the aims and objects of these powerful forces.

MR. COULDREY: Your Excellency, like most other speakers on this side of Council, I am going to start by throwing bouquets at the hon. mover of this motion. I am not only going to congratulate him but every one of us and the whole country upon the fact that this time last year he made such a remarkably bad guess at what would be the financial situation of this Colony to-day. The fact that an estimate showing an estimated deficit of something like £16,000 has been turned, quite fortuitously, into the surplus which the budget shows is indeed a matter for congratulation. That finishes all the congratulating I intend to do, and I will now return to normal. The hon. mover in his speech, which has already been described as a masterly speech, stated that he was going to recommend to the Standing Finance Committee that, out of this fortuitous surplus of £600,000 odd, £350,000 should be set aside in order in due course to liquidate the 1921 loan. In the same speech he said very pathetically that he could not find the money to supply buildings for the post office, and an expansion of the post office was held up thereby—

MR. TROUGHTON: On a point of personal explanation, I said nothing of the kind. I said the hon. Director of Public Works could not find the necessary steel joists and reinforcements—I said nothing about money.

MR. COULDREY: I withdraw that. But he did anyhow intimate that a considerable amount of money would be required for the post office—I think that is in order—and practically every speaker on this side of Council and the Indian members have pointed to very worthy objects on which not only recurrent expenditure but capital expenditure will be required, and I do hope the Standing Finance Committee will not listen to the hon. Acting Financial Secretary and will not put this £350,000 to the purpose which he suggested. I am very glad, however, that he did suggest it, because it is an indication that the Government is at least aware that within a very short time we shall have to find a very considerable sum of money in order to redeem this 1921 loan which falls due for redemption in 1946. But I think the hon. mover is

[Mr. Couldrey]

very timorous about it. I do not suggest that merely £350,000 should be put on one side, I suggest that the time has come when the financial pundits of Government have got to consider very seriously indeed whether they should not right here and now raise a local loan for this very purpose. I do not think the hon. mover will disagree with me or say that I am out of order if I state that it is pretty obvious that to-day money is both cheap and plentiful. Obviously the time will come, it has come before and will come again, when money will not be cheap or plentiful. I am not going to attempt to prophesy, but it is at least a contingency that within the next two years, if we should finish this war within that time, that there will be big demands for money which will not be so plentiful and therefore will not be so cheap. I think everybody will agree that the occasions on which we should raise loans and again I stress internal loans, and the exact time it should be done is of the greatest importance. Money was fairly plentiful during the years of the last war, but in 1921, when we came to raise our loan, it was so scarce and so dear that we had to raise it at a discount of 5 per cent, and the total cost paid that parasitical anachronism, the Crown Agents, was well over £420,000. We raised the loan at 6 per cent, £220,000 in discount and £170,000 in flotation costs. I submit that this at least proves my point and it must be seriously considered whether a loan could not be floated internally and without all those tremendous costs the Crown Agents put into their own pockets. I am not giving you a cast iron case as to how it must be spent, but I submit it is the duty of Government to investigate the possibility of raising an internal loan now. I am advised by such of my banking friends who may call themselves financiers that it would be possible to obtain all the money we require now, and it is further obvious that if such a loan were made available in South Africa there would be no difficulty at all in obtaining the money.

Of course, the argument may be raised that to raise an internal loan for development purposes or the purposes of the Colony might interfere with the success of the war loan. Now, it is pretty obvious, and I am not going to give you

a dissertation on economics, but it is pretty obvious that anything we can raise in the way of money to send home will not affect the war effort one single tiny iota. It is not lack of money which will hinder the war effort. The reason why so much appeal is made for loans is to restrict the purchasing power of the public and is an anti-inflationary method, and the fact that we, instead of going on with a war loan, attempted to raise money for local purposes would not hurt, I submit, or harm the war effort one penny. I do hope that Government will at least investigate the possibility of this. I believe my hon. friend the Member for Mombasa, when he had finished with King William, intended to lead up to the same proposal. I am not going to bore you by going back to Boadicea, but I reiterate, because it needs it, that money to-day is cheap and plentiful, and in a year's time it may not be.

I mentioned the Crown Agents for the Colonies, and I am going for a minute to talk on that subject. One of the great advantages of raising an internal loan would be that we would get away from what I think the hon. Member for Nairobi South called the white ant of commerce. I have not the latest particulars with me, but I looked them up two years before the war to see what the Crown Agents consisted of. They consisted of four retired gentlemen (one a retired Governor) presumably on pension, who had been given very nice retiring posts and, as far as I could see, not a single one of them had had any business experience at all. One of the first things we have got to do is to get away from putting all our business through the Crown Agents for the Colonies, which does nothing more than any ordinary business house could do in London. As long as the British Government guarantee our loans they could to a certain extent call the tune, and perhaps in those days it was quite in order to say that we must deal through the Crown Agents and that we must let them have all these big commissions, but I submit that those days have gone. We have got to the state when we can raise our own loans, and if for that reason only I would advocate that an internal loan be raised. As a matter of some little interest, on the 1927 loan, which also becomes redeemable in 1948, a time not very far off, the Crown Agents for the Colonies

[Mr. Couldrey]

got a nice little picking, I think £230,000. Just in passing, I would appeal to the hon. Acting Financial Secretary that when he drafts out the final financial report for this year and gives the appendix under which he describes loans, he will put in that appendix the rate at which those loans were raised and the date of redemption. It would certainly assist me.

I would like to say another word about what I understood the hon. member did say. He spoke very distinctly and clearly, but of course I have not the Hansard report of his speech and I hope I have not misinterpreted him. I think he gave us a warning about post-war taxation, and if I remember right, what to my mind is obvious, if we want more services we have got to pay for them. I subscribe to that view entirely, and think it a very good thing that he gave us that warning, because there is a tendency throughout the country to ask for extra services, to employ more people and all that sort of thing, without inquiring where the money is coming from. But I hope that he does not think or imagine for one moment that this country after the war is going to agree to the present incidence of taxation, even if it agrees to the present amount of taxation. A good deal of the taxation under which, shall I say, we now suffer, has been imposed with a definite time limit, the war or a certain time after, and I hope I did not read into his speech any suggestion that Government should try and perpetuate that taxation without the full and ready consent of the country.

To turn to the budget itself, the first thing that I am going into is this £50,000 for reducing the price of essential foodstuffs. This I imagine is a token figure—this word "token" is becoming very much abused of late. My experience is that token is like the token of defence which the French put up in Madagascar, and it ceased to exist very quickly indeed. Naturally I agree with this vote, but I submit that it does not go far enough. It is an anti-inflationary measure, but who has done more to cause inflation than this Government? About two or three years ago anybody who went to Government and asked to get the prices of crops increased was immediately met with a storm of rhetoric to the effect that it would cause inflation. Now, although the

price of maize, the staple food of the country, is fixed at Sh. 12 a bag to the European farmer and so much to squatters and so forth, Government without in any way explaining why they are doing it suddenly raise the price of the essential food of this country in Nakuru to something like Sh. 16/40 a bag. I have no doubt that Government will come back with a statement why it has exceeded that original price, they will tell us something about the railway charging more for sending a bag of maize to Mombasa and back to Nakuru, and they are probably right. But it must be recognized as a definite inflationary measure. During this session of Legislative Council Government introduced a measure limiting the amount of money any landlord could make to an 8 per cent gross on the score that they had got to stop inflation, yet although they had this wonderful gift of something like £600,000 out of the blue, as the hon. mover will assure me—because last year he said we would get a deficit—instead Government is deliberately attempting to pass on to the consumer a good deal of a portion of the cost of the late lamented—I am afraid I cannot say late lamented, but present—food shortage. In Great Britain to-day vast sums of money are being spent to subsidize the cost of essential foodstuffs not out of fortuitous revenue but out of the daily record and daily increasing debt. The home Government get into debt every day of their lives, but even they think it well worth while to spend vast sums of money to prevent the prices of essential foodstuffs unduly rising. This Government on the other hand, with this wonderful gift which nobody foresaw (especially Government), still indulge in what I call deliberate inflation instead of spending a certain portion of its revenue in stopping it. The price of mtama is even a worse example than the price of maize because they can camouflage the price of maize in what they call processing. So much for this £50,000 token vote for reducing the price of essential foodstuffs. I submit that it is nowhere near enough, and that this price of maize must be kept down to a level of about Sh. 13 instead of being arbitrarily raised without any explanation whatever. This Government has a huge Information Office vote (I will deal with that later), and it cannot even publish the reasons and satisfy the public, if they can satisfy

[Mr. Couldrey] them, why this inflationary measure has been undertaken.

The next thing I want to talk about is another £50,000 vote, this time "under the line". The Government has, I do not say done wrongly, become very largely a trading organization. It has dehydrated vegetable factories at Karatina and Kerugoya, and a huge maize control, and even through its Production Board goes in for farming on its own account, and it is pretty obvious that if they are trading on a fairly considerable scale there must be contingent liabilities. Government admit there are contingent liabilities, and if this budget is going to present a true picture I submit the details of the "under the line" vote should be shown. I am not suggesting for one moment that everything is not exactly as Government would wish, but I do think that the only time we have a real opportunity of discussing Government finance we should, even if it is to take the shape of a White Paper, be told what the real facts are. Take the case of the two dehydrating vegetable factories. It is pretty obvious that the capital expenditure will have to be written off during the duration of the war, and no doubt Government are fully alive to that, but I submit that we who are, or should be, the watch dogs of the public purse, should be acquainted with these things and not have to find them out by supplementary questions. I even have to remonstrate with my hon. friend who is not here, the hon. Member for Nairobi North. I believe the details of such a scheme as the Masai wheat scheme should be published for information. I believe it is pretty obvious that if we are going on with that that anybody who has ever grown wheat will tell you it is a liability, and we should know what that liability is.

On the next question I find myself, curiously enough, in accord with Government, and that is the question of the Price Controller. I am not going into personalities. The Price Controller's job must be a very thankless job, even if you get £1,000 a year for it, and I believe very sincerely that our Price Controller's efforts have, on the whole, been successful. The hon. member Mr. Paroo said yesterday that Price Control was the cause of black markets, or caused black markets. Of course, what happens is that

it is the evasion of price control which causes the black markets. It is pretty obvious that if there were no laws there would be no lawbreakers, but I have never heard it advanced as an argument until yesterday that we should not have any laws or, alternatively, that there should be no laws because they could be broken. The Price Control has made mistakes, but my main criticism is that it has not been extended far enough. I believe it a definite blot on Government's escutcheon that they have allowed black markets to exist in the native reserves to the extent they have. I imagine that the problem of controlling the price of foodstuffs is so great that the easiest way to solve it is to do nothing, but the fact remains that although Government set up an elaborate Price Control to prevent people of my race and of the Indian race from being exploited, they have allowed, and in fact almost tacitly encouraged, natives to indulge in black marketing on a very big scale indeed. In the Nyanza reserve—I shall be happy if the hon. Provincial Commissioner will contradict me, I may be wrong—black marketing is the exception and not the rule. I am informed that in the Machakos area to-day black marketing is going on to a tremendous extent. I, of course, do not know the native reserve personally, and whether the aptitude that natives have shown in black-marketing methods is due to the influence which the hon. member Mr. Paroo said yesterday the small Indian traders exercise or in spite of it, but there is no doubt that the natives have indulged in black-marketing to a tremendous degree, and Government in practice have done nothing whatsoever to stop it, and I believe it is a scandal.

Several hon. members have spoken about the condition of the roads. The hon. Member for Aberdare said he travelled more than most people over the road between Nakuru and Gilgil and Naivasha, and I think I am a pretty close second. I endorse everything he said about these roads. I very much regret that I have to speak before the hon. Director of Public Works has had time to reply, because I am sure he has excellent reasons in excuse of the fact that this particular road has taken such an unconscionable time to build. He has had plenty of time to think up those excuses—two years to be exact, and it

[Mr. Couldrey] looks as if it will be another five years, but whatever the excuses or the reasons are the fact remains that a good deal of public money has been spent on these roads to very little effect. I think the hon. Member for Nairobi South touched on it, when he pointed out that several people had asked for a road engineer to be appointed here, and a road engineer has been appointed. What was at the back of the minds of these people, I was informed—I was not one—was that a road engineer should be imported from abroad. What has happened is that a road engineer of the Public Works Department has had his title changed and another £200 added to his salary, and there is your road engineer. I do endorse the remarks of the hon. mover that this appointment should be regarded as a token one only, until an engineer of the right calibre can be engaged.

Now I come to the post office. The post office to-day is a taxing machine. It is used for getting revenue for the Colony, for the general coffers. Under war-time conditions I think that is quite justifiable, and I do not wish under war-time conditions to condemn that policy. But, of course, the post office has been used as a taxing machine for years, long before the war, and as a result of this money going to general revenue very little has found its way back to the post office. This country always goes to extremes. On the one hand, a public utility organization like the Railway is entirely independent of, and in fact oblivious of, Government; on the other hand, the post office is milked successfully for the past 20 years and very little is put into the milch cow. I see the hon. General Manager smiling, and I present him with that argument for his estimates in due course when I shall be speaking at length. I hope he uses that argument, because I have a very good comeback! The hon. Member for Kiambu, whom I regret is not here, yesterday spoke with great sincerity and at length upon the need for a bastardy act; she informed us that none applied to this Colony. I should like to get a ruling from the hon. and learned Attorney General whether if, in fact no bastardy acts can apply to this country, there can be any bastards in the country, that is in the legal sense—I am fully aware of the position in the general

sense. But, seriously, what I understand the hon. member was aiming at was that there should be some means by which a woman can take out what is known in England as an affiliation summons, and as I do not happen to be one of the men or the one man frightened of a bastardy act or a summons I hope the hon. Attorney General gives every consideration to that. She also pleaded for what she called free maternity. The hon. member said she spoke for every woman in her constituency. I cannot emulate that, and I can only speak for one whom I asked what she thought of it, and she said, "No fear, I want to be paid, I do not believe in it being free at all". In actual fact, if you read the details of the Beveridge Plan you will see that it does envisage very considerable maternity benefits, and I do plead that possibly—we cannot do it out of our means at the moment—but it is pretty obvious the time has got to come when we have got to contemplate some of those social benefits for people of all races which are envisaged in the Beveridge Plan. That brings me down to education.

I welcome very much indeed the speech made by the hon. member Mr. Beecher. There is no doubt about it, whether we do it now or whether we put off the evil day, we have got to take this question of education very much more seriously than we have done. We have got to spend much more money on education for all races. As regards native education, on which he spoke so eloquently, the only word I am privileged to add comes from an extract from the South African budget, and you must remember that South Africa is not generally considered to be over-lenient or over-indulgent in its treatment of its natives for some reason or other, although I do not know why. South Africa to-day, with a native population of just about seven millions, or as nearly as does not matter twice our native population, is spending, or proposes to spend in the forthcoming year, £1,600,000 on native education alone. Our vote is £87,000, or thereabouts. There is no doubt about it, although I am not at this juncture suggesting that we should rush into spending immediately a tremendous lot more money on native education, but we are simply refusing to face facts, and we are simply blind if we do not realize that in the years to come we have in every year got

[Mr. Couldrey] to increase our education vote. If I read aright the tendency of world politics—not only British politics—it is to increase every type of opportunity of what, for want of a better, word I think the hon. member Mr. Amin called the labouring classes.

I would very briefly like to endorse pretty well everything my hon. friend the Member for the Coast said about the Police Force. I will not take many words to say that everybody knows crime is in fact on the increase in this country. Everybody agrees to that, and I do not believe any member of Government will get up and deny it. Well, the first thing to counter crime is a strong and happy and contented Police Force. The Police Force to-day is neither strong nor happy nor contented, and until you get all these three qualities attributed to our local Police Force you are not going to deal with crime successfully, and you might as well know it. That brings me down to another little item from the speech of my hon. friend the Financial Secretary. He told us that the question of Civil Service bonuses was under review. I am very glad indeed to hear it; and I sincerely hope that they are reviewed with benefit to the junior members of the Civil Service, and I hope that if any increase is made the Government will not countenance, will not allow the hon. Financial Secretary or anybody else, the paying part of that cost of living bonus in war bonds. A cost of living bonus is not an act of grace or an act of generosity; it is an act of justice, and these junior civil servants are as much entitled to receive their pay in the currency of the country as any hon. member sitting on the other side of Council. I do hope that mistake will not be repeated again.

Now, sir, I wish to say a few words about the Information Office. I do not think it is digression, but even if it is I am going to make it. Anything I say, any criticism I make, I sincerely hope nobody in this Council will take as a criticism of the personnel of the Information Office. I, more than anybody on this side of Council, come in close contact with that office. I can say that I have never met any office where you get more courtesy, where the personnel tries harder to do a job, although in many cases unfitted to do so; they go out of

their way to assist you and work as hard as they possibly can work, and I want to pay that tribute very sincerely before I start on my criticisms. This Information Office vote has now reached a very considerable size, and nobody can be satisfied with the results, as far as you are able to see results from the Information Office. In my opinion the whole set-up of the office is wrong. Incidentally, I think that is the opinion of the Government as well because for two years now there has been no Information Officer, merely an acting Information Officer, and in my humble opinion it is entirely wrong to keep a man in an acting rank and with less pay for two years. Either he should have been told that he was going to be Information Officer and confirmed as such, or he should have been told he was going to go out and revert to his real position as an administrative officer. No one can convince me he is the man for the work, for which he had had no education—I mean no specialized education—and incidentally no inclination. Three years ago two other members of this Council and myself sat on a committee to inquire into the functions and duties and so forth of this Information Office. We did sit, and I received a very nice letter of thanks afterwards; I do not know that anything else ever eventuated, and so I am very loath to suggest another committee to inquire into this Information Office, but there is no doubt at all that a good deal of the effort of that office—and strenuous effort of that office—is wasted because it is misguided. Hon. members who are officials spend their life as far as I can make out, in trying to avoid publicity, and yet they have appointed a junior member of that class to be their publicity officer. I would hate to say anything that could in any way be construed as an effort to damn that officer's career, but obviously he is a square peg in a round hole, and what Government should have done and must do to-day is to realize that publicity is a specialized game and that you must get a specialist to put it across, and until they do that you will always have these continuous complaints about the Information Office.

Now, sir, I want to say a very few words on the procedure adopted as regards this budget. This country, as I say, always goes to extremes. It seems impossible for the Government ever to

[Mr. Couldrey] hit a happy mean. Years ago when I was first a member of this Council the budget used to be referred to a committee of the whole Council. To-day it is referred to the Standing Finance Committee. I am not putting in a plea for reversion to the old procedure; there is no doubt at all when we sat as a committee of the whole Council it tended to make our proceedings cumbersome and tedious, and I do not think it made for efficiency. But I do submit, sir, that if we, who I repeat are, or should be, the trustees for the public as regards financial affairs, to do our duty properly, this budget should be submitted to a somewhat bigger committee than the Standing Finance Committee. Yesterday the hon. Member for Mombasa, in the first day of his speech (laughter) stated that he accepted the same responsibility as the hon. mover and that he was equally responsible with him for making the very luckily ridiculously poor estimate of the country's financial position last year. If that be the case, if the Standing Finance Committee be in fact associated with the Government—I hope some of their constituents will know that—if they be associated with the Government in preparing this budget, then it is ridiculous to refer the budget only to the people who are equally guilty with the hon. Financial Secretary who prepared it. I do not altogether think that is the case. I plead that consideration be given to the fact that other members—men who cannot normally spend the time in attending the frequent meetings of the Standing Finance Committee—should be appointed to the select committee, which of course would include all the members of the Standing Finance Committee. Of course, I have no doubt one of my hon. friends opposite will counter and come back and say “You can attend if you like and there is nothing to prevent you attending the whole day”. Of course that is not the same thing; it is different from being a member of the enlarged committee. After all is said and done, the budget is the main thing in the country's life, and I think it should be given the very closest consideration from all of us who have gone to our constituents and said “Please return us because we are going to look after your interests”. So much for the Standing Finance Committee.

There are very few items more that I am going to touch on, because I will try not to touch on subjects which have been already the gravamen of speeches of other hon. members. But I would ask Government if it were possible to expedite the printing of Hansard. Here again I should like to pay a tribute to the Hansard reporters; I think they do their work very well and I know the difficulties, having something to do with printing myself. I know the difficulties that arise in trying to get an accurate report out, especially when the procedure adopted is to send out a copy of every speech to every member so that they can re-write it according to what they would like to have said! But I do know that there is a very long time between these sessions and the time we get the reports of Hansard and I trust you will, if it be practicable, endeavour to expedite the printing of it. There is one more item I should like to comment on. I do hope the Standing Finance Committee will view favourably a small item in the expenditure to provide for a curtain for the window above my head. I have had to move my seat, but it is very uncomfortable sitting here, and I think a curtain should be supplied. Alternatively, I shall have to ask Your Excellency to introduce an ordinance saying that for the purposes of debate I should be a lady member and should be allowed to wear a hat, because I cannot go on, as I did this morning, sitting here with the sun pouring in on my head! (Laughter.)

That, I think, sir, is the main part of my speech, but I am going to repeat myself again, because I think it is probably the most important thing I have said, and I do hope I shall not get any reply from the other side of Council to the suggestion that we investigate the possibility of a loan, to the effect that their financial advisers in England, Timbuctoo or somewhere else do not agree. This is a question that, in my opinion, we in this country have got to work out for ourselves, and I believe we can do it. I believe the time has come when we can get financial autonomy, and I believe we should go all out for that. (Applause.)

The debate was adjourned.

ADJOURNMENT

Council adjourned till 10 a.m. on Thursday, 18th November, 1943.

Thursday, 18th November, 1943

Council assembled in the Memorial Hall, Nairobi, at 10 a.m. on Thursday, 18th November, 1943. His Excellency the Governor (Sir Henry Moore, G.C.M.G.) presiding.

His Excellency opened the Council with prayer.

MINUTES

The minutes of the meeting of 17th November, 1943, were confirmed.

ORAL ANSWERS TO QUESTIONS

No. 94—NAIVASHA—GILGIL ROAD

MR. WRIGHT:

How often has the specification of road construction on the Naivasha-Gilgil road been changed since the work began, and why?

MR. STROMACI: Three different specifications have been adopted to meet the needs of the various sections and to utilize local materials in the most economical manner. The Central Roads and Traffic Board recommended the adoption of a specification which would permit of widening to dual track with the minimum of labour and expense, therefore the Burma Road cross section specification, which had originally been adopted, was abandoned. The specification for the foundation has been varied subsequently as experience has now shown that, with the type of labour and machinery available, the new specification is the most economical. This could not be determined without trial.

DRAFT ESTIMATES, 1944

The debate was resumed.

MR. SHAMSUD-DEEN: Your Excellency, I know that the Council will not be in a mood to listen to any lengthy speeches. I shall, therefore, try to be as brief as I possibly can, and in case I go astray, quite apart from the powers that are in the hands of the Chair, I say that as soon as I become boring to the Council anybody can call upon me to sit down, or even yawn, and I shall resume my seat at once! (Laughter.)

This will probably be the last time I will speak in this Council—(Col. Grogan: Shame!)—and therefore I shall preface my remarks by saying that I have only come to know after 20 years how dense I have been in realizing the real nature of this Council. Some time back I

questioned the constitution as being incongruous inasmuch as the Governor of the Colony is not only the speaker of the Council but the leader of the Government party; more or less in the same position as the Prime Minister, and also a representative of His Majesty the King. Then at a later stage I once described this Council as the place where one could ventilate one's grievances, and I said it was nothing more than what I facetiously described as a "kelele Council", but after 20 years I have come to learn the real nature of the constitution of this Council. As far as the title of democracy is concerned, this Council is certainly not a council constituted on democratic principles in the same way as is done in England. I find that the real purpose of this Council is to acquaint Your Excellency, as the head of the Government and as the representative of the Colonial Office, with first-hand information, in bringing to your ears the feelings of the public, because it is not possible for every member of the public to come to Your Excellency and take up your time in putting up their grievances before you. One instance, a living example of how this can be done, of what Your Excellency can do, was seen when Your Excellency paid a visit to the Mathari Mental Hospital. It showed quite clearly that what this Council might have tried for years to do and not succeeded, was accomplished within a few days. The whole thing went through the Standing Finance Committee in all its phases with very definite speed, and I think that the additions to the hospital will be made before many months are past and additions made to the vote of the Medical Department.

I take this opportunity of begging Your Excellency, imploring you, sir, to pay a visit to the Indian ward of the Native Hospital. I think it was in the year 1922, there may be some members here who may remember—I think my hon. friend the Member for Ukamba is one of them—when that ward was described by one of the European members as an ideal hospital. I remember perfectly well that these were the days when the Council session was held in Government House. When my turn came I contradicted it, and I described the ward as an ideal stable, and I am sorry to say, sir, that it remains in the same condition up to this day. I know very well that a combined

[Mr. Shamsud-Deen]

group hospital has been built, and we know that quite an elaborate building has been made for the Indians, but most unfortunately the war came on and we know that that building has been utilized for military purposes. We all pray that this war will come to an end at the earliest possible opportunity, but no one can tell how long it is going to take. The conditions in that Indian ward have been very much aggravated and at the present moment—I hope the hon. Director of Medical Services will bear me out—patients have very often been turned away for want of a bed in the ward in that place. It is really not an Indian hospital at all; it is an African hospital, what was known as the K.A.R. hospital, and I hope that something on similar lines to what has been done to the Mathari Mental Hospital will be done to that ward for Indians. I wish to take this opportunity of saying, that from my personal observations I think the staff at the hospital are a lot of angels; they are very good people and are doing a great humanitarian service to all communities, and they are all civility and courtesy personified—every one of them whom I have come in contact with—but the accommodation is simply deplorable.

The other point I wish to touch on is the Information Office which has been so much talked about. It is not the personnel of the office which I want to bring before this Council. Although the hon. Member for Mombasa quoted from the edition of *East Africa and Rhodesia* certain portions, I would beg Your Excellency's permission to quote also a rather important part of that article which will enable us to see ourselves as others see us, and it gives us some idea as to what other people think about this Information Office of ours. The article begins with this: "Putting Kenya on the Map" is the title given by the Kenya Information Office to one of the most pitiable pieces of pseudo-publicity which even that incompetent department of the Government of Kenya has issued. There have been many earlier examples of puerility from this source, but on the principle that the most up-to-date evidence is better than testimony relating to an earlier incident, this document may well serve as Exhibit A. It appears in full, without the alteration of a comma, on another page of this issue, and we

suggest that readers should acquaint themselves with its terms and form their own judgment about it before proceeding to read our comments. They may then agree that it is literally true to write that almost every one of the twenty sentences of this bit of botchery could be separately criticized. And any piece of writing must reach special depths of inanity for that to be said about it. We have too much respect for our readers to ask them to follow us through this prententious puffery sentence by sentence." I could go on for a few more lines, but I think that most hon. members must have already read this, but it shows what, not only in the opinion of this Colony but what in the opinion of the adjoining colonies this Information Office is.

I can assure the Council that as far as the Indian part of that Information Office is concerned it puts on the radio rubbishy stuff that people simply turn off; they do not listen to it. And what information is, after all, to be imparted to the people of this Colony by the Information Office? I thought that the real function of the Information Office was to give people correct information, especially about the war. Well, I think in the town of Nairobi there is hardly a household of any dimensions without a radio set to-day. As a matter of fact, people get more information than is good for them from all sorts of stations, and if it was considered that this Information Office should give the people correct information and so make them disregard the false information given to them by the various stations, then some object would be served. But I do not think that for the real propaganda we can beat the Nazis. None of the Allied Nations could follow the line of Goebels, who is a past master in putting news and information before the people which, although entirely false, is given such colour that it sounds like the truth. Therefore I have to submit that it is sheer waste of money to continue this Information Office. And, curiously enough, the amount that this Information Office spends every year is almost exactly the same as the vote of His Excellency the Governor. The Governor's vote is £15,230 and the vote for the Information Office is £15,290—£60 more than the Governor's salary. Therefore I submit that a very large sum of money is being wasted at the present moment on this Information Office.

[Mr. Shamsud-Deen]

The other subject I wish to refer to is the Police. As a matter of fact, enough has been said, but I do not think that the full extent of the inconvenience and loss of property to which the people of Nairobi are put has been pressed before this Council. Owing to discontent among the subordinate staff, who do the real job, they have taken up an attitude of not taking any responsibility at all of investigating cases which are brought before them. Things have gone much further than ordinary burglaries. Burglaries and thefts and housebreaking take place in all towns of the world, but they have reached such dimensions here that unless something is done immediately we are approaching something like the period of thugs that we had in India in the last century. The moment the natives know that there is really no authority efficient enough to check their activities in the Colony, there is no limit to the activities of these criminals. We heard yesterday and the day before of thefts and housebreakings and assaults committed on men and women, and it has become a daily occurrence. In Nairobi I know that no Indian, at any rate, can go out of his house after 8 or 9 o'clock in the evening till the sunrise. Mohammedans say their prayers at half-past five in the morning, but practically all their mosques are empty because no one dare come out of his house at half-past five in the morning because they are bound to be molested and assaulted by these criminals. In many cases for a 10 cent piece a person has been hit on the head and had to remain in hospital for months as a result. If this goes on I do not know where it will end, and in time to come we might have to spend a very large sum of money to put a stop to these activities.

I am very sorry to see that one of my colleagues the other day referred to the Collective Punishment Ordinance and had some adverse comments to offer. Well I think that it is time some measure is brought into force in this country on the same lines as we have had in India in the form of punitive expeditions or levying a special penalty on a particular town where there are robberies and thefts and burglaries on a very large scale. I do not exactly say that it should be introduced here, but something on those lines will have to be considered if we cannot

stop these activities. Of course there are many other ways by which these crimes can be brought to an end immediately, and that is by the natives being ordered to carry lights after dark. I believe there are laws in force at the present moment by which everyone should carry a light after dark. As a matter of fact, at one time only natives had to carry a light at night, but then some sentimentalist and idealist came forward and said it was not just to have one set of laws for the natives and not the same for Europeans and Indians. But I submit that if it is an offence for a non-native to be in the native location after 6 o'clock and he is liable to be prosecuted, why should the native be allowed to come out in the non-native area and go scot free? I think I am right in saying that during the history of this country of the last 50 years, although Europeans and Indians have been convicted of housebreaking and thefts, there has not been a single case where a European or an Indian or any non-native has been convicted of breaking into the house of a native or committing a theft on a native, and therefore I beg to submit that some discriminatory regulation will have to be brought into force by which any native found without a light after the sunset hour shall be prosecuted.

As far as the Police Force is concerned, I do not wish to cast any reflection on the late Commissioner of Police or any Commissioner of Police, but for the last 20 years up to this date we remember the names of previous Commissioners of Police, such as Mr. Notley and Mr. Spicer, as well as Mr. Tyssen, Capt. Rice, and others. I remember how Mr. Notley used to go round on his Zenith motor-cycle and inspect things for himself. Recently the tendency has been for the Commissioner of Police to go about in a flashing motor car, flying a flag in front of his car after the fashion of the Governor or the General Officer Commanding, and he is not accessible to the public at all. I myself once applied for permission to put certain grievances of the public before the Commissioner of Police, but I was referred to a Superintendent of Police. His office staff you will find is very elaborate, with several staff officers and deputy commissioners. He will be wanting another deputy commissioner soon! As far as the actual constables and the men who do the duty of prevent-

[Mr. Shamsud-Deen]

ing crime are concerned, we have come to know how hopeless it is for the Police Force here to detect crime. I am sorry to say my sympathy is with Mr. Payler, the inspector of police, who has been sentenced to imprisonment for beating a suspect native, but there is no machinery for the detection of crime. One of the outstanding cases is that of the late Lord Erroll; that crime remains undetected to this date, and similarly we have noticed the tendency of the Police is to avoid taking action. I know of one particular case in the neighbourhood where I live where three tyres and wheels were taken off a motor car. The matter was reported. One of the tyres was found on one of the taxis in the town, the man took off the tyre and admitted in the presence of another witness that he had received the stolen property from a native, but when they went to the Police Station they said to the complainant: "You will have to bring corroborative evidence before we can take action". It is not so much cases of ordinary burglary, but cases where lorries have been taken to houses and lorry loads of crockery have been removed. At one place I know—Sir Ali Muslim Club—a lorry load of crockery was removed. That will show how daring the thieves have become in this place.

Of course, an efficient superintendent of police in a district can do a lot, but unfortunately the rule in this town has been that the moment a superintendent of police begins to feel his feet he is transferred elsewhere. I am not here to blow the trumpet of anybody, but I know one superintendent of police, Capt. Cochrane. During his time crimes diminished to a great extent, but the moment he began to feel his feet he was shifted. After years of representations I succeeded in persuading the Police authorities to enlist special police officers, and they did excellent work for a time and robberies and crimes diminished practically to nil. Then the special police officers, who were mostly Government officials, educated young fellows and well trained, have for months been subjected to all sorts of humiliations, and the result was that one by one they resigned. Various cases have been mentioned here in this Council of thefts in Mombasa, and I see even the house of the Pro-

vincial Commissioner, who is really the Governor's representative there and occupies more or less the same position in that town as the head of the administration does in this, has been broken into. If his house has been burgled I think perhaps Government House might be the next. I do not wish that that were so, but then I am sure something would be done if that happened! (Laughter.) I could quote many instances. Just before Col. Stanley arrived in Nairobi my house was burgled when I was out just exactly five minutes. There must have been at least three thieves, and they opened the wardrobe and stole every suit I had, shoes and blankets, and I did not know what to put on to appear before the Secretary of State. (Laughter.) I have not recovered one single article, and I would inform the Provincial Commissioner, Mombasa, that he was lucky to get something back. That shows that there is no possibility of recovery, but what I cannot understand about these robberies on such a large scale is, where does the stolen property go to? Surely it cannot go very far, and if there was any machinery for the detection of crime the authorities should be able to locate this expensive property which has been stolen. Now that the Commissioner of Police has unfortunately died, I do hope Government will do something to get a man who is a real live wire. I think the Police Department is more or less in the same condition to-day as the Railway was in 1922, when we had to send to South Africa to get Sir Christian Felling up here to put things right. Unless something on the same lines is done with the Police, things I am afraid will go from bad to worse.

Another thing I want to refer to is that at the outbreak of war we were all prepared to undergo various regulations and restrictions on the liberties of the private individual. But I think the time has now come when we ought to review the whole situation and see if we cannot do away with some of this cumbersome and obstructive machinery that we have put up. I was going to refer to the housing scheme; I have heard in this Council that we are going to have assistance from the Imperial Government for African housing, and also for European housing, but I have not heard a word about any assistance being given in the way of Indian housing. On the other hand,

[Mr. Shamsud-Deen] every possible thing is being done to obstruct people who do not ask for any money from the Government and are desirous of putting up buildings for themselves. I admit that I have not carefully studied all the Defence Regulations, but there is one committee of which I want to speak. I do not know whether it was constituted under Defence Regulations by Your Excellency or by the military, but it is called the Building Control Committee. I can quite appreciate their efforts during the time when there was a necessity for material for the use of the armed forces, aerodromes, and Government departments, and it was necessary that all materials should be conserved for them. I believe that was the ground on which that committee came into being, but to-day, what is happening? People are living in most appalling conditions in the Indian quarters. I know several cases where people have died after a long illness owing to bad accommodation. When people come forward with their plans which have been prepared for making the smallest house possible, everything that can be done is done to turn those applications down. I am talking of cases where people have got all the material; there is plenty of stone and timber, people have the materials, even second-hand corrugated iron sheets, and then the excuse is made about the food shortage. Those people, generally artisans, have volunteered to do the work themselves and give their labour overtime, but everything is done to discourage those people who do not want help from this Government, and they are not allowed to build houses for themselves. Nairobi Municipality has been talking about putting up houses for working men, but have never been able to do anything, and goodness only knows how long it will take them to do something to alleviate this very great hardship. More than ten years ago Government agreed to grant Indians long leases on what are known as "shamba plots" alongside Nairobi River. Government was always prepared to grant them leases, but Nairobi Municipality wanted to see the town laid out something like New York, and although the rents went up so high nothing was accomplished at all. I submit that one of these committees and organizations, such as the Building Control Committee,

should be done away with. In support of my submission I say the time has come now when we ought to review the whole thing.

I am going to quote a few lines from Mr. Winston Churchill which he stated on 3rd September, 1939: "Perhaps it might seem a paradox that a war undertaken in the name of liberty should require as a necessary part of its processes the surrender for the time being of so many of the dearly loved liberties and rights. In the last few days the House of Commons has been voting dozens of bills which hand over to the executive our most dearly loved traditional liberties. We are sure that these liberties will be in hands which will not abuse them, which will cherish and guard them, and we look forward to the day, surely and confidently we look forward to the day when our liberties and rights will be restored to us". I submit that it is time we made a start with the restoration of those liberties and rights which we sacrificed in the war effort.

Similarly, there are so many things that people are suffering from. I agree that the Commodity Board has done very useful work, but if the public was left at their mercy the majority of the Indian population would be starving by now. That phase is also applicable to the Price Controller. I agree with the mover of the motion, that the Controller has done very good work indeed, and I shudder to visualize when, as a result of any pseudo-agitation, Mr. Grazebrook relinquishes his office and somebody else goes in. It will be a case of jumping from the frying pan into the fire. But the inherent difficulty of the department is that it is like a cart with one wheel, or like shutting the main door to prevent any burglaries and keeping all the windows and back door open. It is useless unless the Price Controller has the means to prevent black marketing. He can do nothing. Anybody can sit down at a table and make calculations and quote so many shillings and cents for a commodity, but he cannot deliver the goods. That is where black marketing comes in. The black market, although it charges and actually does realize many times the controlled price, does deliver the goods, and it has often been said it is up to the public to boycott it, but it is not possible. To-day, I think, the biggest criminals are the military people, and the

[Mr. Shamsud-Deen] Europeans themselves, who do go to the black market. But what can we do? There is no other place where you can get the things. We wasted a lot of time the other day over an increase of one cent a pound in the price of sugar. I think it must be within the knowledge of hon. members that that one cent is almost an infinitesimal increase. The price of sugar is cheaper in Kenya Colony or East Africa than in any other place. It is said that in the Sudan it is Sh. 5 and Sh. 6 a lb., but the actual price a person has got to pay in the black market for it is at least double the control price. I know that to-day sugar is being sold in the black market for Sh. 125 a bag. That is what beats me completely. The other day I heard that the Central Commodity Distribution Board had a discussion about ghee. It is perfectly true that when there is no rain the same quantity of milk cannot be available and there cannot therefore be the same quantity of ghee; that goes without saying, but the surprise of the whole thing is where does the black market get it from? If the Controller cannot get the same quantities of ghee from Kavirondo, where does the black market get it from?

If some of my friends are carrying on a propaganda that I said to the Secretary of State in a brief interview we had with him, that the Indians had made enough money out of the black market, that would not be quite correct, but it would not be wrong as regards a certain section of the community who are robbing their own community, because the worst and biggest victims of the black market are the Indians themselves. The European does not go there to the same extent. I wish to make it clear that I give the direct lie to those people about what I said at that interview. What I said to the Secretary of State was, in answer to his question that he had heard that the Indian community in this Colony had not done too badly out of the war and whether any section had been ruined owing to the war as was the case in England, was that I did not know of any section of the Indian community here who had been ruined. I submitted that from my experience of the last war anybody, European and Indian, who made money during the war could not stick to it for a long time, it was blood money;

and I maintain that while thousands of human beings are being killed and obliterated from the earth, people who to-day make money, especially by illegal means, it cannot be anything but blood money.

This brings me to the question of the next election. As I have stated, my own personal feeling is that I have wasted valuable years of my life and breath in this Council, and I have no intention of standing for any further election. But there seems to be a flaw in our election rules, for when I was last elected I was in India—I not only did not authorize anybody but specially requested my friends not to make any efforts to put forward my name as a candidate. At present anybody can put forward anybody's name as a candidate. I was surprised that somebody deposited £50 on my behalf, and I wish it had been forfeited. (Laughter.) But I was elected. Now I would not accept membership even if I were returned unopposed to Council. On the occasion of the next election I hope the returning officer will not admit any papers on my behalf, without my express authority.

All these subjects are allied. We have had a food inquiry, and there does not seem any item in these estimates to show the thousands of pounds that have been wasted on it, but I hope the report will be placed before Council during the session. I have a telegram here to say that in February last in the Kijabe township the houses of all the Indians were searched by the police to verify whether the people had sent in their returns correctly as to the stocks of maize in their possession. Some people were found not to have done so, and others had possessed maize without sending in a return, and those people are being prosecuted now. I have nothing to say about that, but what astonishes me is that they say that even now no less than 60 bags of maize are lying at Kijabe rotting beyond all possible consumption, for they have remained there for the past six months without being disposed of. If there is starvation and this maize is rotting there, I should say it is callousness. I know my penalty if I talk too much—I will be made to sit here after hours as in my school days when I did not do my task properly! But I feel tempted to quote a few lines from a brochure entitled "Beware Bureaucracy" written by Lord

(Mr. Shamsud-Deen) Perry. This applies to our Commodity Board executive, and this is the extract, though I may be mistaken and be accused of giving Council ancient history, because the extract is from a book published in 1857 called "Little Dorrit" and is about the Circumlocution Office: "The Circumlocution Office was the most important Department under Government. No public business of any kind could possibly be done at any time, without the acquiescence of the Circumlocution Office. . . . If another Gunpowder Plot had been discovered half an hour before the lighting of the match, nobody would have been justified in saving the Parliament until there had been half a score of Boards, half a bushel of minutes, several sacks of official memoranda, and a family-vault full of ungrammatical correspondence, on the part of the Circumlocution Office. This glorious establishment had been early in the field, when the one sublime principle involving the difficult art of governing a country was first distinctly revealed to statesmen. . . . Whatever was required to be done, the Circumlocution Office was beforehand with all the public departments in the art of perceiving—How Not To Do It". I think the same applies to the Commodity Board! (Laughter.) It takes months and months to do one little thing.

That brings me back to the same thing, that if Government could act promptly I think the Governor of the Colony can do more than all the committees and boards together. As I say, I was very much impressed by Your Excellency's prompt action in connexion with the Mathari Mental Hospital, and I hope you will find time to attend to many small items of this kind. It will be remembered by the public for a very long time. I mentioned the case of the Police, and the same applies to the Education Department. The names of Orr and Morris will be remembered by many generations in this Colony, and I hope the present Director will also aspire to the same fame! (Laughter.) I could have gone on speaking for quite a long time, and some of the speeches I have heard this time I think are well worth having notes taken of them by the medical profession, for they were very efficacious sleeping draughts; they sent me to sleep yesterday, and one of my

friends sitting next to me also went to sleep, and when I asked him to wake up I was surprised that he did not ask me to shut up, because there is nothing in the Standing Rules and Orders to say that a member shall keep awake all the time!

As regards the Posts and Telegraphs Department, I think we have been singularly lucky in having as Postmaster-General from the time of Mr. Gosling to the present Postmaster-General exceedingly competent officials, but something has gone very wrong lately with the telegraph department. The hon. Member for Kiambu mentioned that charges for certain telegrams were expensive, and I wish to bring to the notice of the Postmaster-General the question of mutilation of telegrams, quite apart from the original charges, as a result of which people have had to send telegram after telegram to remove misunderstandings created by mutilated telegrams. I think the charges should be borne by the department. Recently I had occasion to send some cables to Khartoum and Port Sudan, and they were mutilated to such an extent that in one, for the word "confirmation" the telegraphist wrote it down as "Premchand". I think hon. members know that owing to the same mutilations the whole career of General Gordon of Khartoum was changed. These are serious matters, and I hope the Postmaster-General will pay some attention to this matter. I am bringing it up for this reason. The other day I went to the postmaster and asked him to have a word repeated. He asked me to go to the telegraph office; there they told me to go to the postmaster's office, and in the end I had no alternative but to go to Mr. Birkit, the deputy Postmaster-General, who got it done very quickly. Every member of the public cannot go to Mr. Birkit, and something therefore must be done—I am sorry the hon. Postmaster-General is not here, for I wanted him to hear these remarks.

There is one little point, that where we have made so many Defence Regulations we should make one to stop those racial references in the Press, which are very harmful indeed, especially during the war. I find that the wretched Indian community is between the devil and the deep fire: if they do not come forward voluntarily to get themselves enlisted in the forces they are dubbed as disloyal;

(Mr. Shamsud-Deen) if they come forward they are called mercenaries—I am referring to an article in the Nairobi Press. A few years ago the accusation against them was that they sent all their money to India; it seems to me only like a few months or weeks ago that there was a pantomime called "Babes in the Wood" and in a joke the question was asked: "What is the export of Kenya Colony?" and the reply was: D.B.S.'s to England and money to India. To-day when the Indian is investing his money in the country he is accused of peaceful penetration by acquiring all the valuable properties. What are they to do? That brings me to the question of military personnel. I have been connected with the Indian manpower committees almost from the outbreak of the war, and although we have had to contend with the idiosyncrasies of the military authorities, who at one time asked us to conscript every possible Indian in the country and a few weeks later discharged them in hundreds. The point is, what answer should we give to all these people whom we have been instrumental in persuading to enlist, and some have worked for four years now, as regards their future? While we all wish this war to come to an end soon we do not know how long it will continue, and after four years' continuous service I submit that whether a man was enlisted or enrolled he should have a reasonable opportunity of paying a visit to his family in India, he should be given leave. The Director of Man Power tells the Indian Man Power Committee that he has no control over the men who have enlisted, but the men who have voluntarily and loyally enlisted should not be penalized to an extent that they are denied their leave. I have had an interview with one of the brigadiers who came from India, and he agreed with me that after four years not only Indians but Europeans should be given leave to go and see their people, if they are alive at all. I hope that matter will be noted.

As regards the war bonus, all I wish to say is that if the minority report which I submitted and tried to prepare on scientific lines has not been thrown into the wastepaper basket, the incidence of disaffection which exists to-day in the Service would not result. One word about the Public Works Department. I know that its staff is the most efficient that we

can ever expect to have, but I cannot get over certain facts. I have recently been to Uganda. At the moment a boundary is an imaginary line, but how do you come to know at once when you have passed out of Kenya Colony and are in Uganda? (Laughter.) It is the roads, and why cannot we have the same roads as Uganda? I would say the same thing as I have said about the Police, that the Public Works Department have an excellent staff in the head office, but not the men who do the actual spade work. I forgot one point regarding the increase of police, but will take that up in the Standing Finance Committee; that was, to get about 300 more constables, and that the Public Works Department working gangs on the roads should be considerably increased.

I shall be going on until somebody asks me to sit down, and I therefore voluntarily resume my seat! (Laughter and applause.)

LORD FRANCIS SCOTT: Sir, I am going to touch on a few points in the actual estimates and then speak on one or two matters of more general interest. Taking into consideration first of all Head 3, item 6, I notice that there are 20 officers in the administration still in the armed forces, and I should be very grateful if Government could let me have the names of those officers as it would be very useful to me in another capacity. Then under item 13 a very remarkable thing is that while there are 115 Asian clerks there is not one single African clerk. Surely it is some reflection on the administration if in their department they cannot employ any educated Africans as clerks. (Hear, hear.) Under that department there is only one other item I wish to refer to, which is item 74, Kamasia Reconditioning. It has been going on for many years, and it would be of great interest to this Council to be given some report as to what the position is there and how much has been achieved by this reconditioning which has been going on for a great many years.

I will now turn to the Agricultural Department, and the first thing I should like to know is what benefit the farmers of this country are getting from the appointment of the Agricultural Economist. I have no doubt he does excellent work, but I have never seen the results of it. I am one of those amateur

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farmers who have been trying to farm here for a great many years. I am always trying to learn and get some information and help with regard to the economics of agriculture, but I have never yet received anything from this gentleman that was any help at all. Then, still dealing with that department, there is one great miss. There are votes for coffee, pyrethrum, sisal, and wheat, but there is no branch dealing with what is almost the most important thing in this country in connexion with farming, and that is grass. Now it has been generally accepted that the basis of sound farming in this country is the cow, and surely if that is accepted it is all important that the food for the cow should be given proper recognition, and we should have a proper grassland branch of the department of agriculture; not just one officer. I believe there is an officer who deals with grass; I do not know anything about his work because, again, I have never received anything of any help to me from him, but we did have some years ago a visit from a very distinguished gentleman, Dr. Pole-Evans, who came here and made a very useful report on the grasses of this country. He was very much impressed and said we had the best grazing of any part of Africa, but what has happened since? Nothing. I do think it is absolutely essential that we should have a proper grassland branch of the Department of Agriculture. There should be experimental stations all over the country because the grass varies very much according to the different localities, altitude and so on, and I do suggest that the way to do it is for Government to approach the Government of South Africa and ask them to send us here the best man whom Dr. Pole-Evans can recommend to take charge of that department and get the right people to work under him. If you have got the right man here with sufficient ideas who has been working on grasses in other parts—and I think South Africa is probably the most akin to what we have got here—he can make a proper survey based on Dr. Pole-Evans' report and put up recommendations to Government as to what is really required, and I think the sooner that is done the better.

This does not only affect the European farmers; it affects all the pastoral tribes and the native pastoral areas. Nothing is

ever done to improve their pasture. The only thing we ever do is to try and do a certain amount of destocking; what we should do is to improve the carrying capacity of their land. I do suggest that in the funds which have been accumulated by the Meat Control you have got money ready which can be put in a fund for the improvement of the pasturage in the native reserves. I have said this before, and I should like to reiterate, that I do not agree with the hon. member Mr. Kasim, who recommended that these funds should be used for famine relief; they should be kept and used for improving pasturages. At the same time, while speaking on Meat Control, I feel that Government is missing a great opportunity at the present time in dealing with this question of overstocking. (Hear, hear.) I do not believe they are facing up to it or doing what they should do. I know the Meat Controller has great difficulty in getting sufficient meat, though there are enormous numbers of cattle in the country, and if at the end of this war when there has been a good market and Government have not taken advantage of that market to leave those pastoral reserves in a proper state, not overstocked but stocked with better stock, then they will have seriously failed in their proper duties. (Hear, hear.) I also suggest that the whole question of improving the stock in these native reserves should be considered. What about artificial insemination and things of that sort?

Now there is another great miss in the Department of Agriculture. There is nobody in that department I know of—anyhow it is not shown in the estimates—to give advice on fruit culture. We in this country, with the limited amount of land which is available, have to experiment in every sort of way in which we can, to grow profitable crops, and I think there is no doubt that we can grow fruit in this country very well. Different parts of the country can grow different sorts of fruit, and there is practically no fruit which could not be grown in this country, in some part or another. At present everybody who goes in for producing fruit has to do it on their own and pick up such information as they can get by writing to South Africa and so on, and I think it is very essential that that should be taken up seriously by Government and see if we cannot

[Lord Francis Scott]

become a really good fruit growing country, and as a corollary to that we could grow grapes here very well and we could produce our own wines in due course. Still dealing with that department. I should like to know something about the Soil Conservation Service. Several weeks ago I sent in a very simple question to Government asking what practical steps had been taken during 1943 by Government to implement the Land and Water Conservation Ordinance. As I have had no answer, though Government have had my question a great many weeks, I presume nothing has been done. That is the only conclusion one can come to if it has not got an answer to a simple question. Perhaps in the reply to this debate we may be told something about it. I asked a further question, which was to know whether the Soil Conservation Service were being handicapped in their work by lack of tractors, and was it a fact that two tractors which were allocated to them some time ago were given up to the timber industry. Probably quite rightly the timber industry required them very badly, but recently the timber industry did have a large number of tractors imported into this country, and I understand nothing has been paid back to the Soil Conservation Service. My information may not be correct, so I asked a question to get the correct answer, but I should like to have a definite answer to that before this debate closes.

Coming to the Education Department, I note that the overseas scholarship scheme—that is the European one—has no increase in the amount voted for next year, and I was under the impression—I may be wrong—that the committee dealing with that, of which I am a member, recommended a considerable increase, that we should have more scholarships and that other people should be invited to help towards it also. I do not know whether any success has been achieved by our recommendations, but I should like to know what the position is. Both the hon. Mr. Paroo and the reverend gentleman representing Native Interests drew attention to the comparative amount of money spent on education for the various races. Personally, like the hon. and reverend gentleman, I think comparisons are odious, and that it is no argument at all to argue as

to whether so much is spent on European education or African or Asian; the real point is how much money is needed to provide the education which is required for these various services. But there is one point I should like to draw to their attention, and that is that in the case of Europeans £50,000 is spent on boarding, which does not apply to the Asians, who do not have any boarding at all, and only to a very small extent to the Arabs and Africans, and towards that £50,000 £27,000 comes in on the revenue side. These figures ought to be taken into consideration when any comparison is made but, as I said before, I do not wish to make comparisons. We have got to see that the children of this country are educated, and the various races require different forms of education, and the real point is to see that adequate facilities are provided for all races.

The Labour Department: All I have to say in regard to that department is that I understand the Labour Commissioner is going to retire from his office in the course of this coming year, and I should like to take this opportunity of recording my deep appreciation of his extraordinarily good work which has been done while he has held that office. (Applause.) He is a man of great courage and great decision, and he will be very badly missed when he leaves us. Whilst talking of retirements, the next department is the military one, and I feel many of us, anyhow those who have been associated with it in the past, must feel very sad to see that the Kenya Defence Force will cease to function from this time onwards. (Hear, hear.) I do think we should pay a tribute to those many people who have so unselfishly and patriotically devoted themselves and their services, despite all the other hard work they have been doing, to the Defence Force during these years and who have done so much to maintain its efficiency. I trust sincerely that when the war comes to an end once more the Kenya Defence Force will come into its own on whatever lines are then agreed.

The hon. Member for Nairobi South drew attention to the amount of pensions, and pointed out that they really should be funded and so on. I am not prepared to go into this sort of argument. An interesting point I notice is that for the first time this year there is no increase in the amount estimated for pensions.

[Lord Francis Scott] I should like to know whether that means that we have reached the peak or not? I have a recollection that a previous Financial Secretary estimated that we should probably reach the peak in 1946; if we have reached it in 1944 that is so much to the good.

Coming to the Public Works Department, I should like to support the remarks of the hon. Member for Nairobi South in urging that this question of road construction should be dealt with in a very big way. I know perfectly well as a member of the Central Roads and Traffic Board that what we are doing at the moment is as much as we can do and that there is no more facility for doing any more at the moment and that the programme put before us is what was agreed to, but I am referring to the matter on a bigger line. I quite agree that the post of road engineer should be filled by some very live up-to-date man with good experience of the improvements in the methods of road construction, and that we should have up-to-date machinery for this purpose. Tremendous progress has been made in recent years in the construction of roads, and we have to face up to the fact that if we are to have proper roads in this country it will cost a good deal of money, and we have got to have that money and we have got to have the roads. There is a great deal of dissatisfaction at the slowness of the construction of roads which are being worked on. I know the latest difficulties, but the fact is that it has been very slow, and I was surprised to hear the other day that though we have been held up for lack of blumen the Army actually handed over a lot to the Public Works Department some time back, but the Department said they could not use it at the moment, so that the Army took it all back again. If that is correct, and I have reason to believe it is, it shows shortsightedness on the part of the Department. Also connected with that Department is the question of the hydrographic survey. There are additional posts provided for that branch, but I do not think this goes far enough. We have agreed, and I do not think there is any dispute, that the most important factor in the development of this country is water supplies, and I do not think we can possibly spend too much money on having hydrographic surveys made of the

water potentialities in the country, and so I should like to see that vote increased.

Under the heading "Subventions", there is the statistical section. Could we be given some information of what that consists of and what they are working on, and so on? Last year we were told we were going to have some sort of statistical section, and I said at the time that we either had to have really proper and reliable statistics or else it was far more dangerous than if we had nothing at all. I should like to know very much what the position is in that regard. The only other point I have to make is to join with others in congratulating Government on at long last voting money for the improvement of Mathari Mental Hospital. It so happens that several of my friends have been inmates of that institution this year and I have had cause to visit them, and the conditions under which Europeans live is an absolute disgrace. The Africans and Indians have had a certain amount done for them; in fact, the Africans have proper water sanitation while the Europeans still have the old bucket system in the middle of Nairobi. No one wants to live in an institution like that, and one cannot but feel terribly sorry when they are there, and I think it is the duty of the country to do what it can to make their conditions as good as it is possible.

Veterinary Services Extraordinary: There are two very interesting items under that, tsetse fly and beef measles services, and it would be very interesting to this Council if we could be told what the position is with regard to the steps being taken in regard to both those activities, which are both of first class importance to the country. Public Works Extraordinary: I am delighted to see that a lot of money is going to be spent on school buildings. It is absolutely necessary and we have to look ahead. The hon. Director of Education, in reply to a question of mine the other day, said he was satisfied that the arrangements for European education would suffice for 1944, but not for any time afterwards. I suggest that we get away from this hand to mouth method of dealing with school accommodation and have a programme, thinking further ahead and on a bigger scale. I am also glad to see that under Public Works Extraordinary the Nakuru Post Office is going to be

[Lord Francis Scott] extended; it has been asked for for a long time. One item I should like information about is the staff quarters at Lieb's factory. I thought the factory was a private industrial concern: is Government responsible for building their staff quarters? There is one other matter under that heading that I would like to have information on, the drainage of the Pesi Swamp. I believe it has been successful, and it will be interesting to know what the result is and how much it has improved the flow of the Uaso Nyiro river. War Expenditure Civil, rent for Nakuru Industries: I was under the impression they were taken over by the military. Do the civil Government pay the rent and get it back from the military? As my hon. friend on my left (Mr. Nicol) has asked, we should very much like to know the position about interned enemy aliens, how many releases, where they are now, and what is the present position? Under that heading I also notice the sum of £1,396 paid to Italian missionaries at the Consolata Mission, Nyeri. Explanations of all these matters are of interest to this Council.

Referring to some of the remarks made by hon. members, I should like to say how much I support the recommendation made by the hon. Member for the Coast when he suggested that all this wasted labour in towns like Nairobi should be rounded up and put into some labour force under discipline. I quite agree that it would be useless to send them straight on to farms, but if they were put into some labour corps under discipline as suggested and used in groups they could, as the hon. member said, relieve other labour which could then be made available for agricultural production. Whether the rationing of labour is possible or not, I am not sure, but I think it well worth enquiring into to see whether something could not be done anyhow to ration some of the unproductive labour such as houseboys and so on. One point the hon. member Mr. Shamsud-Deen raised was about leave to India. It may interest him to know that the only people now to go on leave to the United Kingdom are those who have been six years away, and presumably the same would apply to Indians who came from India. They have to make their applications if they have been away six years without a break, and

then the War Office either sanction it or not.

Coming now to the remarks of the hon. member, the first thing I should like to comment on is the provision for silo storage. I am very glad to hear that after four years Government have at last started to do something in this respect, although I think it most regrettable that they did not do it four years ago, and I still think they are not going for enough. I understand these two stores which are suggested are only for wheat, and though I know others do not agree with with me I still believe, as I have done for many years, that we should have silo storage for maize. My reason for that is purely as an insurance against famine. In Africa you have very good years and have bad ones, and when you have good years and one has proper storage you can store the surplus for the bad years. After all, a very good precedent was set up years ago by a gentleman called Joseph in Egypt, who stored the produce through the seven fat years and kept it to guard against the seven lean years! Even though it costs a lot of money we should be compelled to go in for this expenditure, and if necessary write it off—do not expect to get your money back in direct cash, though it will come back by having a store we could draw on in case of such a time as we have been hearing about lately in the Ukamba Reserve. There would not then be opportunities for the Kikuyu to make a black market by selling maize for Sh. 60, 70 or 80 a bag to the unfortunate starving Wakamba. That is, I think, one of the blackest marks against the Administration, that they have been unable to control such dealings, and I still cannot understand why it has not been possible to requisition the surplus maize in the native reserves where it is stored in the same way as the surplus maize of European farmers is requisitioned. Why cannot that be done so that you could have your stores of reserve instead of it disappearing into the black market at these prohibitive prices?

The hon. member spoke about the loan and said there was only £400,000 outstanding in 1946, I think I am correct, and suggested that £350,000 of the present surplus should be put towards that. First, could he tell me whether this £400,000 is the total amount of the loan, or is it Government's share as opposed

[Lord Francis Scott] to the Railway share? (Mr. Troughton: The Government share.) Well, sir, I personally should be very sorry to see £350,000 tucked away in that way at the present time. Later on, when we know more where we are and how much money is required for various services, it could well be considered, but I always thought the normal way of repaying a loan of this sort was by raising another loan. I believe the hon. Member for Nyanza spoke of this yesterday—unfortunately I was not here—and I believe one could raise money locally at a low rate of interest at the present time. We shall want loan money for the projects under the Colonial Development programme because a certain amount has to be financed from our own loans, and I consider that before we put away £350,000 for the specific purpose referred to we should consider alternatively the raising of money by a loan. Personally, I would much rather see any surplus money of this sort kept in the general reserve which can be allocated when it is required in production rather than put away in various earmarked purposes. The hon. member at the end of his speech spoke about taxation and services after the war. He held out a word of warning that after the war, if we were to keep up our services, we might have to keep up our taxation. I held out that warning myself in the budget debate last year, but the facts of the case are these. When this Council agreed to the very large increases in income tax, the Government gave the definite assurance that it was only for the period of the war, and that after the war the rates would go back to what they were before. Government cannot get out of that except with the agreement of this Council. When I say this Council, I do not mean the official automatons, but the unofficial side, because they are the people concerned; the other side is not allowed to vote as they want. But I do agree with the hon. member that you have got to hold out a word of warning. We have asked for a lot of increased services which will have to be paid for, and they may necessitate us keeping up taxation at a higher rate than what we would have allowed, but I do submit that Government will have to put up their case and show that it is justified before taxation is kept at anything like the level it stands at to-day. There is also

another way, instead of high taxation, of getting your revenue for such purposes, and that is by seeing that while we have money available that money is used for the development of the country in such a way that it is going to be an economic development producing increased revenue. If you do that you will get increased returns with which you can pay for some of the uneconomic services which have been referred to.

While on that subject the hon. mover seemed to take it for granted that when the war was over we are going back to that same position of uneconomic prices for all primary products. I do trust that the world is not going to be so stupid as to do that again. I do trust that the producers not only here but in Great Britain and everywhere else are not going to be penalized once more for the benefit of the financial pundits in the City of London. We had too much of that before, and surely the lesson must have been learnt, and I do know that a big body of people in England are to-day working at this very point and who are determined to see that the producer gets a fair price for his products. I trust that although prices may not be as good as they are to-day that they will not go down to anything like what they were in the days before the war. I should very much like to support the remarks of the hon. Member for Nairobi 'South' on the question of grants in aid to this country and all that sort of thing. It is quite true that people in Great Britain, a large number of them, think that we are financed here entirely by the home Government and do not pay our way at all, which of course is entirely erroneous. I think the grants-in-aid were abolished before I came to this country—(Mr. Nicol: 1913.)—and since then we have paid for everything, and we pay high rates of interest for money borrowed in the City of London. Nobody can say that we are in debt to them in any way whatsoever, but the ignorance of the people of Great Britain is abysmal about this country. In 1937 I remember an argument with a very educated gentleman in the City of London on the subject of giving Tanganyika back to the Germans. I, among other arguments, said "Do you want to present them with a ready-made submarine base?" and he said "I did not know that Tanganyika came down to the sea". (Laughter.) That

[Lord Francis Scott] is typical: they tell us what to do and do not know the first thing about it. I think the point made by the hon. member about the fact that we are not indebted to the Imperial Government for any money at all for the last 28 years should be emphasized very strongly.

Native taxation. The hon. mover said that Government decided not to increase native direct taxation, and pointed out that they were paying considerably more in indirect taxation. Personally, I think Government has made a mistake. I think native direct taxation should have been increased, not for the purpose of swelling the revenue of the Colony but for the very arguments which have been used in every other country and in regard to every other people of the need, or the sound policy, of having heavy taxation in wartime. We know there has been more money in the native reserves than ever before, and I think Government have missed a golden opportunity by not making a small increase in the tax, and so forming a very good and valuable fund which would have provided the necessary finance for increasing those primary schools which the hon. and reverend member stressed, or for increased medical institutions and everything of that sort which could have been done and done for the benefit of the natives, and I think an opportunity has been missed and I think it is a pity. Also, the hon. mover twitted the district councils because they had not rated themselves to the same extent as the natives had. I should like to remind him that all this very heavily increased income tax and direct taxation has fallen on the people in those district councils and has not fallen on the native reserves. At the same time the district councils have expressed their willingness now to rate themselves under certain conditions.

Native-policy. One of the most remarkable changes of view which I have seen in this country for a long time is the awakening of the European community here to their genuine and wholehearted wish to help on the development of the native peoples in this country. It is not just eyewash. At all the meetings I have been to it is the one subject which meets with unanimous approval, and it is very remarkable how that has come about in a very short time and to what extent. We have always in this Council, if you look

through the records you will find that members on this side of Council have always, pressed for better help to the natives and for their development, but this has now spread right through the country, and it is a very general feeling that in the development of this country we have got to develop the native people side by side with the European people for the good of the country. This postulates a great deal of increased education for the natives, which means many more educated natives in the country. The early stages when backward and illiterate people are brought into contact with education is always a very dangerous time, because you get a few who go ahead and take advantage of the education and are for a time rather between two worlds. They have got away from their old habits and traditions, and they have not quite found their place in the new world, and I do wish to emphasize the great need that a place should be found for these educated natives; that they should be encouraged, and that it should be impressed on them that they are citizens of this country and that they have not only the rights of citizens but the duties of citizens, and it is up to them to bring their education and increased knowledge of civilization amongst the races to their peoples who have not had the same opportunities. I do not think in the past, either in Government education or mission education, sufficient emphasis has been laid on the duties of citizenship and pride in work. If we are going to help the natives on, as I hope we are, we have got to get a sound foundation to build on and we have got to use all the people who are ready to come in. If you do not find any proper jobs for these educated natives they are going to become disgruntled and dissatisfied with life and become dangerous elements. If, on the other hand, they feel they are wanted, that there is a future for them, then they should be ready partners in the development and improvement of the civilization throughout East Africa. (Hear, hear.) I feel very strongly on this. We have seen mistakes made in other countries; let us avoid them here before it is too late.

One last word. Like my hon. friend who last spoke I probably shall not address this Council again on a budget, and the last thing I want to say is let us look at everything from the big outlook.

[Lord Francis Scott]

Africa is a big country and the picture ought to be painted with a big brush; we will never get anywhere by too much caution and timidity; we will get there if we have courage and faith, faith in our country, faith in our land and faith in what is going to happen. I do hope that even if mistakes are made, even if money is lost which at times will be lost, even if things go wrong, we will not be overcome by them but will look ahead on a big line and look at Africa as a whole, not only just Kenya. We have got to join all these countries up. Whatever the difficulties, whatever the objections, we have got to look at eastern and central Africa as a big part of the Empire and to the future where there is much to be done and which has got to be done with boldness and courage. (Applause.)

MAJOR CAVENDISH-BENTINCK: Your Excellency, I have a few remarks to make. They will be to some extent shortened because many of my points have been put much more ably than I could put them by the noble lord who has just spoken and who made what I may describe as a very able speech indeed. I wish however, to elaborate the arguments that were put forward by the hon. Member for the Aberdare and by the noble lord who has just spoken and by other members on this side in regard to the proposal put forward by the hon. mover of definitely earmarking a sum of money towards the repayment of a loan carrying a rather high rate of interest. There is an old saying about not counting your chickens before they are hatched, and it does not even follow that because one has a lot of chicks running about, that they are going to come to maturity as chickens. We have at the moment, according to the memorandum on the estimates, an estimated revenue balance as on the 31st December, 1944, of £2,207,963, and for a small country like this which has been through bad times and in view of the circumstances of the last few years, we are perhaps apt to over-estimate the soundness of our potential financial position. I think that after the war, and perhaps during the war, before it is over, there are going to be many calls on any money we have at our disposal. (Hear, hear.) I would, of course, support what has been said about spending money on purposes which will

give a return, but I would stress that we are not out of our difficulties yet, and even were the war to end within a reasonable period of time, the aftermath of war is going to hit this country just as it is going to hit other countries in the world. One of the difficulties which face us, and not only us but the whole of Africa and possibly a large part, if not the whole of India, and according to the warnings which we have been given, possibly the whole world, is in the matter of food shortage. You, sir, I believe are giving this Council a statement on the food position as soon as you are able to do so. I cannot forestall any statement because I do not exactly know what the food position is, but I would point out that we have only £50,000 allocated to famine relief. I venture to suggest that will not be enough under present weather conditions. I venture to suggest that two million pounds may not go very far in such matters if we really have an infestation of locusts combined with bad weather, leading to a general shortage of food over the next two years, which is not beyond the bounds of possibility. Furthermore, supposing we do get through this war period unscathed, the hon. mover seemed to pre-suppose that we were going to find money fairly easy to obtain in the form of loans at a low rate of interest. I think the whole world will be looking for loans at low rates of interest, and the financial situation may be such that after the war there will be unlimited opportunities for investment, and it may not be possible to obtain money at such low rates of interest as we now pre-suppose.

The hon. mover mentioned that there were possibilities of Government spending considerable sums of money on storage. This suggestion was supported by the hon. Member for Aberdare and the noble lord who has just spoken, and I would wholeheartedly support it also. The country cannot advance without reasonably modern equipment, and small countries are very apt to be held back and be retarded because they have not the means of obtaining modern equipment. There are opportunities of possibly obtaining assistance now towards equipping this country on fairly modern lines for war purposes, and if we can obtain reasonable modern facilities for the storage of cereals—and I agree with the noble lord—cereals of all kinds and

[Major Cavendish-Bentinck]

in order to assist us to build up our cereal exports, our meat industry and our dairy industry, I think, sir, we should not hold back but should do our utmost to provide those facilities at the earliest possible moment. The advantage of being able to do that now is that the facilities will be obtained as part of our war effort, and the producer need not be lashed with the necessity of guaranteeing some sort of minimum contribution, so much per bag or so much per pound, before the required storage can be put up. That is what held us back before. After the war, as I visualize it, with such equipment we have been able to obtain, it will be carefully considered how it can be operated economically on a scale which can be afforded by the producer and in a manner which can be to the advantage of this country as a whole. If Government have got to subsidize initially out of war funds or even out of loan money as the noble lord said, in the long run it will not be a monetary loss but an economic gain for this part of the world. Before finishing my remarks about this subject I would say the present stage of these inquiries has not gone beyond having a report made and asking for tenders and drawings of possible installations. When these are obtained I need hardly say that every possible interest will be consulted before anything further, as far as I am aware, is definitely done. I mention that because a few people fear these installations may be put up in the wrong place or insufficient consideration given to construction, design, and so on. It is impossible to consult people until there is something definite to consult them about. For that reason a man has been out here from one of the biggest firms and his advice sought, and there will possibly be another man representing another very big firm shortly out here; as a result of their advice we shall be able to produce plans to all interested really worth considering and going into.

Another matter mentioned in the hon. opener's speech is the matter of tourist traffic, which I know has been a subject of interest to the hon. Member for Mombasa and others on this side of Council. Naturally, I am all in favour of anything that can be done to pave the way for tourist traffic as soon as tourist traffic can be reopened. I hope, however,

it will not be forgotten that a great deal of groundwork in this connexion was done just prior to the outbreak of the war, and we did manage, after negotiations which lasted for quite a period of time, to persuade all three Governments to unite in doing what they could to encourage tourist traffic on a co-ordinated basis and to finance and form an organization representative of shipping companies, air companies, hotel companies, and so on, all interested in the tourist traffic to try and do the best they could for its promotion in these territories. Unfortunately, war broke out, and the money allocated to this purpose was for the greater part handed back to the Governments concerned. I agree that the time has now come to resuscitate our inquiries and investigations into the problem, but I hope we will not lose sight of the groundwork already done and that full use will be made of it in any further investigations and inquiries.

I was going to speak of an allusion made by the hon. mover, with reference to expenditure on Mathari Mental Hospital, but all I need say is that I wholeheartedly support the remarks made on that particular subject. Leaving now the opener's speech, I wish to say a few things about settlement. I note that in these estimates, there is a sum of £5,000 under the sub-head 18a, costs of increased settlement scheme, and we are told that provision is made in the estimates for £50,000 under Appendix B. This is one way of making provision, but I suppose, as it does not appear anywhere else, that this sum is being included among loans on page 150 of the estimates, in order that the £50,000 or any further moneys which may be required could be advanced out of the Colony's fund and eventually repaid out of the loan when floated. That, I presume, is why the particular way of putting it in the estimates has been adopted. We are, however, behindhand with settlement as all will agree, and probably behindhand because of the very reasons which the noble lord mentioned at the very end of his speech. Curiously enough, I had very similar remarks noted to make in connexion with settlement. People are afraid of spending too much money or losing money or of making mistakes, and generally are timorous, but people who are timorous and afraid of making mistakes and afraid of losing money, just

[Major Cavendish-Bentinck] like those who claim that they have never made mistakes or lost money, I would say will never get anywhere in the world. And we shall never get anywhere with settlement in this country unless we change our attitude from that of the past few years. Again, as regards settlement everybody pays lip service to it, and latterly have done so rather vociferously, but when it comes to suggestions as to how are we going to get the land and the question is put "Are you going to give up land" or "May Government take it", and so on, quite naturally people are not so forthcoming, and begin to wonder whether it is going to affect them personally. We have got to provide the land and, as Council is aware, the whole of the public is aware, a bill has been drafted, and has been published for criticism and, as everybody knew it would be, it has turned out to be a very contentious bill. It is true that it will require amendment in various degrees and have to be very carefully examined before it can be definitely passed or adopted in this Council. That means a still further lapse of time. Therefore, I would like to find out quite definitely whether this sum of money put in Appendix P, page 150, or any larger sum or any portion of that money can be expended on the acquisition of land in the meantime? This question was asked by my colleague, the hon. Member for Nairobi South, and it was mentioned by you, sir, in your opening address, but everyone would like to know, if possible, where precisely we stand in that respect. As I view settlement, in the first instance we have got to have some method of acquiring land. In the second instance, I think in many cases a re-demarcation will have to take place in respect of that land. Possibly roads of access will have to be made, possibly in some cases even fencing, dips, and so on will have to be provided. That will have to be at Government expense. Then we want in some cases to help people to start by giving them quite a period of time to repay the money they will have had advanced and the debts they will have had to incur in settling themselves on the land. We may also have to consider the question of tenancies, and if we have tenants and the State is the landlord, the State as landlord will have

to shoulder the responsibilities of a landlord just as any other landlord has to shoulder his responsibilities. These are all new concepts from the point of view of time honoured careful Government finance. There are risks involved, and I would beg the honour of supporting what the noble lord said, that we accept these risks and try and go ahead with building a colony worth having, with enough people in it, large and prosperous families, and a completely new picture unlike anything that has existed in the past and which we have been struggling for in a very small way up to date. (Hear, hear.)

There is another subject I am afraid I must touch on because it has to do with settlement and a great deal to do with agricultural production and a great deal to do with our progress during the next two or three years, and what is going to happen to this country; that is the question of labour. I think it has been mentioned by one or two speakers, but I do not know that anybody has really said very much about the present labour situation. As regards production, the present labour situation is, I do not know quite what word to use, extremely bad and might become fairly desperate; in some cases I think it is already fairly desperate. It is difficult, perhaps entirely to appreciate the reasons that have led to this very serious deterioration of the labour position. In the estimates a small provision is made to the Labour Department, which staggers on, but no provision that I can see is made for any specific steps which may have to be taken to deal with this labour situation, and I think some provision should be made, if it is only in the form of a fairly large token vote which can be used without having to go to the Standing Finance Committee as this might delay steps it is necessary to take. There is no doubt that there is a good deal of money in the reserves, there is no doubt that as a result of four years of war the native mind has been somewhat upset; equally, there is no doubt that there are a great number of natives out of the reserves, and that there are more natives actually at work in view of our production programme than ever in the past. Those are all factors which have something to do with the present labour situation. But there are some things that could be done. I think, to remedy matters which have not yet been done. In the first instance

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I believe there are quite a considerable number of natives, apart from those mentioned by the hon. Member for the Coast as hanging about in towns, quite a number of young men who are getting out of the reserves and not necessarily hanging about in towns, but hiding somewhere in order to avoid conscription, and really to avoid discipline. Old natives tell me that the discipline among young men to-day is quite deplorable. Quite apart from the scallywags who come into the towns, nobody can tell me where these young men are, except that one does meet older natives who tell one that they are hanging about dodging. Another thing which I think requires something done about it is, in the event of recruiting conscript labour, to be able to inform the district officers or whoever is responsible at the last moment where that labour has to go. What happens now is that there is a tremendous time lag between the time a man tries to get his labour and the labour is going to him. I have often been accused by Government as Chairman of the Production Board of my inability to tell Government exactly how many labourers will be wanted on a set date in such or such a district. In theory that may be all right, but in practice it is absolutely impossible, because a lot depends on the weather. A farmer does not know the sort of weather he is going to get between the time he estimates and requires his labour, and any untoward thing may happen between the estimate and the time he does require the labour. So that something should be done to try and have some form of labour reserve which can be allocated to where it is most required at the crucial moment by the local or district production committees. We have tried to do this with Italian prisoners of war, and I believe it could be done with native labour; it is in fact being done in a neighbouring territory something on the lines I have indicated. The Production Board is going to take on a man who I hope will keep in touch with the local production sub-committees constantly, and before any particular operation, such as harvesting or pulling flax is due, to warn Government what labour will be required and help the district production committees allocate to the best advantage such labour as is produced. We want to go further, and I should like something

in the estimates to indicate that Government is alive to this position and is taking urgent and drastic steps to meet what is in fact a drastic situation.

I have only two or three further small points which will not take very long, as the two main subjects I wished to mention were labour and settlement. On the question of income tax, there are a few persons who have been residents of this country for a very long time and who are among those mentioned by the noble lord just now as having played their part in building up the K.D.F. for many years, and who, on the outbreak of war, were called up as they were on the Reserve of Officers. For many years they were paid nothing for being on the Reserve of Officers, and they merely remained on it because they felt that, although Kenya citizens, it was their duty to place themselves at the call of the home or this Government in the event of emergency. The fact of their holding those views has reacted very unfortunately on them in that, I understand there are not many of them, although they are Kenya residents in some cases of 20 years or more and although they are in the East African forces they now have to pay the United Kingdom rates of income tax. I do suggest that if it cannot be got over in any way, some subsidy should be paid so as to place those people on a parity with men who have joined up since the war started and who get East African rates of pay and an East African deduction of income tax. I would like to support very strongly what was said by the noble lord in regard to the grass experimental work. I know the hon. Director of Agriculture has this very much at heart, and we should all support him in trying to get a far greater financial provision for this specific purpose than has ever been thought of before. I had something to do with the visit of Dr. Pole-Evans, because I was lucky enough to be taken around South Africa by Dr. Pole-Evans himself and shown the work done, the grass experiments and so on in the Union. I am sure that we are terribly behindhand, especially in view of the enormous amount of land that has been broken in the last two or three years; we should take this matter very seriously and start making plans forthwith.

Lastly, another matter has been mentioned which is the question of money

[Major Cavendish-Bentlck]
for improvements to the post office. I think it is in Public Works Extraordinary. If ever improvements are made to post offices, I do hope proper accommodation will be made for people who wish to transact business in these offices. The present state of affairs in the Nairobi post office and certain other offices, but notably Nairobi, is perfectly scandalous. You may say you cannot have race discrimination in public offices. I say nonsense. Do you expect an elderly European lady trying to send a telegram to be pushed about by a lot of very dirty and odorous boys? which is what happens to-day. It does settlement no good, the country no good, and it is pure hypocrisy to talk about race discrimination in a matter of that kind. Government ought to provide a place where the more respectable members of society can go and transact business, while the messenger boys, as in Southern Rhodesia and other places, go in through another entrance, and I hope people will support the Postmaster-General in an improvement of this kind.

MAJOR KEYSER: Your Excellency, the hon. mover mentioned the matter of post-war taxation which has been dealt with by other hon. members on this side of Council. I gathered from the way he spoke that he was really casting to see what sort of bait the country was going to bite on, and I think that he has had the answer from this side of Council, with which I associate myself. We gathered that the extra taxation imposed during the war was of a temporary nature, and I think the country expects that after the war much of it will be removed. With regard to the paying off of the 1921 loan, I would also like to associate myself with the hon. members who have dealt with that subject. I think there is far too great a tendency in this Colony to saddle the pioneers—and we are still in the pioneering stage—with a very big debt and the very arduous duty of paying for the whole development of the Colony, and I think posterity must bear its share of the development of this Colony.

I welcome the proposal by Government to spend quite a vast sum of money on silos, because, I think that as a precaution against famine they are absolutely necessary, and I should like to associate

myself with the noble lord, who said he thought they should also be used for the storage of maize. This spectre of famine must be removed from the Colony. This is the third year in which we are going to be faced with it, and we do not know quite how serious it is going to be, but definitely, if we are going to advance, we must remove that spectre of famine. The hon. mover did mention that he expected them to pay revenue, and I would have liked some indication of how that revenue was going to be derived from these silos, because there is a certain amount of apprehension among the cereal growers in this Colony that very heavy dues are going to be raised in order to pay the interest and sinking fund charges on these silos which will be charged against the cereal growers, which will therefore again raise their costs of production very heavily. In the matter of excess profits and income tax, I would like to remind Council that it is not so very many years ago when the whole country was very much concerned with the agricultural debt of the Colony. We were all wondering how on earth this question of the debt of the farmers could be settled; how the farmer could again be put on his feet and freed from this millstone round his neck. I believe excess profits tax is not levied if the excess profits are used for the development of farms or for the purchase of further land, but it does seem to me that repayment of agricultural debts should receive prior claim. I am very anxious to see this Colony in a state at the end of the war in which most farmers are completely free of debt. (Applause.) There has also been mention of certain sums of money being spent on hospitals. As the only native hospital I am acquainted with is the Kitale one, I should like to know if there is a proposal to increase the native wards there. I blush with shame when I visit my employees in this hospital. The staff do an extraordinarily good job there, but the only way they can put 60 patients into 30 beds is to put two patients in one bed. The cases that go to this hospital are invariably serious cases, and all the patients do not wake up in the morning.

I also welcome the suggested increase in the personnel of the Police, but with regard to this crime that we have heard so much about I do not think that merely increasing the personnel of the Police is

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going to have any very great effect, though it is going to have some effect. The real reason to my mind is that the deterrent is not of a nature to stop the crime. In other countries, such as Australia, it is not so very many years ago when the only way sheep stealing could be stopped was by hanging. I am not suggesting that should be applied in this Colony, but I do think there are other forms of punishment which would meet the case. A great difficulty about crime in a country like this, compared with a more civilized country, is that in a civilized country the ordinary citizen is prepared to come forward and give evidence; in this Colony the position is reversed and it is extremely difficult to get evidence anywhere, and one knows that there are a considerable number of people who are aware of crime having been committed and it is quite impossible to get them to come forward to give evidence. That is the particular case that should be met, and the only way that I think it can be met is by an extension of the Ordinance that we passed the other day, which is the Collective Punishments Ordinance. I have talked to natives who were themselves stock thieves; I have a great friend who was very proud of the fact that he had been in prison three times, and he used to tell me about the crimes he had committed. He was really rather an old sportsman. He said "You know, it is no good putting people in prison. Every time I have committed a crime I was not the only one who knew about it; it was all organized beforehand" and, he said, "half of my tribe knew it". He said "If you want to stop stock thieving there is only one way to do it and that is to fine the tribe, because without the help of the other people of the tribe I could not have stolen that stock."

I should now like to refer to labour. The impression in the country is that about a year ago Government gave a definite guarantee to the Colony that labour would be provided for the reaping of the crops. I remember that a notice appeared in the Press to that effect. I am told since then that that notice was unauthorized. Whether it was authorized or not, the country got that impression, and that notice was allowed to remain in the paper, and that impression was allowed to remain on

the people of this Colony that a guarantee had been given by Government that labour would be provided for the harvest. We all know to-day that there are a considerable number of crops in the Colony that are faced with possible loss through lack of labour to reap them. When the conscription of labour first came in I thought that it was a very good way of turning the lazy native out of the reserve, though to start with there would possibly be quite a number of minor injustices, but that eventually if it was allowed to carry on long enough it would sort itself out. Now the native in his standard of living rates leisure far too high, and I thought conscription would be a form of benign coercion, of getting him to realize what the true values of the component parts of his standard of living really were. He naturally was very opposed to it and there was a certain amount of trouble about it, but those of us who are in direct contact with the native and who know him find that every year we have exactly the same trouble when we start our harvesting. We give them the same old tasks that they have done for 20 years, and invariably the natives who may have worked with us for five years dig their toes in and say they cannot do it, and we say, "Oh, no, of course not, carry on", and we give them the same task the next day, and in four days' time they are doing it perfectly well, and when there was a considerable amount of trouble about conscription I think the native was trying it on on a bigger scale than ever.

The great thing about conscription, to my mind, was that it gave the employer a guarantee, an assurance, that he would be able to get labour if he was short. That has been removed, and it has had unfortunate repercussions: employers of labour have had to compete in varying ways for the depleted numbers that are coming on to the market, and not only in the form of wages or housing or food, but unfortunately in a falling off in the output and a lowering of the tasks that are given on farms. The result is that for a given piece of work done to-day far more natives are required for it and the rate of output has dropped badly. The Provincial Commissioner, Nyanza Province, at the conference of chairmen of sub-committees in March last, in the discussion of conscription, told us that he was opposed to conscription because

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in his opinion it was undermining the social structure of the reserves. I submit that famine will undermine the social structure of the reserves to a very far greater extent than would a little discipline and hard work.

I associate myself with the hon. member Mr. Beecher in his remarks about education, but education, after all, is a means to an end, the end being to turn out, to produce a native who realizes his responsibilities as a citizen, who realizes his duties to the State and the community and, in my view, also to the land. The tie between the land and the native in the reserve is very very close; in fact, his whole existence is dependent on it, and with increased medical facilities, with decreasing mortality of natives, especially of infant mortality, we are getting a very great increase of population of the reserves. The carrying capacity of both animals and human beings is being strained very seriously. It seems to me that as this population grows we are gradually building up a very great problem. I do not think that soil conservation is going to solve the problem by itself; we are rather inclined to think that soil conservation will maintain our fertility without any other steps being taken to assist it. If you are going to get these enormous native populations on the land in spite of any soil erosion measures you can take, your fertility is going to drop and you are eventually going to get to a state where the land will not support as great a population as it is to-day. I think that some steps should be taken in all the reserves, that some survey should be made, to find out what the carrying capacity is of each reserve and some scheme undertaken by which each of the reserves will not have to carry a greater population than they are capable of carrying.

That, of course, immediately introduces other problems. What is to happen to the surplus population? Obviously the solution to that question is not finding more land, because the land is not available, but I do think that it is a very big question looming up in the future, and we have to think what the solution is going to be to-day. I only have one more thing to bring up, and that is the question of the food position. I understand, sir, that you are going to make a statement about the food position as it is to-day.

We all know that it is extremely serious, but there are one or two things that I cannot quite understand, that I think the country generally cannot quite understand. Maize as we all know is the most important crop in the country to-day. The European farmers of the Colony feel that they have not been encouraged to increase their production of maize. A guaranteed price of maize was given some time ago for one year only. When you, sir, went round the country we asked you whether Government intended to give a guarantee for the 1944 planting of maize, and if that was the intention, would a statement be made on it as early as possible in order to allow acreages being put down before it was too late to break the land. That reply was given a few weeks ago, far too late to break up new land or to affect the amount of maize we are going to produce in 1944. Not only that, but the Production Board on several occasions has asked that this guarantee should be made for a period of years, that it should have a basic price of Sh. 12 in January, 1942, and that it should bear the increased costs of production. Increased costs were given for bags and a few other items, but most of the important items, the increased cost of labour and increased costs of implements and so on were not given. If it comes, and I think it will, to a position where we will have to import foods, to use shipping that is badly needed by the Allied Nations for military operations, we are to a very great extent detracting from the war effort that we hoped we were going to effect by our increased production during the war. I feel that although we have made a very great effort to produce the requirements of the Allied Nations in certain things, all that is being counterbalanced by the demand on the shipping that we are going to make in order to stave off famine, and I feel that to a very great extent this famine could have been avoided.

As I said before, we are in the third year of shortage of food in a colony where production could have been increased to a far greater extent than it has been if it had been taken in hand earlier than it was. In 1940, while it was still possible to import machinery and the only difficulty was the dollar exchange, we missed the opportunity and did not import a large amount of machinery we should have done. Before there was a

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direct demand on our food, we should have been producing it, knowing very well that in every war or during every war there is always a shortage of food, and if food is not forthcoming it is followed by famine and disease. I do hope, sir, when we have had your statement on the food position that we will have an opportunity of discussing whether any efforts can be made, eleventh hour efforts, to increase our production during 1944, because we are now faced with a very big invasion of locusts. I happened to see two of these swarms the other day, and while they were fresh and new to the type of food that they were visiting they did not eat very much, but as soon as they had got accustomed to it they had most colossal appetites, and if we get a really big invasion next year of these little fellows the food position in 1945 is going to be very much worse than it is to-day, and our demands on the shipping of the Allied Nations is going to be very much greater. To-day, sir, we are faced not only with a reduction in the rationing of the population of this Colony but we are faced with the problem of staving off death by starvation.

HIS EXCELLENCY: Before adjourning, would it be agreeable to hon. members to sit if necessary an hour later this afternoon than 4 o'clock if by so doing we can dispose of the business?

MR. WRIGHT: That I am sure suits us.

Council adjourned at 1 p.m.

Council resumed at 2.30 p.m.

MR. PATEL: Your Excellency, I join some of the previous speakers in congratulating the hon. mover upon his able speech and the interesting manner in which he presented the estimates. My comment, however, is that it follows the usual line from the point of view of the Indian community; as my Indian colleagues have fully demonstrated, it does not meet the legitimate requirements and needs of the Indian community, as far as some of the departments like medical and education are concerned, and it also does not fully satisfy the requirements of the African community. Though it reflects a rosy picture for the present, the hon. mover has presented to us a very pessimistic view of the future, saying that we may have to face either curtailment of services or higher taxation. Now to

avoid that situation, instead of providing £350,000 in payment of the 1921 loan, some money should be spent now in planning the progress of the country so that we may have higher revenue on account of general advancement and the raising of the standard of living of all communities residing in this country, because higher taxation will mean the retarding or stopping of the progress of this country, and the curtailment of services will mean going against the present trend in the world for providing social services on a larger scale, and, as the hon. Member for Nyanza said, we must plan for giving social benefits to all races after the war. For that purpose the Government should now fully consider plans for developing fully the assets of this country and giving equal opportunities to all the residents here.

While on that question I desire to refer to the non-activity of the Indian Land Settlement Board which was appointed about three years back, which indicates lack of sympathy and lack of earnestness on the part of the Government as far as the settlement of Indians on land is concerned. I support the hon. member Mr. Paroo when he said there is now a growing desire among the Indian community, and particularly youths, to take up land, and if proper opportunity is given and encouragement offered I am quite certain that it will be possible to settle them on the land instead of crowding them in townships in trade and offices only.

I should like to refer to the Government the resolution which was passed by the Association of Indian Chambers of Commerce at their meeting at Nairobi on 4th and 5th October, 1943, when they resolved that the executive should be instructed to pursue inquiries regarding the establishment of training schools for Indian agriculturists. If the Government considers after careful examination that it is not possible to maintain an Indian agricultural school by the effort of Kenya alone, I should like to draw the attention of Government to page 14 of the Post-War Employment Committee Report wherein the committee has unanimously recommended as follows: "We recommend that the Government of Kenya should approach the Government of Tanganyika to arrange for the establishment of an agricultural training school for Indians in Tanganyika and, if need

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 be, should contribute towards the cost of such school." I was in Dar es Salaam last month and I learnt from very reliable information that the Tanganyika Government is proposing to take steps in the matter as early as possible, and I urge the Government here and members of the Standing Finance Committee to provide a provisional vote in the present budget to show that they are prepared to contribute towards the scheme and join with the Tanganyika Government in founding an Indian agricultural school, if it is considered that Kenya alone cannot maintain such a school by its own efforts. I also urge the Government and the members of the Standing Finance Committee to make provision for the investigation of suitable land for Indians and to provide agricultural and other facilities. I understood from a private conversation I had with hon. Commissioner of Lands and Settlement that the difficulty is in regard to water. I was told that the Indian Land Settlement Board was not in a position to proceed further usefully unless the Government was in a position to provide water for the land which was available and suitable for Indian land settlement. Now that is the responsibility of the Government, and steps should be taken as early as possible and a token vote should be provided in the present budget to show that the Government does seriously mean to do something instead of showing only lip sympathy towards Indian settlement on the land. While on that question I desire to refer to the application which was made by the Indian holders of 21 farms near Muhoroni, which application I understand was forwarded to the hon. Commissioner for Lands and Settlement through their advocate at Kisumu. Those owners of land stated that in 1912 when that land was sold to them by public auction they were assured that they would be given grazing rights over a piece of land of 800 acres adjoining these 21 farms. Now I understand it is intended to alienate that piece of land of 800 acres, leaving these Indian farmers without any land for grazing. If any such assurance or promise was given in 1912, and if the Government is satisfied that there is some substance in the allegation made by these Indian farmers, I submit their case should be carefully considered and justly decided.

The second question which will exercise the minds of people after the war will be the establishment of secondary industries, for which efforts have already been started. I understood from one of the members of the Industrial Research Board that there is a strong tendency in Nairobi by some influential people to see that these industries are located in Nairobi and the Nairobi area, without giving consideration to the places where raw materials are available, or to the cost of transport to which the country will be put. I think that the country will have to fight such a tendency, and I congratulate the authorities concerned on their publication recently inviting tenders for putting up a cotton mill in the Jinja area, without any discrimination whatsoever, and I hope that in regard to the future establishment of secondary industries all communities will receive equal consideration and that the area most suitable for the establishment of the industries will be given preference. The next point which I suggest we should take into consideration very seriously for the development of this country and for the raising of revenue after the war is to raise the standard of living of the African communities residing in this country, and for that purpose serious consideration should be given to the raising of their wages, and very careful consideration should be given to the recommendation made by the Sub-Committee on the post-war employment of Africans which appears on page 16, in which it is suggested that the Africans should be assisted and encouraged in the growing of economic crops. The next item, which has been dealt with fully by my hon. Indian colleagues, is about medical facilities. I do not wish to go into details, but I do desire to say that the Government has callously ignored the medical needs of the Indian community over the last 20 years, and the Medical Department is responsible for not providing even elementary facilities for the Indian community, and I urge Government to appoint a committee as early as possible to investigate and report on the immediate medical needs of the Indian community.

The last item as regards services is the question of education. My colleagues have already referred to several points, but I desire to refer to other matters concerning the Education Department because, although the Indian community

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 admittedly receives benefits directly from the Education Department, we receive very poor attention from the Medical Department and we are very anxious to see that our education does not meet with the same fate. Comparing figures, as yesterday the hon. and reverend member representing African interests did, I would like to refer to the actual amounts spent for the years 1941, 1942 and 1943 for the education of all three races. The actual amount spent for the year 1941 for European education was £55,033, for Indian education it was £46,733, and African education £76,335. In 1942 the amount sanctioned was £59,452 for European education, £52,293 for Indian education, and for African education £81,646. Later on Indian and African education was not adequately taken into consideration by the Education Department, and as I see the figures for the last three years I can confidently assert that the Education Department has not dealt fairly with Indian and African education. The Indian community have made several representations in the past on various matters concerning Indian education, but without any effect. The noble lord the hon. Member for Rift Valley justified the different votes for European, Indian and African education this morning, stating that those votes were provided according to the respective needs of the different communities. I may say that the need for Indian educational buildings, for the Indian education vote, was very pressing and was brought to the notice of the Education Department time after time, but it has received, as usual, very little consideration. However, as we have already made representations by communicating our resolutions and advising Government and have not received the necessary satisfaction, I desire to make some suggestions in this hall.

In the first place I should like to say that the Indian community has urged the Education Department to consider seriously now provision for the post-matriculate education of all communities, and in suggesting that we have submitted that unless the education of all races is combined after a particular stage it will be very difficult to maintain the institutions as far as the number of students is concerned, and the cost of such education will be very high. We have also stated that all avenues for making a living are

not open to the Indian community of this country for various reasons and, in view of the peculiar circumstances in which the Indian community is placed in this country, it is necessary to examine and investigate which type of education is suitable for the Indian community, and we have requested the Education Department that expert investigation should take place to advise the Indian community on the lines of the education they should adopt. For the education of our girls we have submitted that compulsory education should be applied in Mombasa, Nairobi and Kisumu as early as possible. Then it is very necessary to introduce a second language in the Indian schools, because most of the Indian students who go to India for higher studies do not get admission on the arts side for want of passing in one of the second languages. We have been pressing for that for the last six or seven years, and to make for provision in the Nairobi High School and the Mombasa High School, which means two teachers for teaching a second language. They have not been provided in spite of the urgent necessity to do so. We have also recently requested Government that Swahili should be introduced as a voluntary language in Indian schools because, after all, if they are meant to be citizens of this country they must learn Swahili in their school days.

There is a great need for the appointment of an Indian inspector at the coast, and I hope that the Education Department will seriously consider provision for such a post. Regarding school buildings at Eldoret, and elementary school buildings at Mombasa, we have submitted our case for several years, but Government moves with the speed of a tortoise. We have also requested the Education Department for several years to provide physical instruction and medical and dental examination of the boys and girls, and the only reply we receive is that it is receiving sympathetic consideration, but when that sympathetic consideration will end and when they will take effective action we do not know. While on that question there is one point which has been raised by a certain section of the Indian community which has found difficulty in connexion with girls appearing for the Kenya preliminary examination. For the purpose of appearing for the Kenya preliminary examination, the girls should be allowed to take Hindi as one

[Mr. Patel] of the subjects because that is their vernacular. For the Preliminary, Junior Cambridge, and Senior Cambridge examinations in England students have been allowed to take Hindi as one of the languages. Why, therefore, has not the Government here acceded to the request which has been made for several years? The Advisory Council on Indian education recommended that at least the Government might make an experiment and start with the Indian Girls' School at Nairobi; even that has not been considered. There is one point in regard to grant in aided schools—the Indian teachers working in them are not provided with the war bonus. All the grant in aided schools are struggling to make two ends meet, and the grants paid by Government are not sufficient. The Indian communities are contributing large sums to these schools, but to maintain them is the responsibility of Government, and I hope the Education Department will take into consideration this matter and provide an extra sum for paying war bonus to the teachers working in these schools.

The last question on Indian education is the one which was referred to by the hon. member Mr. Amin yesterday, the principals in charge of the Indian boys and girls schools at Mombasa and Nairobi. I may say at the outset that I do not agree with the argument advanced by the hon. member and the reasons advanced by him for appointing Indian principals in charge of the Government Indian boys' and girls' schools at Nairobi and Mombasa. However, I agree with him that it is necessary to put these schools in charge of Indians. I may assure Government I am not raising the question from any racial point of view. I was one of those who supported in 1926 the appointment of a European principal in Mombasa because we were unable then to secure the services of an Indian who had taken his education at any English university, but the Indian community did resolve even in 1926 and have maintained it throughout that persons, preferably Indians, who had been educated at any English university should be appointed as principals of the Indian schools. Our reason for that was that in the peculiar circumstances of this country, where we have to follow the western educational system in all its details, it is necessary

that we must have principals in charge of these schools who have taken their education in one of the English universities. Seventeen years have passed, and the Department has made no effort to find Indian principals. Why we are insisting upon the appointment of Indians is this, that owing to the peculiar circumstances of the country the European head of an Indian institution after working hours moves in an entirely different social atmosphere, he does not mix with the boys, and has no opportunity of knowing them outside of school hours; the boys after leaving school move in an entirely different society and there is no contact whatever after school hours between the head of the institution and those boys or girls, and what has happened is that the children do not have the necessary love and respect for the head of the institution, which is undesirable in the interests of education. It is therefore necessary to have Indians in charge, and I ask the Education Department very sincerely to make a serious effort to approach the Colonial Office to find Indians who have taken their education in an English university and bring them here to put them in charge of the Indian schools. I again state that I do not agree with the hon. member Mr. Amin who said it would be saving money. The type of person who should be appointed to take charge of these schools may require more salary than is paid to-day, because the Indian who has gone overseas for his education in an English university will not be available for the salary paid to the Indian staff in this country, and it will be necessary to pay them more. In fact, what we have maintained all these years is that we want properly qualified and adequately paid Indian principals, and any salary less than that paid the Europeans will not attract any Indian with the necessary qualifications. All these matters I have dealt briefly with, to point out that we have several questions on which we have made representations several times and, contrary to the statement of the noble lord the hon. Member for Rift Valley, the education vote is not definitely provided according to needs, but is provided according to the caprice of the head of the Education Department.

In considering the post-war expenditure we have also to take into consideration how the Civil Service of this country

[Mr. Patel] is allowed to grow in size. There is a tendency to create more and more highly paid posts for any job offered. Elsewhere you have Services where a person starts from the bottom to the top and is paid according to the job of work to be done. In this country the tendency is on account of the peculiar circumstances and differing standards of living to expand the Service in a way by which more highly paid jobs are increased every day, and thus the cost of the Service is increased beyond the needs of this country. On several matters I support the hon. member Mr. Paroo, especially in his references to the Mariakani water supply, which indicates how Government generally looks at the needs of the Indians. If that had been a need of other communities the matter would have been settled long ago, but our representations do not receive that careful consideration. Perhaps it is due to the reason that we do not come into contact with the authorities concerned outside working hours; we have not that social contact, and we are unable to speak to them or bring things to their notice, and these matters are not published in the newspapers which are read by them, and therefore we are generally ignored. I wish to emphasize that heads of departments who really desire to do justice to all communities residing in this country should always be ready and willing to consider the needs of non-Europeans in this country. I want to refer to one matter in regard to the Asian Civil Service. I am not going to give names, but instances have come to my knowledge that the heads of the departments concerned over several years have made recommendations that particular Asian clerks have performed very responsible duties or are doing their duty so well that it is necessary they should be promoted to a higher or special grade or paid more. In all such cases, with few exceptions, this is not taken notice of by those who frame the estimates, and I urge members of the Standing Finance Committee who desire to do justice to all people to question heads of departments when they appear before the Committee and ask them what recommendations they had made for their staffs during the year and if the needs of the departments were ignored by those concerned in framing the estimates, and ask for the reasons why

those recommendations were ignored, whether such recommendations be the promotion of the staff or for the Asian quarters or other needs. If those questions are put to every head by members of the Committee, and the reasons asked, it will be possible to know why year after year the recommendations made by these departments are ignored.

On the question of the Indian foodstuffs I desire to make a few remarks. It is true that owing to present difficult circumstances there is a shortage of ghee and rice, two of the main items of Indian food, and there is also a shortage of other Indian foodstuffs. I know that efforts have seriously been made by Government to provide as far as possible the needs of the Indians, but what I want to draw the attention of Government to is this, that the officers in the Administration, not knowing the food requirements of the Indian community, and not knowing that prior to the war we were getting a large quantity from India which is not available to-day, have not encouraged the growing of the necessary crops which form the Indian diet, and also have not encouraged the manufacture of ghee to the extent that they ought to have done. Before the war ghee was manufactured to a very large extent in Kenya, while a certain quantity of milk to-day is turned into butter instead of ghee, and that is one of the reasons why to-day the Nairobi Commodity Distribution Board is faced with the problem of giving a butter ration to the Indian community and no ghee at all. There is no ghee available. I hope Government will consider this question very carefully and not allow a shortage of these Indian food supplies on account of the ignorance of some of those concerned in the native reserves and other places in the matter of encouraging the growing of Indian food crops. There is one question to which I desire to draw the attention of the department concerned, the Mombasa milk supply, which also requires careful consideration. I raised the question last year, and the reply given to me was in my opinion unsatisfactory. Unless steps are taken forthwith, and more effective steps, Mombasa will be faced with a serious shortage in its milk supplies. To-day the position is that very good cows brought from the highlands to Mombasa will either die or will become useless for milking purposes. I do not know the

[Mr. Patel] reasons for it, but I hope the department concerned do know, and it is for them to take steps and see that Mombasa is provided with an adequate milk supply, and that in Mombasa or on the mainland round about facilities are provided for keeping dairies in such numbers as to provide the necessary milk supply for a growing town like Mombasa.

The hon. mover referred to the accepted policy for the African advancement. I am very glad that there is a unanimous opinion on all sides of Council for the advancement of the African. But there is a division of opinion on the question of direct taxation of the African. The hon. mover said, and I agree with him, that direct taxation on the African should not be increased. I think that instead of considering an increase in the direct taxation of the African, efforts should be made to raise the standard of his living so that we will have greater progress among the Africans in the reserves and, indirectly, the country will have more revenue by so raising the standards of living of the African and not by asking them to pay more money to the general revenue. One point I want to refer to is the one referred to by the hon. member Mr. Amin, who was in favour of direct representation of the African community on this Council. He paid a very great tribute to the work done by the members so far representing the African interests and I agree with him. But, as the hon. Member for Aberdare said in regard to the need for training African nurses, that they will nurse Africans with a better understanding, I say with confidence that an African representative will discharge his duties here with better understanding of African needs. There is one gentleman in this country among the Africans, and I would like to name him—Peter Koinange—who is supported, I understand, by a number of African tribes for appointment as a member of this Council. I understand that all the African tribes in this country, through their headmen, signed a petition and presented it to the Secretary of State during his last visit requesting him that this gentleman should be appointed as one of the members representing African interests. He is highly educated, he has taken a keen interest in the advancement of the African and in providing education for

his community, and in my opinion he has all the qualifications to represent his community. I hope Government, when forming the new Council after the dissolution, will seriously take into consideration the inclusion of Peter Koinange as one of the members representing African interests.

Several members have referred to Controls. I desire to support the hon. Member for Mombasa in his request for the appointment of a select committee to examine now what regulations can safely be abolished and what Controls should be curtailed. I think there is a tendency always for these Controls to grow in size and also to encroach on the rights of the people, even where it is not necessary to do so. It is a common complaint, I suppose, in England also that once you establish such departments they steadily encroach on the rights of the people without any reason and grow in size also, but one of the points I desire particularly to lay emphasis on is that in the Civil Service no Civil Servant can acquire any interest in business or property without the permission of His Excellency the Governor, while in the appointment of Controls we have in most cases taken someone interested in the controlled things. That is one of the strong reasons why these Controls should be abolished as early as possible, and as soon as practicable, because the country will not have the necessary confidence in interested Controllers, even though they may be honest, because the Controllers are directly interested in the matters the Controls are dealing with. The last thing I desire to refer to is the point raised by the hon. Member for Nairobi South. He expressed a strong desire that a definite colonial policy should be defined which is not subject to the caprice of the Colonial Office at home. It is quite a reasonable wish and nobody can object. At the same time, I wish to add to it, that it is necessary to have a definite policy declared in regard to the place of the Indian and African communities in the Administration, in commerce, industry, and development of land in this country. I may say, Your Excellency, that the Indian community and leaders of that community are very anxious to settle down to work for the social betterment of their community and to lend a hand to the best of their ability for the development and progress of this country.

[Mr. Patel] but as they have to contend with so many difficulties which sometimes unknowingly come their way—and sometimes the creators of those difficulties do not realize it—and obstructions in their daily life that their mind is generally absorbed in complaining and grumbling about their grievances, so that clouded with these difficulties they are unable to see what is necessary for the general advancement of the Indian community. In the circumstances, I submit, as the hon. Member for Nairobi South said, that we must know where we stand. That is the expression I think he used, and the Indian community also desires to know and we must know where we stand, so that we can make our schemes accordingly.

Mr. LACEY: Your Excellency, I will attempt to reply briefly, but I hope adequately, to a number of points regarding education which have been brought up in this debate. I would like first to refer to the speech of the hon. member Mr. Beecher; I am very grateful that the noble lord the hon. Member for Rift Valley has already referred to it in his speech this morning. I think that the hon. member said that the unfortunate (or was it criminal?) Director of Education had again bowed his neck to the axe of expediency. I am not quite sure what he meant and if I interpret him wrongly, he will, no doubt, put me right on a point of personal explanation; but I suppose he meant that I, from considerations of expediency, which means from motives politic rather than just, represented to Government that a vast increase in expenditure in European education was necessary, but that a similar increase in African education was not necessary, suggesting this was politic because neither the Government nor this Council is prepared to take any other view. I did not bow my neck at all and I had no need to do so, because I have always found Government extremely sympathetic when approached for increased expenditure on African education and, certainly during the past three years, this Council. I can assure the hon. member that when I was preparing the draft estimates for 1944, I set out to consider the needs of the country as a whole, not only race by race, for matters of administration and other services do not admit of such divisions, and my

advisers pictured the situation as clearly as possible. I then asked the Government for the money which I thought would be adequate to meet all that could be done in view of the conditions imposed by the war.

The noble lord pointed out that to make comparisons is odious and misleading. I think the hon. and reverend member is well aware, for you, sir, mentioned it in your communication at the opening of the session, that we have had a great increase in enrolment in European schools. From the beginning of 1941 to the beginning of next year, it will amount to 75 per cent. Expenditure has gone up by 100 per cent, which is not surprising in view of the rise in the cost of living and the large number of boarders in our schools. I feel certain that the hon. member would not take the point of view that European school children in this country and those from Uganda and Tanganyika should be debarred from entering into our schools. He is, I believe, like other members of this Council, a parent who has children attending Government schools. If he considers that these schools are extravagantly conducted or that economies could be effected, I shall always be glad to get his views, but the children are there and are increasing in numbers and have to be educated. Incidentally, if the views of the hon. Member for Kiambu about free maternity treatment and those of the hon. Member for Nyanza about endowment for maternity are accepted, then in the future, doubtless, much great expenditure on education will be necessary. I must also point out that if comparisons are being made, it would at least be just, as the noble lord pointed out, to mention that while expenditure on European education is rising considerably, revenue in fees is also rising. If the revenue in fees is deducted from the gross expenditure of European education, net expenditure is approximately £75,600. In the case of African education the difference between gross and net expenditure is only £1,500.

I venture to suggest too that it is misleading to drag in the question of capital expenditure in one year only. It is true that under the Public Works Extraordinary Vote provision is made for some £30,000 on buildings for European schools but, of course, capital expenditure varies considerably from year to

[Mr. Lacey] year. I think I should explain also that a not inconsiderable part of that capital expenditure, indeed a sum of some £10,000, will be borne by the Governments of Uganda and Tanganyika in respect of additional accommodation which will be occupied at Government schools by children from those territories. I must explain further that, in considering the needs of African education as a whole, I could not overlook what is not reflected in the estimates, namely the existence of a Colonial Development and Welfare Act and the contributions of local native councils to African education. These contributions next year will, I judge from the estimates which have been sent in, amount to little short of £34,000. In respect of grants from the Colonial Development and Welfare Vote, the Government has already sent home, as one of its major applications, one for a considerable sum of money for the establishment of agricultural and teacher training schools for Africans at Embu and Maseno. I believe the hon. and reverend member is aware that the capital expenditure on this scheme alone is £54,000 and the current expenditure £10,699. If all these figures are taken into consideration when dealing with African education on one side and if, as I suggested, revenue from fees is deducted from revenue on European education on the other, you get a very different picture.

What I would have liked the hon. member to do was to suggest in what way, having in view the existing circumstances, the provision made for African education is insufficient. I agree with him, of course, that we must aim at compulsory education for all, but I think that he will admit that it is quite impossible to attain this aim until we have the teachers. I consider on the rough statistics available that, in order to provide compulsory elementary education for Africans, it will be necessary to find some additional 10,000 elementary teachers. To train these teachers would obviously require a very considerable European staff and many new buildings. He asked what we were doing about teacher training. I have already informed hon. members that we have sent home an application for a grant to establish schools for the training of teachers who will be able to teach English and to staff new primary

schools, the need for which the hon. member referred to and to which I agreed with him. But we must get our teachers first. As regards recruiting both elementary and primary teachers, the situation is extremely difficult at the moment. It is hard to recruit educated Africans for training because so many are going into the army. There is a very great demand for them, and I think it is probable that we shall continue to find it difficult to get Africans to enter teacher training institutions until the war is over, in exactly the same way as we should find it difficult to obtain European recruits if we had teacher training institutions for them in Kenya. I think he mentioned the question of terms of service of Government teachers and of mission teachers, and I would say shortly as regards mission teachers that Kenya is the only country in East and Central Africa in which the Government has already taken full steps to ensure that mission teachers shall get exactly the same salaries as Government teachers and to attempt to make their terms of service identical to those of Government departments.

I would like to refer to one matter while I am still on the question of African education, which was raised by the noble lord the Member for Rift Valley, and that was the question of the part which educated Africans should play, not only *vis-à-vis* their employers, the Government or their civil employers, but also in relation to teaching their less well educated brothers citizenship. All the Africans who go to Makerere on completion of their training course get jobs at once; there is no question of not being able to find a well paid job in Government service or outside. I had a long talk with the Principal of Makerere College, and he is particularly anxious about that point, and has told me the College staff are devoting a great deal of time and trouble to see how they can in a practical way inculcate citizenship and a sense of responsibility as well as rights in the Africans who are being educated there.

I would turn now to Asian education. If I understood him aright, the hon. member Mr. Paroo made rather an astonishing statement, and if I did not hear him aright I am sure he will correct me. He suggested that a considerable percentage of the increase in expenditure on Indian education was due to an increase in European salaries or the

[Mr. Lacey] employment of additional Europeans. I am not quite sure what he said, but whether it was increased salaries or increased Europeans. I would merely say that there are no new posts for European teachers in Indian education, and the total increase of salaries of European teachers in Indian schools in 1944 over 1943 is £311, and I do not consider this represents any considerable percentage of the total increase of some £8,600. The major items of that £8,600 increase are, of course, due to an increase in the number of approved posts for Indian teachers. For example, under item 75 the approved establishment has risen from 125 to 146. This has led to an increase in expenditure of approximately £3,200. Under item 76 there has been an approved increase from 29 to 32. There are also, of course, increases due to the increased cost of school equipment and stores. You have mentioned, sir, and I think the figures are comparatively accurate, that there has been going on steadily a 10 per cent increase in the number of pupils of school age over the last three years. Certainly the increase in expenditure on Indian education has been more than 10 per cent each year; and while I am on that subject I should like to deal with another matter regarding the teachers and the size of the classes they have to take. Again, in an extremely misleading statement the hon. member Mr. Amin quoted figures given him in a reply to a question which he himself framed, trying to prove that the number of teachers employed in Government Indian schools, if you take the years 1941, 1942 and 1943, shows that although the number of children in these schools increased, the number of teachers has not increased. In advising Government as to how to reply, I was very careful to say that the number of teachers employed included temporary teachers. In 1940 and 1941 quite a considerable number of permanent teachers went on leave, and a large number of temporary teachers were taken on as relief teachers and they were shown as temporary teachers. But I venture to suggest that if the hon. member wanted to know the number of approved teaching posts for these years and the percentage of children to teachers, which presumably is what he did want to know, then he might have framed the question

rather differently, and I think if he will look at the answer given to another hon. member the other day about the enrolment in schools he will find that during the last five years there has been a very considerable increase in the ratio of teachers to children in a class, and it is now somewhere about 35. In view of the fact that in 1939 in England the ratio of teachers to pupils in classes was commonly one to 45 children, and in view of the fact that four or five years ago the average number of children per class in Kenya was 50, a reduction in war-time from 50 to under 35 does strike me as remarkable. These are facts which can be verified very easily. I think that the hon. member Mr. Amin referred to the question of teachers in Government schools and their terms of service. Again, I merely say that as far as I am informed the salaries paid to Indian teachers in Kenya Government schools are better than those in corresponding schools in Tanganyika or Uganda and, further, they are infinitely better than the terms they get in private schools in this country, so much so that at a recent conference of Indian educationists those responsible for conducting private schools were asked to see that their employees got at least as good terms of service as teachers do in Government schools.

Everybody will be aware that with these increasing numbers of pupils it has been difficult to find accommodation, but I must point out that except for a period of about three or four months Government has been building steadily since the outbreak of war permanent or temporary accommodation at Indian Government schools. It was during the war that Government agreed to introduce compulsory education for Indians, and as far as I am aware, although it is extremely difficult to find out the numbers that will be enrolled at the beginning of each year, Government has recently given authority for additional temporary accommodation to be erected which will provide accommodation in 1944 for every Indian child who comes under the compulsory education rules. I must refer here to a point raised, I think, by the hon. member Mr. Patel over the question of compulsory education for Indian girls. It is down on record that in 1941, when I discussed this matter with the Indian Advisory Council, they were not in favour of compulsory education of girls,

[Mr. Lacey]

and a resolution was introduced and seconded by Indian members and accepted unanimously advising compulsory education for Indian boys between the ages of 7 and 15. It is perfectly true that some Indians have now changed their minds, and I have immediately taken steps to acquaint myself with the opinions of the various communities. I know from discussions which took place in the Advisory Council that some of the Indian communities would not be in favour of compulsory education for their girls between the ages of 7 and 15. I have been getting recently some impressions which fully justified my fears that if that action was taken without further consultation there might be trouble. When I get these replies I will submit them to you, sir, and I have no doubt that Government will regard with sympathetic consideration the request for compulsory education of Indian girls as it did for Indian boys two years ago.

The hon. member Mr. Patel also raised the question of post-matriculate education in Kenya. I have been trying to point out for the last four years that there are not nearly enough post-matriculいたes in Kenya to warrant the setting up of a local college or university. I have not got the exact figures here, but I feel perfectly certain that out of all the Indian secondary schools in Kenya there are not 50 matriculates a year. I know that the total number of children of all races passing the school certificate in this country could not possibly justify the institution of a college. There will be many members of this Council who will be aware that before Makerere started it was necessary for the Uganda Government to give the college something like £600,000 worth of buildings, for the college to have an endowment of £500,000 subscribed, and it still charges fees of £80 a year. That college was for the whole of East Africa. I can assure the hon. member that it is quite uneconomic to start a university or college here in Kenya, and that I shall continue as I have done in the past to urge that increasing provision be made for bursaries so that post-matriculいたes of all races, whether Asian, European or African, may receive outside the confines of the territory their post-matriculation training.

I am dealing at some length with this point because, while others have only just been brought to my notice, this has been put to me before.

The question of bringing over an education adviser from India was put to me about three months ago. I believe I know more about life in Kenya after five years here, with the advice of some of my officers who have been here for 20 years, than an officer imported from India. But my mind is entirely open on that matter and I will make my recommendations to you, sir, in due course. The hon. member Mr. Patel was extremely careful in making what might be termed his language demands, to bring them in one at a time. At the moment in Government schools for Indians we teach three languages—Gujerati, Urdu and English. First the hon. member said he wanted a second language brought in. Of course what he wanted was a fourth language, which perhaps might be Latin, French or Greek. That request was first made to me about two years ago, and I said to the principal: "If you have an adequate number of boys I will get a class formed for you even if I have to get a European master to teach it". It was then found that there was not an adequate demand for any one single language, and that demand has not yet arisen, but in view of what has been said this afternoon there may have been a change in the situation since last year, and I will make inquiries again. The hon. member then said that Swahili should be introduced. That makes Urdu, Gujerati, English, Greek or Latin or French and Swahili. Then he mentioned Hindi—and, of course, if we bring in Hindi there are other sections of the Indian community who may wish other languages to be brought in. I do not know what the hon. member and his friends may think, but as an educationist I think it is a somewhat unreasonable demand that 4, 5, 6, 7 or 8 languages should be taught in any Government school; it has not been done in the case of other races, and the Directors, of Education of Tanganyika and Uganda are satisfied as I am that as long as we teach Urdu and Gujerati and English that is sufficient, and only if and when there is an adequate demand for another language, and that demand is justified, should that be regarded as—

MR. AMIN: On a point of explanation, we have not been asking for the teaching of Hindi: we have been asking that papers be set in Hindi for children who have to learn Hindi to a certain standard.

MR. LACEY: I do not think—I hope I am correct—that the question of Hindi was put forward by the hon. member. I was referring to what the hon. member Mr. Patel said. It is true that some members of the Indian community consider it would be adequate if Hindi was permitted as an examination subject for students seeking admission to our secondary schools. If this language is not taught and is not going to be taught in our schools this does not seem very logical. The hon. member Mr. Patel brought up the question of physical instruction. I am sure that my hon. friend the Chief Secretary will remember that I made representations to Government a little while ago that special facilities should be given to selected Indian teachers of my department when they went over to India to undertake courses of instruction in physical training, but owing to war conditions these courses had to be stopped. There is nowhere in India where a physical training centre could be compared with centres in England, but I have made inquiries and am now in communication with the Director of Public Instruction at Lahore to see if anything can be done to get physical instructors from there.

The raising of the medical standard of school children I shall leave to the hon. Director of Medical Services. There were further remarks as regards Indian education. I will deal only with one, the question of grants-in-aid. The grant-in-aid vote is rising steadily. I do not think that any Government could accept the statement that it is bound to assist any private school that opens up anywhere in any circumstances. As I say, a big increase has been made in the vote regularly for the past five years. Incidentally, the whole principle underlying grants-in-aid is specifically one of the terms of reference for the committee inquiring into education finance, to which reference has already been made by the hon. Acting Financial Secretary.

I will turn briefly to the questions concerning European education. The hon. Member for Kiambu raised the question

of bursaries, and suggested that in effect the Government should say that a bursary would be given to a medical student when it appears the Medical Department will have a vacancy at such and such a date, or a bursary for the veterinary course to fill a vacancy in that department, and so on. Actually the professions which are being studied by bursary holders at present are very representative, and I think that probably it is in the best interests of the students and of the country that we should not try to award bursaries in accordance with vacancies. The system is elastic and the Government is prepared to assist young men or women who are properly qualified when they make their choice of a profession. The noble lord asked about an extension of the bursaries. He will be aware that Government has proposals before it in respect not only of European but Asian bursaries, whereby funds may be established at secondary Government schools, but no definite decision has been made yet. The hon. Member for Kiambu also raised the question of a women's college for girls in Nairobi. You yourself, sir, in opening the session referred to the fact that Government hoped to publish shortly a preliminary programme for the education of women and girls and the proposals for a college are included therein. Referring to the question of teaching languages, the hon. Member for Kiambu suggested that Swahili should be made compulsory, the hon. Member for Mombasa spoke of teaching English to African women and girls. I have a sub-committee of which the hon. member Mr. Beecher is chairman, which is going into the question of teaching languages in African schools, and it has been paying a lot of attention to the teaching of the English language. I have kept in close touch with the Jeanes training centre where the military authorities are trying to teach English to Africans quickly, and the whole matter is under very active consideration.

MR. STRONACH: Your Excellency, there are certain points in connexion with this debate which call for a reply from me. The hon. Member for Trans-Nzola hoped that provision would be made for additional beds in the native hospital at Kitale. In this connexion I have to refer him to the remarks of the hon. mover

[Mr. Stronach] regarding additional beds in native hospitals generally, and to assure the hon. member that Kitale will get a fair share. The hon. member Mr. Paroo again raised the question of the Mariakani water supply, and the hon. member Mr. Patel also made reference to it. The hon. Provincial Commissioner for the Coast informs me that he has already taken up the question of obtaining water supplies from the military, and I feel sure that if there is any likelihood of not getting those supplies the hon. member will keep in touch with me. Meanwhile, the hydraulic engineer is taking up the question with the military authorities as to whether they will permit Government to draw water from the nearest military borehole. I should say in this connexion that the nearest water is a considerable distance from Mariakani and consequently a great length of pipe will be involved, also a pumping station. The hon. member Mr. Paroo also referred to the new site for Likoni ferry. In consequence of this new site the plots at the old ferry will be by-passed. It is a normal arrangement all over the world with arterial and main roads that the shortest way must be taken, and property is by-passed and no compensation is payable. The noble lord the hon. Member for Rift Valley raised the question of the bitumen supply from the military, and said the Public Works Department had handed back bitumen to the military authorities. That is entirely incorrect. The arrangement was that they had large stocks and that this department would draw bitumen as and when required. I would even go so far as this: had the Public Works Department held stocks, when the emergency arose for which bitumen was required I think there is no doubt that it would have had priority and we would have handed it back.

The noble lord also referred to the provision of hydrographic surveyors and hoped that greater provision would be made in view of their importance. In this connexion I would point out to him that provision has already been made for still further additional hydrographic surveyors under application to the Colonial Development and Welfare Act. The noble lord also raised the question of the drainage of Pesi Swamp and inquired what additional amount of water would

be available in the Uaso Nyiro River. In this connexion I have to inform him that the estimated quantity is 24 cusecs or approximately 12 million gallons a day. It is hoped the work will be completed on 15th December. Turning to the remarks of the hon. Member for Aberdare, he criticized the specification adopted for the road programme and also the progress of the work, and suggested that the road engineer and his staff should be confined in concentration camps and the work done by prisoners of war, who are now our co-belligerents. The hon. Member for Nyanza also complained of the state of the Nakuru-Naivasha road and supported the hon. Member for Aberdare generally. I propose to answer the points raised at some length.

Hon. members will be aware that a road programme was prepared at the instigation of the Central Roads and Traffic Board in the year 1937. It was a very modest programme, and it was laid on the table in 1938. Up to 1940 this programme might be said to be more or less in cold storage. Towards the middle of 1940 the military authorities prepared a large programme of road improvements to be carried out at military expense, and the Government of this Colony were so interested in those proposals that they were prepared to make a considerable contribution towards it. The campaign in East Africa changed very rapidly, and what we called "the million pounds road proposal scheme" was put in abeyance about the middle of 1941. The military authorities had obtained considerable stocks of bitumen, and meanwhile a large number of prisoners of war had arrived in the Colony. It was the policy of Government that those prisoners of war should be employed, and it was also desirable that the large stocks of bitumen should be made use of to prevent waste. Proposals were then brought forward that the road programme should be started. In this connexion the Public Works Department might have adopted a policy of despair: we had no staff, no material, and no plant. Rightly or wrongly, the department took on this responsibility of commencing the road programme. Actually the present road engineer was the only member of the staff who was available. Arrangements were then made to collect

[Mr. Stronach] and in this connexion we were lucky to obtain the services of a very eminent engineer, and also obtained a very excellent construction engineer. The road engineer begged, borrowed and bought what plant he could, he did not get very much. Towards the end of 1941, funds were provided for the Gilgil Escarpment realignment, and a survey was carried out, and the alignment proposed was a very excellent one. The Central Roads and Traffic Board approved and work was started. In 1942 provision was made in the estimates for the Naivasha-Gilgil-Nakuru road. Meanwhile, Japan had entered the war, and the liabilities of the Public Works Department still further increased in respect of defence and emergency works. Surveys were put in hand, and excellent realignments were obtained and approved by the Board and the district councils concerned. A start was also made at the Naivasha end of the section. A contract was let to the Construction Company for 13 miles of road between Naivasha and Gilgil, and before the job had gone very far the company were called away with their plant to carry out emergency defence works elsewhere. On the Gilgil-Nakuru section prisoners of war camps were established and contracts let for the collection of stone from Gilgil. Plant was still very short, and construction was of necessity slow in 1942. In 1942 also a military defence force consisting of two battalions were employed on the construction of the Thika road earthworks. Coming to 1943, the biggest difficulty of all was the food shortage. I would point out that the road programme of works was not considered a priority one, and consequently the first step taken by the military was to remove the Auxiliary Defence Force from the Thika road so that they could replace their casual African labour on their own works. That meant having to reorganize the Thika road work with prisoners of war and civil prisoners. Again due to the food shortage, labour had to be discharged or drastically reduced. Then on top of our food shortage the blow fell with regard to supplies of bitumen which we had been obtaining from the military; with a stroke of the pen they were cut off from us because they were required for most urgent military defence

measures. Supplies of imported bitumen also ceased as the bitumen was required for defence measures elsewhere, I believe North Africa. The work has been stopped for 10 weeks, but I am pleased to say that fresh supplies of bitumen are now coming in and actually arriving, so that the work can start again. Considerable progress has been made on the Limuru-Longonet section with prisoners of war, but the work has had considerable setbacks for reasons beyond our control, in spite of which reasonably good progress has been made.

First of all, the saving in mileage. Between Nairobi and Nakuru, both hon. members who raised the point will be pleased to note that there is going to be a saving of practically 12 miles. Between Thika and Nairobi the saving will amount to approximately four miles. The grades will be of such a nature that it will be unnecessary for lorries to drop below top gear on the hills. In the Naivasha-Gilgil section 9½ miles of asphalt are laid and six miles are ready for laying, that is the place where bitumen is going to be laid. The Gilgil-Nakuru section formation is practically all complete with the exception of the road crossings, and both hon. members are worried about these. Two and a-half miles of asphalt are complete, 6½ miles are ready for asphalt, and 12½ miles of stone have been collected. On the Limuru Escarpment road about five million cubic feet of earth works have been completed, and it is hoped this section will be open for dry weather traffic early next year. The Nairobi-Thika road—three miles of asphalt are laid and 2½ miles of foundations, and the formation to Ruiru is practically complete. A contract has been let for part of the section beyond Ruiru. Most of the work carried out is not obvious to the public because they are probably not allowed to go along the realignments, and so have reason to complain probably, but still I think that the road engineer and his staff have achieved a considerable amount of progress. I suggest that instead of putting them in a concentration camp as suggested by the hon. member that road users should be very grateful; if they are not at the moment, they will be in due course. Frankly, with the troubles which the road engineer and his staff have had,

[Mr. Stronach]. I am surprised that they have not been relegated to Mathari Mental Hospital to join a member of the Public Works Department staff already there!

Turning to the specifications to which reference has been made, the hon. Member for Aberdare said that some Italian had seen them and said they were not good enough. Frankly, I do not know who the Italian was; he might have been a sculptor or a pastry cook. Probably the specification was not good enough for the Italians who built roads costing £10,000 to £20,000 per mile in Abyssinia. This Colony cannot afford work like that, it might as well build a railway! (Laughter.) To return to the specifications. The Public Works Department was very lucky to have the advice of Col. Shannon, who is what we might call a super-expert. He was chief engineer to the very large and important road programme in the Union of South Africa which I think is costing 10 to 20 millions. He can be regarded as a super-expert, and the department was very lucky to be associated with him while he was deputy chief engineer in the East Africa Command. The road engineer, after Col. Shannon left this Colony, kept closely in touch with him and was very glad of his advice. I should say that unfortunately Col. Shannon was killed in the Tunisian campaign. In reply to a letter of the road engineer Col. Shannon wrote on the 16th February, 1943, as follows: "The specifications outlined in paragraphs 2 and 4 of your minute in my opinion should give you a good, almost a high type of road. One can think of many variations, of course, but I cannot think of one which for conditions such as exist at the Kedong Escarpment would give some economy in first cost without considerable loss in reliability, i.e. over a long term your specifications should be as economical as any and more so than most".

With that I end my remarks.

MR. TOMKINSON: Your Excellency, I will reply briefly to the remarks which have been made by members on the other side of this Council. They have referred to the food shortage in Machakos, and it is quite understandable that they should do so as most people have taken a great interest in the Akamba tribe. Most of the criticism has been centred

on the very high prices which the Akamba have been paying to the Kikuyu for foodstuffs. Perhaps if I gave a very short résumé of the position the criticisms may not be quite so bitter in the future. During this year it is not Machakos alone in the Central Province which has suffered shortages, but by a certain amount of self-help and by arrangement between the district commissioners closing certain areas and opening others, we have been able to keep those areas out of the public view. It may seem rather strange that the conditions in Meru have really accentuated the conditions in Machakos. As hon. members are aware, the Akamba land unit is composed of two districts, Kitui and Machakos. The Kitui district borders Meru, but the northern part of Kitui has suffered quite a considerable food shortage; in fact now they are being supplied with food. Meru had quite good crops, but in the southern or Tharaka areas of Meru there was a shortage, but the food supplies from the higher area of Meru were not only sufficient to deal with the Tharaka area of the Meru district but also the natives in Kitui. However, about six weeks ago the Meru district was seriously threatened with locusts and a very large swarm appeared in Meru. They did a certain amount of damage and it naturally made one anxious for the future. We therefore closed the Meru-Kitui border entirely. That meant that the Kitui Akamba in the northern locations had to go south for their internal food supplies. Now the central area of Kitui had had very good crops and, in fact, there was more food taken by the Machakos natives out of the Kitui than there has been out of Kikuyu. Those people have helped the tribe.

I candidly admit that internal prices were high but, at the same time, the prices of the cattle which the Akamba had to dispose of were also high. The price of cattle is very high in Ukamba, and I know the prices they demanded from the Kikuyu. It may interest hon. members to know that many Akamba still use the expression not that "I am going to sell my cow" but "I am going to buy money", and we must remember that in many native markets most of the sales are retail, with the emphasis on the retail, which is always more expensive than wholesale. But where the position has certainly got most difficult was that

[Mr. Tomkinson] Government was unable, or the Supply Board was unable, to send maize to Machakos. However much mtama you send, however many tons of potatoes—however wholesome those potatoes might be—it would not prevent the Akamba from going to get the food they like, and that is what happened. Although we were sending food into Machakos—cassava and potatoes and red mtama—we have had this difficulty, that they would go out and get the food they liked, in the same way as during war-time there are certain brands of certain things which are not very nice and if we could get the old brand we should go and get them. The continuing shortage throughout the Central Province has no doubt accentuated the general price.

As regards the black market, we might say that the prices were black market but the markets were not black, except for the people who were present at the market; they were perfectly open, and I feel—I may be wrong—that the Kikuyu as a whole were sufficiently frightened by the shortage earlier in the year so that they would not over-sell, and the only practicable way of getting this surplus food in Kikuyu on to the market to help the Akamba was to allow them to go to the markets in the ordinary way and not to requisition. I would say that, as regards the supply of maize seed, I have made an appeal to the natives in the district and they produced 3,000 bags of maize seed, but I would say I did this with some reluctance. I did it at a Local Native Council meeting when there was a large swarm of locusts flying round the council house, and I think that if hon. members had been with me and seen the local difficulties, not at Machakos alone but elsewhere, they might realize that though perhaps the methods taken were not the best, they seemed the most practicable at the time.

I would like to pass on to the remarks made by the hon. member Mr. Amin regarding the state of the roads in various trading centres in the Central Province. As regards Karatina, I should say the roads there are excellent. In Fort Hall and Meru, which are townships, the condition of the roads is not so good, but one is not justified in spending a large amount of money because both these townships have been replanned with

an approved development plan with which we cannot proceed until after the war. As regards the other small trading centres, I have asked the district commissioners to see whether they can get them in better condition with the funds which they have at their disposal, but when talking of trading centres and the need for drains and so on, one should remember that the actual buildings are of a very low type. I do not think they have any small drains to run into big drains. There was one other point raised by the hon. member, and that was the question of the burning ghat at Karatina. I should like to emphasize that Karatina is a trading centre, it is not a township; and I do not think that in any trading centres—small areas which have been set aside for the purpose of trade—the traders who choose to settle there can expect all the facilities of a town. It is obvious that if one had sufficient land, and I would mention that the native population in that area is at least 600 to the square mile, we might get requests from all the other communities for different types of burial grounds, and I do feel that with an excellent road between Karatina and either Fort Hall or Nyeri the needs of the community as regards religious ceremonies can be adequately met. I will, however, go into this matter further, as the hon. member mentioned some piece of land which he considered was not very suitable for cultivation. I cannot recollect exactly where that is, but I will have an opportunity of speaking to him later.

There was one point raised by him, and that was the question of the distribution of sugar in Fort Hall. Practically the whole of the Fort Hall native reserve, with a population of about 180,000, lies to the west of the main Nyeri-Nairobi road. Apart from Indian shops on that main road there are no other Indian shops to the west, and I agree with the district commissioner who actually made the distribution of this sugar that the most equitable way was to distribute this sugar equally as regards the density of population in relation to those locations near the main road and those out near the forest border. There being no Indian shops near the forest border, it was sent to the native traders, and I do feel that was the most equitable way. If we had sent it to the Indian

[Mr. Tomkinson].
traders on the main road, then all the natives round the main road would have jumped in quickly and bought the whole lot, and the natives up on the forest where it is very cold would get no sugar at all—no calories—and I feel that the present method is the most equitable way in view of the shortage of supplies.

MR. HUNTER: Your Excellency, the hon. Indian Member for the Western Area referred to the setting apart of 30 areas of land in South Kavirondo, and indicated that it meant a change in Government policy in regard to the marketing of native produce in that area. The areas of North and Central Kavirondo have progressively set apart areas of land for markets, mainly used by native women for the purpose of barter throughout the years as they progressed. South Kavirondo did not keep pace with those other districts and recently it became apparent that their markets had not been set apart, whereas the district had progressed in similar manner. I drew the attention of the district commissioner to this omission. In consequence these markets were brought to the attention of the local native council, and eventually these 30 pieces of land were set apart as land to be developed as markets. I submit that there has been no change in policy whatsoever; it is merely that these 30 pieces of land being set apart at one time have attracted public notice and the Indian traders have expressed alarm. But in regard to that setting apart it indicates no changed policy, and I submit that there is no cause for alarm in that respect.

Passing on to the remarks made by the hon. Member for Kiambu in regard to the return of women and children, mainly to Nyanza, during the food shortage in Nairobi, my information is that there were about a thousand people returned. Those people were to be absorbed into the Kavirondos, which have a population of approximately a million souls. When they arrived they no doubt distributed themselves throughout that million. This was some time before the famine conditions were apparent. Famine conditions became acute in only three locations of the Kavirondos. Those three locations comprise somewhere in the neighbourhood of 60,000 souls. It can readily be appreciated that a thousand,

distributed amongst the million, were not to be found in great numbers in that area of three locations. It has been quoted that in evidence before the Food Shortage Commission a figure of 200 deaths in that area was alleged to have occurred. That statement was made by the Senior Medical Officer. I have no confirmation of it whatsoever. I questioned him at the time, and my opinion is that there were between 30 and 40 deaths in that area during the time that the food shortage was prevalent. There was no evidence to show that those deaths were directly attributable to the famine, though there is no doubt that the food shortage probably accelerated their deaths owing to the fact that they were either old or diseased. There was no single case of any death being diagnosed as directly caused by starvation and, I repeat, on the information received there were not more than 30 or 40 deaths at the time.

MRS. WATKINS: On a point of explanation, I think these deaths were few because we did not carry out the instructions; we did not send the women back, but kept them on our farms and fed them.

MR. HUNTER: Proceeding to reply to the remarks by the hon. Member for Nyanza in regard to black-marketing during the time of the famine, it is a fact that prices soared. My information is that they went as high as the rate of Sh. 100 per bag of maize at that time. But it must be recognized that the primary cause of the rise in prices was due to the fact that we had not got the food to supply the stricken areas. If we had had the food there would not have been the field for the black marketer. I would point out that in the native reserves there is no restriction of price between native and native for produce to be consumed within their own area, and therefore we really had no legal power to interfere with these prices that were being asked and readily paid. We introduced into that area, which comprises about 60,000 people, about 500 tons of different foodstuffs during a period of six weeks to two months, and from time to time on the roads where I knew produce was being moved for the black market, I commandeered somewhere in the region of 200 or 300 bags, taking it over at what I considered reasonable prices, and selling it again at

[Mr. Hunter]
reasonable prices. I repeat, the main cause of the foodstuffs soaring in price was our inability to supply the needs of the people. It is not for me to attempt to fix the blame for that state of affairs. The Food Commission will no doubt inform us in this respect.

There was one other small point referred to by the hon. Member for the Western Area in regard to fishing nets. Thefts of fishing nets have increased very greatly during the last few months, and he asked for the strengthening of the fisheries inspectorate for the purpose of catching the thieves. Before the war the Indian fishermen had their own nets imported with a special mark woven into the net, but during the war the manufacturers have been unable to supply those nets. As there are large numbers of native fishermen as well as the Indian fishermen, it is only natural that a net stolen from one can be taken to another and it is quite impossible to identify them at present without markings. As during the war we have not been able to get special marked nets for the different communities, we have advised each section to mark their nets and register their marks under the Nyanza Fish Inspection Rules. Although we have advocated this course for the last six months or so, I know of only one community of Indian fishermen who has accepted our advice. When Mr. Tester was up in Nyanza about a month ago the Indian fishermen made the same representations to him about increased thefts, and the community referred to were questioned as to the result of their experience, having marked their nets, and they admitted that they had not had one single theft of a net since they had taken our advice. My advice is that the hon. Member for the Western Area should advise all those fishermen to mark their nets, and I feel that conditions will certainly improve.

MR. HOSKING: Your Excellency, there are certain disadvantages in speaking after the tea interval: although I may be speaking to a replete audience I am speaking to a depleted Council! There are certain matters of general interest to which I want to refer, first the question of labour supplies; as Assistant Director of African Man Power, I am responsible for statistics and matters dealing with figures we should be showing something

African man power. The question of labour supplies has been raised by various members in their speeches. There are to-day over 370,000 Kenya wage earners at work out of a total able-bodied native man power of 642,000, and I want to stress that we made a very generous provision in estimating the able-bodied man power for Kenya, far more generous than our neighbours in Eastern Africa or the colonies in West Africa. If we were to adopt their percentage like 65 per cent of the able-bodied man power out at work as wage earners to-day. Of the figure of 370,000, some 100,000 are employed either in or by or with the military, which may account for some of the figures given me by the hon. Member for the Coast. I obtained permission from the military authorities to quote that total because nothing can be added from it, as many of the 100,000 working for the military are already shown in our civil labour returns. The proportion of wages earners based on our own computation of able-bodied man power is between 57 and 58 per cent, a most alarming figure. As Your Excellency said, military recruiting has been very heavily curtailed, in fact practically stopped, and our programme for next year will have hardly any effect at all on the labour position in this Colony, for the small quota we shall be supplying will be drawn from sources which are not the ordinary labour supplies of this Colony. In view of this position, the provincial commissioners have advised us that it is impossible to obtain in a steady flow by conscription more than 1,900 a month, but steps have been taken to turn on the tap so as to obtain this amount regularly. I want to make it clear that, for whatever essential industries Your Excellency may consider it fit to allow conscription to be used, the actual numbers are strictly limited by man power factors. We cannot further deplete the native areas of their man power with the programme of development and production that we have in those areas, which is just as necessary as production outside those areas.

As the hon. Members for the Coast and Kiambu said, you must look for your labour supplies for essential industries by redistribution rather than by draining native areas still further. That the existing labour force is capable of re-

[Mr. Hosking] distribution I think can be shown by the last labour census taken on the 15th December last year and, incidentally, I would mention that it will be taken again on the same date this year. In a certain area there were shown to be, in all, 9,900 squatters; of these, there were working on the day of the census, at the busiest time of the year, some 700 only; the rest were resting on their haunches or, in that particular area, more probably leaning on their spears. If you are looking for idlers you have not far to look. Do not look in the native areas, we have no time for them there, look nearer home, among your squatters or your own households, as has been pointed out by hon. members who should be sitting opposite me now. (Laughter.) Of two of their own number, one is employing an establishment of 10, another of eight servants, while two previous members who represented Nairobi constituencies are also employing 10 and 8—36 able-bodied employees for four employers drawing rations in Nairobi to-day. The labour market is not a bottomless pit and, as I warned you last year, you cannot drain the native areas much further to-day. The quality of the labour is said to be rotten. How can you expect cream when you get down to the dregs? It is yet another proof that you are down to the bottom of the supply. Conscription is a dangerous drug, a stimulant that produces an unnatural flow, and I would warn persons and industries not to rely on this drug too much or too often, as I doubt whether anyone who does so will survive the end of the war.

Turning to the vexed question of black-marketing, which has already been dealt with by the hon. Provincial Commissioners for Nyanza and Central Province, I think the hon. Member for Nyanza mentioned this so as to give me an opportunity of referring to a certain article that appeared in the local Press not long ago. With your permission, sir, I will read it: "Ukamba Again.—A letter from another friend who should certainly be in the know, described my remarks last week on conditions in Ukamba as 'a monument of restraint and understatement'. I will quote part of his account of conditions there which speaks for itself. He says: 'Food shortage became

acute in the early months of this year, and since then there has been no organized policy whatsoever; odd lots of cassava and banana flour were distributed at high prices, so the Akamba largely lived on their stock, and the exchange of it to the Kikuyu for cereals when they could get them. This was through no fault of the local administrators, who pressed again and again for organized relief, and one of whom had eventually to demand to see the Governor in person to get anything done at all. As soon as the long rain 1943 crop in the Thika and Fort Hall areas ripened the District Commissioner, Machakos, put every lorry on to the Machakos-Donyo Sabuk-Thika road he could muster, to save utter debacle; some 50 were running two and three trips per day past here, carrying 80 per cent human beings and 20 per cent food; and why? Because the headload rule was insisted on in the Kikuyu Reserve. Not only had the Akamba to pay from Sh. 8 to Sh. 10 per *debi*, but lorry fares averaging Sh. 6 each, a further cost of Sh. 3 per *debi*. This started early in August, and has only recently stopped. Apart from the gross unfairness of such a so-called organization, the wastage of petrol, tyres, etc., was appalling. The Kikuyu were encouraged to, rather than deterred from, black-marketing, and I now hear reliably that they have sold practically all their food and will shortly be screaming for relief themselves. Can you beat it? Now, too late, the continued pressure of the local district commissioners has woken Government up, and proper measures are to be put into force. But even if the short rains are good (and already they are overdue and meteorological signs are most unpromising) there can be no food locally grown before February, and they are eating their little remaining seed daily. I doubt the ability of Government to feed 450,000 persons in the Machakos and Kitui Reserves till then.' I admit I am rather labouring this Ukamba famine business, but I do think the Government have been extraordinarily callous in the matter and I want to rub it in."

I want to rub it out. (Laughter.) My attention was drawn to this article by the District Commissioner, Machakos, who read it before I did. He rang me up and asked me to take every step possible to refute it, as there was scarcely a true

[Mr. Hosking] statement in the whole of it, and I asked him to put his reply in writing. I will quote his letter, or excerpts from it: "The statements in the letter quoted by the *Kenya Weekly News* are so inaccurate and so unfair, however, that I think I should draw your attention to the matter and give my comments seriatim on the more outrageous of the assertions: (a) 'The food shortage became acute in the early months of this year.' This statement is incorrect, the food shortage started to be felt in some areas in May, 1943, but did not become acute until July-August. (b) 'Since then there has been no organized policy whatever.' Quite untrue. Government started to send food to the district in May and organized distribution was started then and has continued on an increasingly large scale ever since. (c) 'Odd lots of cassava and banana flour were distributed at high prices.' No banana flour was ever imported for famine relief in this reserve, and while cassava flour was one of the foods provided by Government it has always been sold at under the cost price to Government. The prices of all foodstuffs moreover have been reduced from time to time as and when it appeared necessary to do so. (d) 'So the Akamba largely lived on their stock.' While more stock has been slaughtered for meat than ever before, it would not be correct to say that Akamba have lived largely on their stock. (e) 'The local Administrations who pressed again and again for organized relief.' The Machakos Administration did not press for organized relief, but they proceeded at once to organize it as soon as ever it became necessary to do so. (f) 'One of whom had eventually to demand to see the Governor in person to get anything done at all.' No one at Machakos has ever demanded to see the Governor or anyone else. (g) 'The District Commissioner, Machakos, put every lorry on to the Machakos-Donyo Sabuk-Thika road he could muster.' This is again completely untrue and the action which the District Commissioner, Machakos, took in regard to these lorries was first to ask Inspector of Police to try to stop the traffic then and to send a District Officer out to Tala market to deal with lorry owners belonging to this district and finally, as it was found that most of the lorries were based on Thika,

to ask the District Commissioner, Thika, to take steps to stop the traffic at his end. (h) 'Because the headload rule was insisted on in the Kikuyu Reserve.' The lorry traffic reached its peak after the Fort Hall District had been thrown open for export of food. (i) 'The Kikuyu were encouraged to rather than deterred from black marketing.' Obviously nonsense. (j) 'And they are eating their little remaining seed daily.' This is completely untrue, the Akamba have been doing everything in their power to collect seed for the last two months and certainly no seed bought by them from Government has been eaten."

Perhaps the most interesting thing in that letter is what the district commissioner does not say. To the allegation that "The Kikuyu were encouraged rather than deterred from black-marketing"—"Obviously nonsense" is all he finds worth answering. This question of black-marketing has already been dealt with by my confreres, and I would only say that black-marketing is when you exceed the authorized price, the control price, by selling stuff to willing buyers above that price. Where there is no control price there is no black-marketing. There is no control price between natives. (A member: Why not?) Why no control price? That was answered for me by the hon. Member for Mombasa: "Never attempt to fix prices unless you are prepared to ration". That came from Canada and the coast, and we find it absolutely true in the Central Province to-day. An attempt was made in Nyeri to control the price at which retailed foodstuff was being sold. What happened? Next day there was none in the market, but there was black-marketing under the trees at night. That is real black-marketing. It is difficult enough in all conscience to ration the African population in the towns, but to ration the African population in the districts is an absolute impossibility, and anyone who knows anything about native administration will agree with me on that point. The only remedy is to provide sufficient foodstuffs in districts so as to allow people to buy at reasonable prices; then there is none of this buying at high prices, exorbitant prices, from outside such areas. That is what we are endeavouring to do to-day. Seventy tons of food a day are being sent to Machakos, and more is required, and I hope (I am

[Mr. Hosking]

not certain) that we shall be able to provide the full amount required.

Passing from the general to the particular, I see a notable omission in the estimates, and that is, there is no provision for the spinning and weaving which has made such an excellent start in the Colony and which deserves every encouragement. I shall propose during the sittings of the Standing Finance Committee that provision, even token provision, should be made under the head of "Rural Industries". I think we should treat this matter of spinning and weaving on a wider basis, and deal with the stimulation of rural industries generally throughout the Colony. The hon. Member for Aberdare would like to see African women conscripted as nurses. I do not think there would be the least objection if there was any need for it, but if the corollary is that the European nurses are to be removed and that the Africans are to take their place in the native areas, I must register the strongest protest. The work that these trained European women have done in the native areas is beyond all praise, and without fear of contradiction I say there is no finer civilizing influence in the native areas to-day than the presence of those European nurses who devote their skill and time to nursing Africans in African hospitals. The fact that they are there as much as their skill has enhanced the prestige of European women in this country. I would remind hon. members that the pioneer was the hon. Member for Kilambu, and I often have to remind myself of the fact that she has done the greatest service to this Colony in braving the ridicule that she had to face in the last war. I regret that she is not in Council to-day, because she mentioned the question of apprenticeship, and I did not follow exactly what she meant. There is provision for apprenticeship in the Employment of Servants Ordinance, but I gathered that what she suggested was the compulsory apprenticeship of natives. That savours too much of the continuation of conscription after the war to win my unqualified approval, but I am prepared to discuss the matter further with her. She also asked me as a parting present to the natives to abolish the head-band load. If some fairy godmother promised to give me three wishes for the

benefit of the natives whose interests I have done my best to protect, on my departure I should abolish witchcraft. I would ensure regular rains in the dry season, but I do not think the abolition of the head-loads would come within the statutory three wishes! After all, it is general throughout Africa for the native to carry his load on his head, and I gather that there is no particular objection to that. Over the Kano plains or the streets of Nairobi a woman may sway gracefully with a gin bottle balanced on her head with no detriment to her health or figure. The Kikuyu woman, however, carries her packages on her back with a head strap. It is all a matter of geography how you carry a load. In hilly country where you cannot see to place your feet when going downhill if you are balancing a load on your head, you carry the load on your back with a tump line. The Bishop of the Yukon used, I believe, to hump his 120 lb. on his back, but the Billingsgate porter carries his load along the corridors and passages on his head. I am not defending the overloading of Kikuyu women; it is an absolute disgrace, and I hope to see the loading of them abolished as soon as possible. I should like to see a miraculous draught of wheelbarrows and donkeys as well as local native council resolutions, and I hope the Provincial Commissioners will discuss with the councils the possibility and the propriety of limitation, if not abolition, of loads carried on the back by women.

The hon. Member for the Coast repeated the grave mistake that he made before. He signed the Post-War Reconstruction Committee report advocating compulsory raising of the local native council cess, and he had the temerity to advocate it again in this Council. He is the last person who should ever do a thing like that. He knows perfectly well that it is a point of principle that the cess shall be a voluntary cess placed on the people by themselves—

MR. COOKE: On a point of explanation, I had no intention whatsoever of advocating that it should be compulsory without the consent of the native authorities themselves. Such a thing never passed through my mind even.

MR. HOSKING: It certainly passed through the report! I should like to

[Mr. Hosking]

reassure the hon. member that the local native councils had already taken the advice. I do not know if the members have read the report or even seen it, but in most cases the cess has been increased by as much as a shilling; it is Sh. 3/50 now in the most advanced areas, and in Masai Sh. 4. He also mentioned the profiteering in zebra meat by Europeans. He will be glad to hear that the District Commissioner, Machakos, as soon as he heard of it stopped it and, as an alternative, the Director of Produce Disposal is making an adequate quantity of biltong available. This has four times the food value of fresh meat, and it cannot all be swallowed at one meal. The hon. Indian members generally spoke in favour of native interests. The hon. member Mr. Paroo assured me that Indians are in Kenya for the advancement of the Africans, that they will always support the interests of the African in his political and economic development. I am most glad to have that assurance, we shall need this help. It is inevitable that with the growth of the African his interests are bound to clash in the economic field with Indian interests. To be assured by the Indian members in this Council that they will back the African interests will, I am sure, be for the good of Kenya as a whole. I regret some misunderstanding about the markets where African and Indian interests tended to clash has already—

MR. COOKE: On a point of explanation, as the hon. gentleman repeated his assertion that I advocated compulsory cess in the reserves, may I read out what we said in the report? "A more practical proposal is to raise the local rate on cess and devote the sum so obtained to welfare work in the reserve in which it is obtained. An increased cess might be a hardship to individuals who have not benefited by the war, but these will be few, especially in the large reserves and the district officer may be relied upon to use his powers of remission in hard cases. We therefore recommend that immediate steps be taken to raise the rates and to earmark for special purposes the increased revenue received. Such a scheme should be accompanied by wise and careful propaganda so that the taxpayers may be assured that their money will not be treated as ordinary Government

revenue, but will be spent solely in the area from which it derives for economic and social development and will not release Government from any of its normal responsibilities for these fields of expenditure."

MR. HOSKING: If "immediate steps should be taken to raise the cess" does not mean what I thought, well, I withdraw my remarks!

The hon. member Mr. Amin said we should not regard the African as a labourer. He has my fullest support. Nothing arouses me more than when people regard the African merely as a labourer. He raised the point as to African representation in this Council; that was taken up more fully by the hon. member Mr. Patel, who went further than mere generalities and recommended that Mr. Peter Koinange should be appointed. He stated that a petition had been addressed to the Secretary of State which bore the signatures of the heads of all African tribes. I think he is not quite correct as to his facts. It is true that a petition signed by Senior Chief Koinange did find its way through improper channels into the hands of the Secretary of State. Peter Koinange, a son of the writer or of the chief who at any rate signed his name to it, came to see me two or three days later and showed me a copy, of which I said I could take no cognizance until it reached me through the normal channels, the Secretariat, which is the Governor's office. He showed me the signatures on pieces of paper of various people which he had already obtained. Some were not in the handwriting of the persons, and he explained that they had been copied in from other pieces of paper. He has since been touring native areas obtaining signatures presumably to this petition, and one of his supporters has been running a post-card ballot which in effect repeated what the hon. member Mr. Patel said: "All important natives of the country have signed this petition—would you like to sign it yourself or not?" There are a number of Africans who would like to join the ranks of "important" people, and I am sure a number of signatures will be obtained on this petition which I do not think many will have read in its entirety. A certain reaction, I understand, has already taken place among some of the

(Mr. Hosking) thinking people in the more distant parts on reflection as to what they have actually signed. It rather throws one back to the income tax petition, which was signed by a lot of people who found themselves pledged to something rather different from what they thought they had pledged themselves to. I am not going into the merits or demerits of Peter Koinange. He is a very good friend of mine, and I have done what I can to help him out here, as I think he will be the first to acknowledge. As to whether he is a suitable person or the most suitable person, I am not prepared to state to-day, but I can assure the hon. member that due consideration will be given to his suggestion. I would, however, recall that last year on a similar occasion I reminded the hon. member that there was no bar to the representation of African interests in this Council by Africans, but that we must be very careful to see we choose the right person. Whether the right person will be forthcoming or not in due course still remains to be seen.

Then the hon. Member for Trans Nzoia spoke about the guarantee that had been given by Government, or understood to be made by Government, as to supplying labour for harvesting. The notice to which he referred was unauthorized and no such guarantee was given, but I can assure the hon. member that Government will strain every nerve to see that the harvest of this Colony is not lost. The General Officer Commanding-in-Chief himself has even promised the help of the military to see that the food crops arriving at maturity are not lost to the Colony. The hon. member cannot bind Government to an unauthorized statement and one which was not made by a competent authority. I have left the noble lord the hon. Member for Rift Valley to the last. I wish he had read the opposite page in the Estimates to that at which he was looking, as he will find ample provision made for African clerks in both the Secretariat and the provincial administration, and I think in every department of Government. It did not happen to be on the page at which I think he was looking, page 7 of Head 3. We cannot to-day do without African clerks in any department. I left him to the last because this

is my last session as well as his, and all I want to do is to associate myself with the remarks made by the noble lord as to the state of race relationship to-day, the understanding between Africans and Europeans and the goodwill which is expressed throughout the whole of the Colony for the advancement of the African. I would like, sir, to associate myself with those sentiments—and to sit down!

MR. GARDNER: Your Excellency, the hon. Member for Aberdare made several remarks on forest policy in Kenya, and in rather a critical vein. I am not at all clear on what grounds his criticism is based, for they do not appear to have anything to do with the budget proposals. Most of his criticisms seem to be mythical Aunt Sallies either of his own invention or due to his misinformation, but I would like to refer to a few of them to prevent misunderstanding in the future. He said that the Conservator of Forests assumes no increase of timber is wanted for the future. I know of no warrant whatever for such an assertion. I cannot imagine where he could get such an idea from; there is no truth whatever in it. I have many times in this Council and elsewhere stated that after supplying all our own local needs under the very favourable conditions in this Colony for tree growing in many of our forests we could, and should, grow large quantities of timber which would provide a very profitable export market for us. (Mr. Wright: That is the point.) Then he suggested that I do not want more than £180,000 in our forest replanting fund. The forest replanting fund was originally my own proposition, and if he will refer to the budget I think that is sufficient refutation of that statement. At the end of this year we should have about £200,000 in that fund, and in this budget which is before us there is provision for another £44,500 to be paid into that fund in 1944, and that is based only on our estimate of revenue, while the latest information rather indicates that the revenue is likely to be very much higher than we expected earlier, so that the fund will correspondingly increase.

He says that the present proposals provide no extra timber for the future. In the last years of peace the average consumption of timber in this country was something under a million cubic feet. Now in

(Mr. Gardner) order to meet the tremendous demands for the war effort it has gone up to something over three million cubic feet. Plantations made last year, 1942, of which we have definite figures, were sufficient, excluding fuel plantations, to produce nearly 20 million cubic feet of timber. This year plantations will have increased over that figure. In 1944 we have provided in the budget for at least 1,000 acres more of plantations than we planted in 1942. In other words, these plantations in 1944 should produce something like 30 times what our normal peacetime consumption was.

He quotes, as I have often quoted myself, the cheap cost of planting in this country as compared with the cost of planting in Europe as one reason for carrying on what should be a very profitable proposition. I want to go into this in detail as the comparison of costs in Europe are rather misleading. His cost of Sh. 12 is for labour costs only and does not include overheads. The total with overheads and nurseries and everything else would probably come to Sh. 30. The cost in Europe he quotes as £25—in Britain, yes, but in Europe, in Finland, in Scandinavia, even in Russia the forests are not being cut out as he suggested; they are worked on a permanent yield basis. They only cut the annual growth, so that their forests are being reproduced naturally much more slowly certainly, but they do not spend £25 an acre on replacing them. It is very much less, and the world will continue to buy their timber supply from these countries after the war. As I say, they have always been worked on a conservative basis, they may have been rather heavily cut during the war, but actually their main markets—Britain, South Africa and elsewhere—have been cut off from them, so I do not think really they have been overcut. After the war their supplies will probably largely be wanted in Europe, but our future planting programme that the hon. member was talking about cannot help us to supply South Africa and other places immediately after the war.

He urges us to plant more cypress and pine. I am very glad to hear he has been converted to the Forest Department's policy, because he will admit that only a few years ago in this Council he protested vigorously against the Forest Department planting these exotics. There

were two or three other points he mentioned which I do not think I need worry Council with now. He said, for instance, there was need for a research officer; I know that, and we have had such an officer for some years who has done valuable work with sample plots and planting experiments which will enable us to put future planting policy on sound lines. I know we could do with another research officer, and I propose to ask Government to provide one after the war. The general purport of his remarks was that we should increase tree planting in this country. As I say, that has my full support, but it rather strikes me as being a case of the convert being so full of enthusiasm that he feels an urge to convert the missionary! There are many difficulties which will face us after the war. Fortunately, owing to our forest fund, finance should not be one of them, but when he mentioned our cheap costs I should have explained that our cheap costs of planting hitherto have been due to the squatter system which is, as far as forest work is concerned, an idiot one, and I think it is a useful one anywhere if it is properly managed and controlled. That is what has enabled us to plant so cheaply and efficiently. If we increase our annual planting programme very largely the Forest Department could and would like to increase their number of squatters enormously. We have room for them, but whether it is going to be in accordance with the Colony's general policy or its needs in other ways is rather another matter. This large annual increase in planting is going to consume a very large extra labour force. We have here considerable difficulties as compared with other countries owing to the shortness of our planting seasons. Temperate countries such as New Zealand and England can plant the whole of the winter. Here our planting season is very short indeed; therefore to get a very large area planted here we have got to have a very large labour force that may not be always available. I can assure him he does not need to stress it that our schemes should be related to realities and to what is practicable, and not to visions and rather ill-informed enthusiasms. I should like to emphasize that, as far as climate and soil conservation are concerned, the natural forests are perfectly adequate, so that there is no point in cutting out that

[Mr. Gardner] forest to put in commercial timbers except in so far as it is economically justifiable. There is no point in cutting out and planting plantations just for the sake of planting, since the existing forests are perfectly adequate for land and water conservation, climate and so on, but we shall, so far as it can be proved to fulfil a useful purpose, press on with our timber plantations as hard as we can go.

MR. DAUBNEY: Your Excellency, the hon. member Mr. Patel has referred to the present shortage of ghee, and he gave as an explanation of that shortage the suggestion that ghee was being turned into butter, and I believe he based that statement on the fact that a certain amount of butter is to be supplied during the next two or three months in place of ghee to the Asian community. His deductions from that statement are wrong.

MR. PATEL: On a point of explanation, I said that butter was manufactured instead of ghee from milk. That is what I suggested, not that butter is manufactured from ghee; it cannot be done.

MR. DAUBNEY: I am afraid I did not follow the explanation. I understood him to say that butter is manufactured from milk instead of ghee. I am sorry if I made a mistake. However, the issue of butter to Asians in place of ghee is being made because there is an acute shortage of ghee at the present moment, and it is desired to accumulate certain stocks before further issues are made. A certain amount of butter was available and could be issued, the butter was already in packages, and it has been possible to make it available for the Asian community owing to the fact that certain military supplies were not taken. The causes of the shortage of ghee are, of course, primarily the drought; secondly, perhaps the low price that has been paid for cream to the African producer; thirdly, the fact that the African is comparatively wealthy at the moment and is not attracted by the low prices; and fourthly, I think, black marketing has played quite a large part in producing a shortage. I think that all the steps that are possible to remedy these causes are likely to be taken in the near future, and at a meeting held a few days ago decisions were taken which should result in some improvement, at any rate, in the supply of ghee.

He went on to refer to the Mombasa milk supply, and stated that we were in danger of a grave shortage of milk arising at any time in the near future in Mombasa. I should rather have expected the opposite to happen. The population of Mombasa has been greatly swollen as a result of war activities, and that is the main cause of the present shortage of milk, but I rather expect that the population will decline sooner or later and that milk will be in more free supply in the township of Mombasa. In any event, my Department has organized supplies, which under reasonable weather conditions amount to more than a thousand gallons a day, of native milk going into Mombasa township, and of course the keeping of a town dairy on the island of Mombasa is a highly profitable occupation, and I do not believe that the proprietors of these dairies will allow the supplies to decline.

The hon. Member for Aberdare referred to wool and mutton prices. No one is better aware than I of the difficult times through which the sheep industry has passed during the last three years. All I can say is that a preliminary meeting with the Price Control authorities has already been arranged to consider these matters, and I am sure the case of the sheep farmers will receive very sympathetic consideration. The hon. member Mr. Kasim and the noble lord both suggested methods of disposal of the profits of the Live Stock Control. I hope that shortly a statement will be made as to the manner in which those profits may eventually be disposed of, but I will say that I favour the noble lord's suggestions rather than those made by the hon. member Mr. Kasim. In any event, no one can raid these funds at the moment because the profits do not exist in the form of cash balances, and they will not exist in that form until the Control is wound up at the end of the war or some time after, and its stocks and book debts are converted into cash balances.

The noble lord referred to several very important points relating to the provision of research services and the organization of research, concerning which quite a lot has been happening recently in this country. But I am afraid that in the time at my disposal I could not hope to deal adequately with all the points he raised. However, I will try and

[Mr. Daubney] answer one or two questions. He referred first of all to grassland research, and suggested that we needed a strengthening of our organization by the secondment or attachment of someone from Dr. Pole-Evans' staff from South Africa. He went on to say that he was not aware what the single grassland research officer was doing, and what provision had been made for this research, and he rather gave me the impression that he did not believe very much was being done in this field. The hon. Acting Director of Agriculture will no doubt deal with the plans that have been put before Government for the establishment in Kenya of further stations to investigate grassland problems. Since the agricultural officer in charge of grassland investigations has been attached to my laboratory at Kabete and has virtually worked as a member of my department for some years, I do feel I should try to correct some of the mistaken impressions as to the value of the work that has been done on grassland in this country.

A great deal of work has been done in Kenya and a great deal in Tanganyika by a very small staff of research officers, two to be accurate. In Kenya, systems of management of certain ecological types of grassland have been worked out thoroughly, but it has not yet been possible to extend these investigations to all types of grassland in the country; two of the most useful types have been very thoroughly investigated and a good deal of advice has been given to farmers and to Government on behalf of the native community with regard to the management of these grassland types. The grassland officer has also been asked recently to report on the management of pastures in another colony, so that it does seem to be a case of a prophet being entirely without honour in his own country. In 1940 a Pastoral Research Conference was held in Nairobi, and that conference submitted fairly detailed recommendations regarding the research organization that will be needed in East Africa if we are to deal with the problems of grasslands. Those recommendations, which included an enumeration of stations, and areas where stations could be established, the research staff required, and so on, were sent home, and presumably were examined by the Colonial Advisory Council of Agriculture and Animal

Health. We trust that those recommendations will receive full consideration when the whole problem of the organization of scientific research in East Africa is considered by His Majesty's Government. (Lord Francis Scott: You say this happened three years ago?) 1940. (Lord Francis Scott: And nothing has happened?) Recently there have been representations, and there has been an acceptance of the principle. More recently still, certain far-reaching suggestions have been considered by representative meetings of research workers and recommendations made to Government regarding the whole organization of scientific research in East Africa. A very large measure, I may say, of complete agreement between the authorities responsible for those different branches of research has already been reached as to the type of organization that is best suited to administer research in East Africa. A proposal has been made that we should have an East African Council of Scientific Research. Those recommendations have not yet been considered by the Governors' Conference, and therefore I cannot at this stage go into details, but all our scientific research problems, and there are very many, were brought under review in the discussions that have taken place in Nairobi, and all who are primarily interested and engaged in scientific research hope it will be possible to obtain the agreement of His Majesty's Government to comprehensive plans to obtain a measure of autonomy for scientific research in East Africa and to secure the necessary help from Empire funds, possibly under the Colonial Development and Welfare Act, without always having to apply for those funds in the form of small *ad hoc* votes for particular pieces of work; we hope to receive money without strings attached to it all the way round.

The noble lord also referred to the question of the marketing of live stock. It is true that there is no complete unanimity of opinion between the various people concerned regarding the quantity of live stock that can be taken from certain reserves, and there can be no unanimity as long as the position is one that depends upon expressions of opinion: we have no statistical data regarding the numbers of stock, the birth rate, the mortality and wastage from

(Mr. Daubney)
 disease, the consumption (that is purely domestic consumption), in the areas from which the stock has to be drawn, and the numbers exported, even to neighbouring reserves, but I do hope that now I shall be able to arrange for a careful sampling investigation, making use of a statistically sound method that will fill in these gaps in our knowledge, and so enable us to form some more accurate judgment of the position in the near future. I would also add with your permission, sir, that I believe it is the intention to appoint a commission in the near future which will investigate the live stock position in the native reserves, both in this country and in Tanganyika and Uganda, with regard to their performance in supplying meat for civil and military needs during the war period. The noble lord asked for further information regarding the tsetse survey and the measles campaign. I cannot go into details in either case. The tsetse survey is being carried out with the object of obtaining all possible information regarding the present state of the permanent tsetse fly belts in this country, how they are extending or decreasing in size, what areas are exposed to infection through dispersal of the flies, the extent of the losses from trypanosomiasis, and what areas are threatened by new extensions of the fly belts. One of the reasons, I may add, for obtaining this information is that we are likely to be faced with settlement problems for Europeans and Africans when the war ends, which will necessitate the provision of further land for settlement, and a good deal of our land is at present sterilized by the fly risk. We want to know just how we must tackle the question of reclaiming that land, if it is possible to reclaim it, what it is going to cost, and if it is worth reclaiming. Here again there has recently been a conference on trypanosomiasis and tsetse fly in Nairobi, and the report of that conference will, I presume, be considered by the Governors' Conference; that conference made recommendations regarding long-range plans for research in East Africa extending over a period of five years, and called attention to a certain lack of balance in support that has been accorded to various branches of research in this field, making suggestions as to how this balance should be corrected. With regard to staff for this work, I should say that I have had one unit

working most of this year and hope about the end of the year to have at least three working. We have recently recruited some additional staff in South Africa.

Regarding measles, it has not been possible to obtain the staff to put the circus on the road to advise farmers, nor to go into the natives reserves and carry out the intensive propaganda campaign that will be needed. However, the work is there, and should staff become available the work will be taken up. A certain amount of research has been going on. We have been experimenting with a local anthelmintic as an alternative to tetrocarbide, which is now difficult to obtain. With this locally produced compound the results are very encouraging. We are also carrying out experiments, and detailed observations on the incidence of infection in beef carcasses in the laboratory at Athi River factory, which are yielding promising results. That brings me to the housing for the staff at Athi. I have both a veterinary officer there and a meat inspector, and need additional housing because the staff has been increased; it is part of the agreement between Government and Liebig that Government should provide these services. One point raised by the hon. member Mr. Kasim was to the effect that if a greater percentage extraction of wheat were made there would be no need for the addition of rye to the flour. He suggested that the reason why no greater extraction was made was that we desired to retain bran as stockfeed in the European areas. That is not true. Milling policy has been dictated purely by the consideration that we should obtain the maximum possible yield from our wheat, supplies of pollard have been practically non-existent, and supplies of bran have been greatly reduced, so much so that a very small ration indeed is given to all owners of farm stock. We already have an 85 per cent extraction. There is one other objection to the inclusion of any more bran in the flour; that is, if you put in more it is very easily sifted out by the consumer.

I have taken up more time than I should, but my last point is the reference by the hon. Member for Kiambu to the reports of the Hot Springs Conference. That conference on nutrition has undoubtedly done very good work in bringing home the basic principles of nutri-

(Mr. Daubney)
 tion, their relationship with farming practice, with land tenure questions, and with all the social services with which Government is concerned in an African colony, to Government and the general public. The short range recommendations of the conference have unfortunately very little to interest us. They refer mainly to the provision of additional food supplies for the territories that are soon to be released from the yoke of Axis government, and in our circumstances there is very little hope that we can contribute anything material to that particular pool. The long range recommendations regarding nutrition are those that have been recognized by scientific workers in the field for a number of years. They have been put across to Governments and Government departments by the League of Nations Commission on Nutrition. And, I would add, there is not a recommendation or a principle in the report regarding nutrition, its relationship to agriculture, stock-farming, land tenure, education, and those other social services, that I have not heard debated time and again in most of the Native Welfare Committee meetings in Nairobi during the last four years. I would say that this Government has been very well aware and has been kept very well informed by that committee throughout as to the importance of these problems and as to the relationship between nutritional problems and those other activities of the social services departments of which mine is one.

The debate was adjourned.

ADJOURNMENT

Council rose at 5.50 p.m. and adjourned until 10 a.m. on Friday, 19th November, 1943.

Friday, 19th November, 1943

Council assembled at the Memorial Hall, Nairobi, at 10 a.m. on Friday, 19th November, 1943, His Excellency the Governor (Sir Henry Moore, G.C.M.G.) presiding.

His Excellency opened the Council with prayer.

MINUTES

The minutes of the meeting of 18th November, 1943, were confirmed.

PRIVATE MEMBER'S MOTION

MR. COOKE: Your Excellency, before Council proceeds with the business, may I ask why the motion of which I gave notice last September concerning the retirement of senior officials is not being debated this week? When Council re-assembled last week, I specially asked the Clerk of Council if he could possibly expedite the motion, because there is a lot of feeling in the country on the matter, and I felt, rightly or wrongly, that I was being rather hardly dealt with in not being given an opportunity to move that motion.

MR. RENNIE: Your Excellency, the hon. member no doubt realizes that the order of business is a matter for the decision of Government. At the present time the most important business the Council has before it is the consideration of the budget. We are devoting our energies to that at the present time, and as soon as a favourable opportunity occurs the hon. member's motion will be taken.

MR. COOKE: Why not take it at the end of the budget debate? Will there not be a few hours to-day or to-morrow?

HIS EXCELLENCY: The answer is that Government is not ready to debate the motion at the present moment.

DRAFT ESTIMATES, 1944

The debate was resumed.

DR. JOHNSTONE: Your Excellency, I should like to reply to the few points raised by hon. members in respect of my department. The hon. Member for Aberdare raised the question of hospital facilities at Thomson's Falls. I admit that the hospital facilities at Thomson's Falls are inadequate for the population which they have to serve. I would, however, remind the hon. member that with a

(Dr. Johnstone)
dispensary and a few beds attached, and having available the services of a district surgeon, this area is rather better off than some other rural areas. I should like to take this opportunity of suggesting that the whole question of hospital facilities in rural areas should receive serious consideration at an early date. As hon. members are aware, the matter has been dealt with in a somewhat haphazard manner in the past. Some districts which may possibly have been more vociferous in their demands than others have in a sense got away with facilities at the expense of other districts, though possibly the needs of the latter have been more pressing. I think that we need planned development in connexion with this matter. Some preliminary discussions have already taken place, but I would suggest that the whole matter should be considered by the Standing Committee for Local Government for Rural Areas, who I think possibly might appoint a sub-committee for the purpose. (Hear, hear.) A good deal of capital expenditure is involved, and I think the financial relationships between the areas concerned and the central Government must be gone into fully. As regards recurrent expenditure, from figures which I prepared some years ago there are, I think, reasons to believe that a scheme could be devised which might be self-supporting. The hon. Member for Aberdare also raised the question of the training of African nurses, and he suggested that by doing so it might be possible to reduce the number of trained European nurses in the native reserves. I am afraid we cannot do that, because the European nurses largely work in the form of matrons and are absolutely necessary for administration, supervision and teaching purposes.

I should like to associate myself with the remarks made by the hon. Chief Native Commissioner in regard to the work these nurses are doing and have done in the past. I should also like to say that for a number of years now we have been training African nurses at almost every hospital in the country. There again, however, the training has been of a somewhat haphazard nature and no systematic training has been possible. We have, however, had a plan prepared for the systematic training of African nurses, and this was largely to be undertaken in connexion with the group

hospital in Nairobi. Unfortunately the war intervened, building difficulties arose, and shortage of staff and other factors have prevented this training being undertaken. I should like to point out that, in my opinion, it is essential before we can undertake the training of African nurses to have proper hospitals, proper hostels to accommodate the nurses, and we must have suitable tutors if the systematic training is to be placed on a sound basis. We have not forgotten the subject, however, and we shall certainly endeavour to start this training at the earliest possible opportunity. In connexion with this there is one small point, and that is the preliminary education of African girls. It has not gone anything like as far as it should, and that is one handicap in regard to training. The hon. Member for Kiambu raised several points. I was glad to hear that she was satisfied that conditions had been considerably improved at the general dispensary, Nairobi. I think though that much remains to be done. The staff have to work under extremely congested conditions in a very old and dilapidated building, and I think that sooner or later we shall have to face the question of building an up-to-date, modern new dispensary.

Several hon. members on the other side of Council raised the question of the Mathari Mental Hospital. I agree that, as regards European patients, the conditions there can only be described as appalling. As stated by the hon. Acting Financial Secretary, Government is making provision for funds for the reconstruction of the European wings of Mathari Mental Hospital. With this money we hope to be able to put up modern accommodation for approximately 20 Europeans. In addition, we shall put up staff quarters for additional European staff which is badly required. We may have some difficulty in getting that staff, but I consider that trained staff make all the difference in the world. In addition, we hope to take up the question of occupational therapy and build workshops and so on. The money will also include provision for an extra African block which we are badly in need of. In connexion with Mathari in general, I would like to inform hon. members that we have been following a reconstruction plan for a number of years. We tackled the worst features first; I refer to the Asian accommodation, which a few years ago was

(Dr. Johnstone)
practically non-existent and which to-day is as good as in any part of Africa. We have now reasonably satisfactory accommodation for Asians. The African wings, too, in the past were extremely bad, and I am glad to say that as regards African males at any rate we have now got modern accommodation, but modern accommodation has still to be provided for African females. The hon. Member for Kiambu also raised the question of accommodation for children. We shall probably have to do something about this, but I would point out that an asylum or a mental hospital is really not a proper place to confine children, and I think the sooner we can put them up somewhere else the better; it is a most unsatisfactory atmosphere in which to bring up children.

The hon. Member for Kiambu also asked if I would give my views on a nutritional policy for Kenya, and she mentioned the Hot Springs Conference in America. I should like to associate myself with the remarks made by the hon. Director of Veterinary Services yesterday. I agree with everything he said, and it would only be wasting the time of the Council if I added anything more to it. The hon. Member for Mombasa raised the question of earphones for the European hospital there. I can assure him I shall certainly take this matter up. I have already made preliminary inquiries and agree that we should get them if it is at all possible. The hon. member Mr. Amin and several other Indian members raised the question of improved hospital facilities for Indians in Nairobi, and I think it was suggested elsewhere as well. I can only say that the Indian hospital facilities in Nairobi are at the moment far from satisfactory. In my opinion, the only satisfactory way of dealing with the whole thing is, of course, to proceed with the building of the Asian wing at the new group hospital. Unfortunately the military authorities are in possession of this hospital at the moment, but I hope it will be possible to do something in regard to this at an early date. If we are unable to proceed with the Asian wing in the near future, I shall certainly consider the question of trying to alleviate present conditions by going in for some temporary construction, so that the Indians can have more

adequate and more satisfactory hospital accommodation.

The hon. member Mr. Amin referred also to the Pharmacy and Poisons Ordinance, 1942. I cannot quite understand what he wanted, but I believe he is afraid that a number of persons who formerly dealt in drugs of a dangerous nature would now be put out of business because they were no longer going to be allowed to do so. The legislation which was passed by this Council some 18 months ago was long overdue, and I do think that the handling of dangerous drugs in general should now be placed in the hands of persons who have had the training and who are qualified to do so. (Hear, hear.) If we follow the advice of the hon. member I do feel we shall be wrecking the whole of this Ordinance. Mr. Amin has already made a number of representations to Government which have been passed on to the Board, and I can assure him that they have all received full consideration. One of his grievances appears to be that the Ordinance was largely an enabling one, but when the Ordinance was passed Your Excellency appointed a Board, as provided for under the Ordinance, and one of the first duties of the Board was to prepare a poisons list, which was published on 13th August this year. The Poisons Rules became operative as from the 1st September. Notice was admittedly short, but in view of the urgency of getting these things under control the Board felt that no real hardship would be caused and that they should proceed with the matter. I can assure the hon. member that all his representations have received full consideration by the Board. If he is still not satisfied, however, I should be only too willing, as Chairman of this Board, to ask him to come along to the Board and place all these matters before it at its next meeting, when he will certainly have a full hearing.

As regards extensions to the Kitale hospital, a point raised by the hon. Member for Trans Nzoia, I think the hon. Director of Public Works has already dealt with this. A sum of money is, I understand, to be included in the budget to deal with the question of overcrowding at a number of hospitals. I can assure him that Kitale is one of those hospitals. He mentioned the fact that at Kitale there were roughly two patients to one bed. I am quite aware of this, and

(Dr. Johstone)

I can only tell him this, that a similar position exists at many other hospitals. It is a very acute problem indeed, but if any money is voted Kitale will get its share.

I think those are all the points raised in the debate.

MR. KILICK: Your Excellency, I would like first to refer to the point made by the hon. Member for Aberdare with reference to the necessity for additional provision for cold storage in the country. Hon. members may be aware that some extensions to the cold storage plant at Mombasa were made in 1941, and a further extension of 50 tons is at present under consideration. I entirely agree with the hon. member that the present and projected storage capacity is quite inadequate for the future needs of the Colony, and that the whole problem must be approached on a much broader basis. I would mention in this connexion that a very comprehensive memorandum outlining as he sees it the future needs of both the dairy and pig industry in the matter of cold storage was prepared this year by the Dairy and Pig Controller, and is at present under consideration by Government. The hon. Member for Kiambu referred to the necessity of the appointment of what she termed food and fodder inspectors, particularly in relation to the inspection of the mixed meal now being supplied. One of the difficulties in this connexion is this, that while I am satisfied the right proportion of the various meals reaches the mills it is possible that after admixture at the mills the correct admixture in some cases does not leave the mill. The difficulty is that there is not in the country any machinery for mixing nor can any machinery be obtained. I would like to assure the hon. member, however, that I will take this up with the Produce Controller and see if some improvement cannot be effected by what I would call surprise inspections to these various mills.

MRS. WATKINS: On a point of explanation, it is not because of the machinery but of earth that is mixed with mtama quite deliberately.

MR. KILICK: The hon. member Mr. Kasim made a reference to a sum of money provided in the estimates for expenditure under the Agricultural Production and Settlement Board vote, and

if I understood him correctly he seemed to be of the opinion that this money would benefit only one section of the community, namely the European farmers. I would, however, remind him that under the Ordinance the definition of farmer embraces any non-native, and in consequence Asians equally with Europeans are eligible for all the measures of assistance which the Ordinance provides. He then referred to and protested against a proclamation which had recently been issued regarding the compulsory sale by squatters of maize grown by them to the owner of the farm on which such maize was grown, a proclamation, which hon. members are aware, applies to the Rift Valley Province and the Londiani-Kisumu ward of the Kisumu-Londiani district. I would state in this connexion that this proclamation has been issued solely in view of the necessity, so urgent at the present time, of obtaining physical control of all maize produced. I agree with him that an undertaking was given when the original Maize Regulations were made that normal channels of trade should be maintained in so far as is possible, a policy which has been adopted by Government since the inception of the regulations, but in this particular case it is felt by Government that the only way to ensure that squatter grown maize does pass into the hands of the Control is by compulsory sale to farmers owning the land on which the maize was grown. In this connexion the following figures are of interest: in the Kisumu-Londiani ward, squatter grown maize sold at markets in the 1940-41 season, totalled 11,681 bags; in the 1941-42 season, 15,749 bags; but in the 1942-43 season, when the growing season at least was as favourable as in the two previous seasons, the amount sold through those markets was only 4,323 bags, or about a quarter of the amount marketed in each of the previous years. I would also point out that in the representations made by the hon. member Mr. Kasim he referred to the fact that both Indian and African traders would be put out of business. I would just like to point out that in the markets from Molo to Lumbwa there are no registered African traders.

The hon. Member for Nyanza referred to the question of the price of posho at Nakuru and also to the price of mtama at the same centre. In regard to the price

(Mr. Kilick)

[Mr. Kilick] I would state that a communique has been prepared and will be issued in the course of the next few days giving the details of the price structure in regard to posho at various centres. In regard to mtama, which he stated was a worse case than that of maize, the facts are these. The cost of mtama to the Control at the point of purchase, which is in Nyanza Province, averages Sh. 11/25 a bag; the Control expense amounts to 25 cents a bag; average railage is Sh. 2/18 a bag, and the handling and commission allowances paid to the firm in Nakuru that does the work is 68 cents a bag, a total of Sh. 14/36 a bag, which is the selling price for 1-ton lots in Nakuru. I think perhaps it would be of interest in removing any idea which may exist that the Maize Control is making inordinate profits, if I state, which is the case, that since the inception of Maize Control on the 1st July, 1942, until the end of August, 1943, the total working expenses and profit of the Control have amounted to a sum of 33 cents a bag, of which approximately 20 cents a bag represent working expenses and 13 cents a bag represent profit. I now turn to the remarks of the noble lord the hon. Member for Rift Valley, and the first point which I wish to take is his remark regarding the office of Agricultural Economist. He questioned, I think, whether any benefits had been derived from the time of his appointment up to the end of 1938. I would refer the noble lord to the remarks made in this Council in the debate on the 1939 estimates, when the late Director of Agriculture outlined, I think very clearly, the duties of the Agricultural Economist and indicated the work which he had accomplished during those years. At the conclusion of his remarks the then Director of Agriculture gave it as his opinion that the post was fully justified and supported it, which I equally do. But I should like to say this, that since the outbreak of war it has been necessary, against the wishes I should say of the actual holder of the post, to place this officer on duties not directly connected with his normal ones but directly connected with the increased war work which my department has had to undertake. It may be argued that in doing so he is not filling his proper function. On the other hand, the fact that he has been able to do so has made it un-

necessary for me to bring into my head office a senior officer from the field at a time when, had I had to do so, it would have been a serious embarrassment to the field officer position in relation to production. The war work which this officer has done I do not think I need elaborate, except to mention one line of work. He has taken full charge under my supervision of the organization in the first case of the erection of the dried vegetable factories at Karatina and Kerogoya, and more recently, since the factories have been in operation, he has supervised the running of both these factories.

Yesterday afternoon, in this Council, the hon. Director of Veterinary Services touched on the question of grass work, and at the outset I would like to assure the noble lord that I am completely at one with him in his desire to increase the grassland work in this Colony. The hon. Director of Veterinary Services indicated that plans had been drawn up for the intensification of this work, but I would point out that before that stage of work can be undertaken in present circumstances there are three pre-requisites, namely the provision of money, the provision of land, and the provision of staff. The first I think there will be no difficulty in obtaining, nor will there be great difficulty in obtaining the second, and in this connexion I would inform the noble lord that in August of this year comprehensive plans were drawn up for a post-war agricultural research section of the department, outlining the necessity for the establishment of stations on which agricultural investigational work could be undertaken and indicating the site of those stations. These stations, I hope, will have as one of the most important aspects of their work the question of grassland research, which must be the basis of farming development in the Colony. The major difficulty in carrying out this work is the question of obtaining staff at present circumstances. In fact, as in all other branches of work of the department during the past three or four years, the problem of obtaining staff has been the main difficulty, and apart from the question of getting staff it has been necessary, as hon. members will understand, to divert the activities of our field staff from their normal investigational and advisory work to work on production. I regret it, but it has been neces-

[Mr. Killick]

sary. In fairness, I think, to the officer in charge of the grassland work I would like to mention that he has, as a result of work during past years, been able to establish two grasses which he has proved as being suitable for temporary leys in specific areas, and has been responsible for the production of perennial Kavirondo sorghum which is proving to be a useful fodder crop, particularly in the drier areas.

On the question of the appointment of a horticulturist to be in a position to give advice to fruit growers, it is true that at the present time we have no officer specifically charged with that work. We have, however, an officer who is in fact a trained horticulturist, and although he is engaged in other duties at the moment, the production of vegetable seeds, he has recently paid a visit to fruit growers in the Kinangop area, a visit which I have reason to believe was appreciated. In the programme of research and investigation which was drawn up in August of this year, and to which I previously referred, there is provision for the appointment of a horticulturist and an assistant horticulturist, who I hope will be charged with the work of supervision and assistance to fruit growers, both temperate fruits in the higher areas and the development of more tropical fruit in the lower areas of the Colony. The noble lord also referred to two questions which he had asked in regard to the work of the Soil Conservation Service—the measures taken to implement the Land and Water Preservation Ordinance during 1943 and the question as to the release of two tractors from the Soil Conservation Service to the Timber Control. I would ask him to await the replies which have been prepared to these two questions, and which I hope will give him full information on the questions he has asked. There is one further point which I should like to touch on and which was made by the hon. member Mr. Patel yesterday with regard to the production of foodstuffs required by the Indian community, owing to the fact that importations from overseas were difficult. I can assure him that in so far as pulses, and to a lesser extent spices, are concerned, we are making efforts in that direction, efforts which I will undertake to intensify.

MR. MORTIMER: Your Excellency, there were only two or three matters raised in the course of debate to which I wish to refer. The hon. Member for Kiambu, dealing with the native labour question, suggested that a scheme of rationing, particularly for resident labourers, should be introduced. The hon. member is a member of the Standing Committee for Local Government (Rural Areas), and she is, of course, aware that the administration of the policy in regard to resident labourers is left very largely to local option directed through the district councils.

MRS. WATKINS: I wanted a nutritional policy throughout the whole of Eastern Africa, not only for resident labourers.

MR. MORTIMER: I am aware that the hon. member referred to that long range large policy, but that is outside my scope; the resident labourer aspect of the question was raised which does come within my province, and that is why I am making reference to this particular point. The Trans Nzoia District Council has in its orders on this subject introduced a system of rationing having relation to the requirements of the productive activities being carried on in each individual farm. The scheme has not been in force long enough for us to be able to form any real estimate of results, but I personally look forward with interest to see how it works, and hope other district councils may adopt a similar system.

Turning to the remarks made by the hon. Indian members, Mr. Paroo and Mr. Patel, on the subject of Indian land settlement, I would like to reiterate the support I have given in other quarters to the proposal that a system of agricultural education for such Indians as may desire it should be established, and I would also reiterate that I do not consider that the East African territories separately and individually should embark on such a scheme, but that there should be one applicable to the whole of the East African territories. As the Tanganyika Government is already considering such a scheme, I have recommended that the Kenya Government should endeavour to co-operate and secure the consent of the Tanganyika Government for the admission to such training centre as may be established the Indian youths of Kenya who may wish to take advantage of it. I have not been greatly impressed so far

[Mr. Mortimer]

by the willingness of the Indian youths of this Colony to take agricultural training. Indeed, the evidence is rather on the other side in that the post-war employment questionnaire which was circulated to all Indian members of the East African Forces was returned by a little over 1,000 Indian members of the Forces and of those only 10 said that after the war they would like training in agriculture. So far as the Indian Land Settlement Board is concerned, the hon. member Mr. Patel being a member is fully aware of the situation, and he knows, as I know, that not until after the war can the large scale water producing operations which are necessary be carried out in order to make land available for Indian settlement on any considerable scale. I hope it may be possible to make definite provision for that water research to be carried out as soon as staff and materials are available. On the subject of the Muhoroni farms which the hon. member Mr. Patel mentioned, I am sorry that I cannot support him there. I have made a personal examination of the records, and I can find no trace whatever of any assurance having been given to those farmers when, some 30 years ago, they took up their 50-acre plots that grazing facilities outside those plots would be assured to them. On the contrary, there is evidence that at one period the suggestion was put forward and considered that there should be an extension of the scheme of 50-acre agricultural plots including the very land on which it is alleged that grazing rights have been promised. The land is in the Highlands and no grounds are assigned for the utilization by the Indian farmers of the areas in question. They have their 50-acre plots, which were granted for agricultural purposes only, not for dairy farming, and not for a general grazing proposition.

MR. HARRAGIN: Your Excellency, in replying to the questions put to me by the hon. Member for Aberdare, I find myself somewhat in the position of the gentleman who is called upon to act the part of Dr. Jekyll and Mr. Hyde, for whereas a great deal of the time of my department is taken up in persuading the Supreme Court that convictions should stand, I find myself to-day in the position, in fairness to the Supreme Court, of explaining to the hon. member why it

was impossible to take that stand in the particular case that he quoted. In dealing with these cases, where the hon. member, quite naturally, is not in a position to give me the name or the number of the case, I may be mistaken as to the exact case to which he referred. However, with the particulars he gave me I have whittled the possibilities down to two cases, and I am almost certain in my own mind that it is one particular case that comes from Soysambu. The particular point made by the hon. member was that the magistrate had misdirected himself, and he seemed to think that this was a mere technicality that the Supreme Court had seized upon in order to permit a guilty man to escape my clutches; but the facts are quite different. In the first place, to misdirect yourself, as a judge or magistrate, is probably the most serious of the crimes that as a magistrate you can commit. In this particular case I think all hon. members will agree that, even to a layman, there are no legal technicalities concerned, and that if they had been in the same place they would have found themselves obliged to let the man go.

The facts were as follows. Three Masai were seen at a distance of 40 yards, or thereabouts, by two native witnesses. They were identified some time later in a most unsatisfactory way, namely that one was able to identify one of them and the other witness two of them. There was a third witness who identified the third. However, in spite of that, the magistrate called upon the defence, and the defence set up the well-known excuse of an alibi and sought to prove that they were elsewhere at the time that the crime was committed. The magistrate said he was not satisfied with the alibi, but unfortunately he then delivered himself of the following sentence. He said that as the burden of proof had passed to the defence to prove by his alibi that he was not guilty, for that reason he found him guilty on that ground and that ground alone. As hon. members must realize, the man was entitled to be set free, because the burden of proof never passes from the crown to the defence except in certain isolated cases of which this was not one; in fact it meant that the crown had failed to prove this case, and that the magistrate was seeking to bolster up his conviction on the fact that in law he was of the opinion that the burden of proof

[Mr. Harragin]

had passed to the defence, which it had not. Under these circumstances, I think you will all agree with me that their lordships were perfectly correct in giving the man the benefit of the doubt.

If that is not the case it can only be another one which comes from the same area, and I will not worry you with a long story about it. I will just tell you that in that case also the appeal was allowed for the following reasons, that the only evidence that the cattle were stolen was hearsay, which is not evidence, that an admission, which was opposed to by the second witness, was made to the chief investigating the case, and as such was in the position of a policeman, and therefore that was not evidence. The magistrate clearly misdirected himself when calling upon the accused to make his defence. The magistrate in his judgment said he was satisfied that the accused failed to report the presence of these animals. This, of course, may be advanced under other law, but is not particularly potent, having regard to the accused's own statement, and on this ground their lordships permitted the accused to escape again. I have told you very shortly the facts, but I can assure you that the two cases took a tremendous time and that the judgments were at least three pages in length, so you may realize that their lordships gave the greatest time and trouble in considering and deciding upon these two cases.

The hon. member made reference to the conscription of women other than Europeans, and that point has already been dealt with by other speakers on this side of Council. But it has a bearing on something which I should like to say, and that is that if by the conscription of other women—I do not know whether it is possible—but if women of other races could be conscripted and if it is practicable, and I am thinking particularly of women who could be made into nurses, if it would relieve the European position it would be a godsend to this country. I wonder how many members realize the serious position that we are in now with regard to nurses in Kenya. It is perhaps not their fault. Every woman who has been trained as a nurse has been written to personally by me or by my deputy. They have all theoretically been called up, and those that have not reported for duty have so far

managed to satisfy me that they have some lawful excuse. You hear it said that so-and-so is working in a reserved occupation and therefore she refused to nurse or the Director of Man Power will not make her. The position is not quite as easy as that. Firstly, I have been advised that it is quite useless—I may have been wrongly advised, but that is my technical advice up to the moment—that it is quite useless to try and make a woman nurse if she does not intend to do so. Secondly, the excuses that can be put up by those who do not wish to nurse are quite beyond me to overcome; they are all going to have babies or have got varicose veins or weak hearts, or some excuse or another which prevents me being able to put them where in my opinion they should be. However, yet another effort is going to be made, and early next week I hope to have a meeting of my technical advisers and others interested in the matter, and if we can possibly weed out any of the innumerable excuses which I have had put before me I will be the first to exercise the powers which you, sir, have delegated to me. But it is a serious matter and a matter which hon. members should give great thought to. It is not that they are just allowed to do this because they want to; it is because we cannot get them. Many of these excuses that I have been given are, of course, perfectly genuine, there are genuine excuses, and it will be only in a few isolated cases, and perhaps in one particular case I am thinking of—of course I will not mention names. I mentioned the name of a woman that I could have conscripted to do a particular job, and the doctor in question when I mentioned it to him said, "I can think of nothing that would kill my patient sooner" (laughter); so that is yet another difficulty.

The next point made was made by the hon. member Mr. Paroo with regard to the inadequacy of the penalties that were being inflicted by the courts. Well, that is a very common complaint that we have found in the Attorney General's office, though I am glad to see that members of the public also take our view occasionally! I will say that in recent months the courts have certainly shown indications towards inflicting heavier penalties in the particular cases to which the hon. member referred, and I think that he may rest assured that this will be

[Mr. Harragin]

brought to the notice of those who administer the law for us, and I have no doubt will be given all the consideration it deserves. The hon. Member for Kiambu referred to three legal matters. She referred to the bastardy laws, the lunacy laws, and fees with regard to adoption. With regard to the adoption fees, I can dispose of that very quickly by saying that is a matter for the hon. Financial Secretary. The fees are laid down. At the moment I can tell you they are Sh. 60, and I know that there is a certain small addition and it probably amounts to nearer Sh. 80 before one is finished. There is no legal reason why it should not be made Sh. 10 from my point of view, but I think anyone thinking of adopting a child might think it quite cheap if it only costs Sh. 60 to Sh. 80.

Mrs. WATKINS: On a point of explanation, I was referring to natives who wanted to adopt children from Mathari.

Mr. HARRAGIN: I am afraid I have not heard of any such cases, but I think it would be an excellent thing. I do not know if the hon. Chief Native Commissioner has noticed any desire in the reserves for legal adoption; I personally would be perfectly willing to support any possible reduction in fees.

Mr. HOSKING: On the part of prostitutes there is a distinct tendency to adopt girl children.

Mr. HARRAGIN: I may say that in one particular case I know of recently in the case of a European, the unfortunate lady had to adopt a child because the conscription order on her had been served, and she would have had to join the forces within 10 days if she had not done so, and I think she thought Sh. 60 extremely cheap!

With regard to the law on lunacy and the law with regard to bastardy, in my right hand I have a draft of the bill to amend the law with regard to lunacy which was drafted several years ago and which has been on the stocks, so to speak, for years. It has been considered by most of the experts in this country; it has been referred to the late specialist in mental diseases here and his valuable advice was incorporated in the draft, but for various reasons in 1938 the Medical

Department asked me to hold it up as they had certain important amendments to make in it. Unfortunately the war arrived in 1939 and nothing further has been done, and whether it would be practicable to introduce it now I am not in a position to say, but I can only say that the hon. member can have a free copy of the bill as it stands. The hon. Director of Medical Services will no doubt be able to submit to me the necessary amendments which will be incorporated in it and I hope to have it before this Council at no very distant date.

As regards the law of bastardy, that also has been under consideration, although not quite as long as the previous one, and a bill was drafted. It was not entirely on account of the one gentleman who was afraid of blackmail that it was dropped; it was referred to the Law Society, and the Law Society, after considering it for a considerable time and after suggesting many very valuable amendments in it, put in a letter which was signed by a late member of this Council as Secretary of the Law Society, in which he informed me that, in the opinion of the Society, though it was a very excellent bill in its amended form, they were not of the opinion that Kenya was yet ripe for such a law. Whether they were right or wrong I am not in a position to say, but I do know the sort of things that led them to that decision. For instance, they had made inquiries and were satisfied there was no demand for the law of bastardy among the native peoples. That is to say, 3½ million people of this country did not want it. There was no demand among the Indians, which represents another 70,000 people, and therefore it came down to the question as to whether it was necessary to impose this law for the sake of the Europeans. I was asked certain questions by the Law Society, and at that time was only able to inform them that there were two children who had in fact come on to Government and had to be kept by Government. I have no doubt these figures have risen considerably since I gave that reply, but it is a question that must be gone into again as to whether, for the sake of the few in abnormal times, we should super-impose our European ideas with regard to bastardy on the whole of this large community, the majority of whom we are told do not want it and do not require it.

(Mr. Harragin)

I now come to the point raised by the hon. Member for Mombasa. I sympathize very much with him in his statement of the delays caused, particularly in magistrate's cases down at Mombasa. I regret to say it is not only true in Mombasa but it is true in most districts, and it is certainly true in Nairobi. He made various suggestions to alleviate the position. He suggested, for instance, that one of the port authorities, the Port Manager or the Port Captain, should be given the third class powers of a magistrate to deal with cases that happen in the dock area. I have spoken to the hon. General Manager, and he is going to take the matter up with the authorities there and something may be done in that direction. I had not been aware until the hon. member mentioned it a little time ago that Port Managers were in fact ever given these judicial powers, but I am the first to admit that I can see no reason why it should not, and if they have the time it would be an excellent way of disposing of petty cases at the docks. With regard to justices of the peace who might be able to relieve magistrates, that is rather more different. We always think of justices of the peace in the same way as we do at home; you think of old gentlemen who come down regularly once a week and administer very substantial justice. But what people forget is that always sitting in front of these justices is a solicitor or barrister, generally a solicitor, as the clerk of the court, and therefore we should gain nothing by getting a few gentlemen to sit with him if we have someone who could in fact be a magistrate and get on with the job without the justices, who would be in fact qualified jurymen, only that they have the right of administering the sentence as well as saying "guilty". The real answer I think is that we want more magistrates, and it is quite impossible at the present juncture to get them. We are short all over the Colony.

The hon. member then made mention of the cat-o-nine tails and suggested that its use would be an excellent deterrent, and mentioned that it was still in vogue in England. Well, that is correct in a sense. There are certain statutes in England that have never been repealed that give judges of the High Court the right to order the administering of a whipping and the right to dictate with

what instrument it should be carried out, so that theoretically my hon. friend is perfectly right; they could if they so desired order the cat-o-nine tails. I know of no reported case in the last 20 years where the cat-o-nine tails in England has ever been administered. I have asked the Commissioner of Prisons if he ever heard of a case while he was in training in England and he said he had not, and I very much doubt whether we would ever be able to put back the clock and go back to the administration of whipping by the cat-o-nine tails. It is interesting to note in that connexion that whereas it exists in England, it has been definitely prohibited by law in Scotland.

The hon. member then asked a question with regard to the amendment of the Bankruptcy Ordinance which, as hon. members know, has been on the stocks for a little time and which has again been postponed because I fear I am a little pigheaded about it. I feel it would be the greatest mistake in any of these commercial laws, and in this I am backed up by the Chamber of Commerce, to introduce a law in one colony which with a little tact and persuasion we could introduce into the three territories. I cannot say definitely that we have advanced a great deal since I spoke to the hon. member on the subject last, but it is true to say it has not been definitely turned down, that one of the three territories has asked for time to consider it. It is one of the matters I have asked you, sir, to discuss with the Governors' Conference when they are meeting here next week, so that I hope at the next meeting of Council to introduce the amendments to which the hon. member refers. The hon. member Mr. Amin referred to a case, I think he said it was in Mombasa, where evidence has been obtained in censorship—

MR. AMIN: On a point of explanation, it was a case in Nairobi.

MR. HARRAGIN: I beg your pardon—where evidence had been obtained through censorship, that the man was charged, and when he pleaded not guilty the case had not been proceeded with. I actually do not know to what particular case the hon. member refers, it has not been through my office. But I can, for the information of members, tell them that evidence in censorship is a matter of practice only used when deal-

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ing with war offences, and there is no need for me to describe what they are, beyond saying arising out of the war and matters relating to the war. As a matter of administration, it is a fact that evidence obtained in censorship is not used except with regard to these offences. Why it should not be, I am not in a position to tell you. Why if we discover in a letter that X is going to murder Y and that is the bit of evidence we want to ensure that X is hung and we cannot put that in evidence I do not know, but I suppose it is public policy and as such we abide by that policy.

MR. AMIN: On a point of further explanation, Your Excellency has power in particular cases of such use if needs be.

MR. HARRAGIN: I am explaining to hon. members the occasions upon which you, sir, would use that power. I can only presume that it is part of that hypocrisy which great jurists go in for as well as others, whereby they say it is better that a hundred guilty men should get off than that one innocent man should be convicted. The hon. member Mr. Shamsud-Deen painted a very gloomy picture of the disorders that are alleged to be found nightly in Nairobi at least, and we know from other members that it is also true in Mombasa. If the facts are as serious as the hon. member would lead us to believe, then indeed something drastic must be done, and it must be done immediately, but I think the hon. member will forgive me if I say that I have a sort of feeling that it is a little exaggeration to say that people at 5.30 in the morning are unable to go to their mosques because they are frightened of being assaulted. After all, there are only certain reasons why people are assaulted, and I hardly think that unless you go to the mosque carrying a bag of money or something of that description that there is the slightest chance of being assaulted. Apart from that, I can only say the information he has now given will, of course, be investigated by the necessary authorities, particular the Commissioner of Police, who at the moment is not aware of this serious position. We are well aware of the increase in burglaries and larcenies and crime of that description, but that it has reached the length the hon. member would have us

believe is something quite new to us. Another point made by the hon. member was that special police officers had been so humiliated that they had been forced to resign or had found things so unpleasant that they had had to resign. Again that is quite new to us. It is true that certain members did resign, but I can answer for the Europeans that it certainly has not been on account of humiliation, and the Commissioner of Police would be extremely grateful to the hon. member if he would tell him or write and inform him of those cases where the police constables—I take it the hon. member is referring to Indian special constables—have been so humiliated by the behaviour of superior officers that they have had to take the very drastic step of resigning. I would have said that, but for what the hon. member has told us that the force is now in a more healthy state than it has ever been. Only a few days ago, before the hon. member spoke, I am told that an extremely good turnout of special Indian police officers was held which was inspected by the Commissioner of Police himself, and to all outward appearances they seemed perfectly happy and satisfied that they were doing a good job of work.

The hon. Member for Rift Valley made reference to the passing of the Kenya Defence Force, and I would like to associate myself with everything he said in regard to that body of men. There are few people, I should imagine, who realize how much the K.D.F. have done from the civil point of view quite as much as from the military point of view, or how smoothly and easily conscription of those men who were subject to the Kenya Defence Force Ordinance at the beginning of the war has gone through. There has hardly been an appeal, everybody subject to that Ordinance has behaved loyally and done what was expected of him under the Ordinance, with reference particularly to the unfortunate officers who were left in charge of a depleted K.D.F. but were expected to do ten times as much as before, and in nearly every case rose to the occasion. It is best exemplified in the magnificent work done by the man power committees in the districts since the war began. (Hear, hear.) I think Government owes them a deep debt of gratitude.

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The last point I want to deal with was made by the hon. Member for Trans Nzoia, when he suggested that the Collective Punishment Ordinance should be extended. I think he said to the whole of the Colony. That may sound very pleasant, but does the hon. member realize what that might well mean? Under the Ordinance, in a proclaimed district, if a herd of stolen cattle is driven through a village, it might well be that every male member of that village is called upon to pay a contribution to the fine. Will the hon. member go so far as to say that if a herd of stolen cattle is driven through Kitale every single male member of Kitale who happens to be in the town that night should be called upon to give his subscription to the fine?

MAJOR KEYSER: On a point of explanation, I meant an extension of the crimes to other than stock thefts.

MR. HARRAGIN: The chief difficulty at the moment, I think the hon. member will agree, is with stock thefts, and our difficulty so far has been in dealing with them as apart from other crimes. I think an extension to other than stock thefts to other parts of the Colony will make it a hundred times more difficult. I have the greatest sympathy with what the hon. member has at the back of his mind, but when it comes to working it out in practice he will find it quite impracticable to extend it to any of the larger areas. It is only possible in the isolated areas, where we are certain that the people punished do in fact know something about the crime that has been committed.

MR. RENNIE: Your Excellency, at the outset I should like to express my appreciation of the very favourable reception that the budget has received, and of the kindly and constructive tone of the debate. I think the tone of the debate is, perhaps, largely due to the fact that hon. members on the other side of Council realize the extreme pressure under which members of the Government and Government officers generally, are working at the present time, and for that reason they have dealt somewhat lightly, in my opinion, with some of the mistakes that have occurred during the past year. Anyhow, whatever the reason may be, I very much appreciate the attitude they have adopted.

Before I begin to comment in detail on some of the points raised, I should like to refer to a matter to which more than one member has referred, namely the question of labour, and right at the beginning I should like to make it clear that the Government is fully alive to the seriousness of the labour situation. As you stated in your Address recently, sir, the limiting factor in respect of such industries as sisal, and also to a certain extent flax, is the labour supply, and the Government is fully alive to the situation as regards the effect of the labour situation on cereal crops generally. The hon. Chief Native Commissioner made it clear yesterday that, so far as the amount of labour available in the reserves is concerned, we are not dealing with an inexhaustible supply. He has given us figures to show that a higher total of able-bodied men is at present in employment than ever before, also a considerably higher percentage, and the situation is now such that not only must the recruiting programme for the army for next year be cut down to a very low figure indeed, but the provincial commissioners, after going into the situation very carefully in respect of their provinces, have advised the Government that the monthly figure for the output of conscripts from all the provinces should be in the region of 1,900 to 2,000; 1,900 to 2,000 conscripts a month is what they advise. Looking back a little, hon. members will recall that after the food shortage became acute last February conscription was suspended. When the food situation eased a little in June and when requests came from the sisal industry, which is No. 1 war priority, for a certain number of conscripts to enable it to maintain and increase production, the Government reopened conscription to a very limited extent, and that extent covered the sugar industry also, in view of the rather critical situation that existed at that time. So the matter remained until recently, when the Secretary of State came. No doubt the labour situation was represented to him by a number of the farmers and a number of the employers whom he met in this country. On his departure, he indicated to you, sir, that he was going into the question himself on his return, and he further indicated that the Cabinet at home had been examining the question of conscription not only in so far as

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East Africa and West Africa are concerned but as regards colonial dependencies generally. The results of that examination have recently been conveyed to you, and you have recently received information from the Secretary of State that, subject to all the necessary safeguards, the use of conscript labour has been authorized for all essential food supplies and for certain industries such as sisal, pyrethrum, and rubber, which have a very high war priority. He has also made it clear that His Majesty's Government are very anxious that the use of conscription should be kept under very careful control, and that it should not be extended to cover other industries without prior reference to the Secretary of State. The Government hopes to issue a full communiqué on the subject shortly, but I should like to repeat the point I have made earlier, that the Government is fully alive to the seriousness of the labour situation, but it feels that that situation will not be met by large drafts of conscript labour from the reserves in view of the man power situation in the reserves, but by a better distribution of such labour as is available.

The hon. Member for Nairobi North mentioned one particular method that the Government has in mind to ensure that it is kept more fully aware of the needs of farmers than has been possible up to date. It has also been suggested to the hon. member that, since squatter labour is generally recognized as a source from which more effort could be obtained, the Production Section of his Board should examine the question, since it is felt that if a number of practical farmers who are aware of the advantages and disadvantages of the squatter system put their heads together they may be able to submit suggestions that would ensure that a better use is made of squatter labour than is possible under present circumstances. Several members have indicated their view that we should use rationing in respect of labour. That is a matter to which preliminary consideration has already been given, and a further investigation of that possibility will be made. I might mention that the Secretary of State has indicated that he hopes shortly to advise you, sir, of the order in which existing war priorities should be met, and that will enable the Government further to distribute or ration labour to the pur-

poses which will contribute most to the war effort. So much for the labour situation.

I will now turn to the comments made by hon. members in the course of their speeches. The hon. Member for Aberdare referred to a matter with which the hon. Director of Public Works has already dealt, namely the question of deviations and trying conditions on the road to Nakuru. That is a matter in which I have a great deal of sympathy with the hon. member, and when the Central Roads and Traffic Board met recently this point came up for discussion, and members expressed the view that the Public Works Department should make every effort to make conditions on that stretch of road to Nakuru less onerous than they are at the present time, and I am sure, after the various representations that have been made, the hon. Director of Public Works will see to it that the road is put in as good a condition and in as complete a condition as possible during 1944.

A number of members have referred to the increase in crime, and I regret to say that the statistics bear out their remarks fully. The only province in which there is not an increase in such crime as burglary and housebreaking is, curiously enough, the Coast Province (laughter) and figures that have been given to me indicate that the burglary and housebreaking cases up the 31st October, 1943, in the Coast Province, including Mombasa, are 145, as against a total of 201 for 1942. If we add 20 per cent to 145 to allow for recent burglaries and burglaries that might occur until the end of the year, we get a total of 174, compared with 201 last year. I merely make that point as a matter of interest, but the fact does remain that the figures I have been given show an alarming increase in offences against property during 1943. It is difficult to give any particular reason for that increase beyond general war conditions, but I think there is one other important factor, namely at the present time the Police Force is very short indeed of European Inspectors. As I mentioned in this Council on a previous occasion, the Government has tried to obtain additional inspectors not only locally but in South Africa, in Palestine, and in the United Kingdom. We have been successful in recent months in obtaining a certain limited number from

[Mr. Rennie] the United Kingdom; we have asked for many more, but I have not yet heard that they will be forthcoming. (Mr. Cooke: Conditions are too bad.) A number of references have been made this morning to the special police officers, and the hon. and learned Attorney General has referred to the fact that the place of the Kenya Defence Force will shortly be taken by another force, the auxiliary police force. I hope that when that force is established the number of special constables will be considerably increased, and that benefit will be obtained from the presence in it of those members of the Kenya Defence Force who volunteer for the new duties of special constables. In the same way I hope that the body of Indian special constables will be increased. The Acting Commissioner of Police has told me that the present Indian special constables are doing very good work, and that he would welcome a considerable addition to their number. The Acting Commissioner has also stated that the effect of these special constables, both European and Indian, has been very good indeed in keeping down crime, and he considers that an increase in their numbers would achieve still more desirable results.

Turning to the remarks of the hon. member Mr. Paroo, he dealt with a point to which reference has been made by the hon. Acting Provincial Commissioner for Nyanza, the question of native markets in Nyanza. I would merely add in that connexion that you, sir, are shortly receiving a deputation on the subject, when the matter will be fully discussed. Now I come to the remarks of the hon. Member for Nairobi South in respect of the road programme. He indicated that the Government's idea of the road programme differed considerably from those of the unofficial members—

MR. VINCENT: On a point of explanation, I said they may differ.

MR. RENNIE: I am glad he uses the word "may", because I was going to say that in actual fact I do not think any such difference exists. The Government realizes the importance of improving the road communications in this country, and the amount of work done on roads in the past two years and the amount of money spent on roads in the past two years, although they may not at present

show the results that we hoped for, indicate very clearly, I think, that the Government realizes the importance of a good system of road communication to this Colony, not only at the present time but after the war, and I personally feel that one of the main attractions to tourists as compared with present or perhaps pre-war conditions will be a good system of roads. (Hear, hear.) The hon. Member for Nairobi South stressed the necessity of a road programme and of adequate finance to ensure that it would be carried out. As mentioned already, the Central Roads and Traffic Board is at present working on the pre-war programme, which was of a very comprehensive nature. The roads which are at present under construction will cost, before they are finished, a figure of something like £350,000, and next year I hope provision will be made in the draft estimates, it is not in at present, for surveys for the two main roads that still remain to be dealt with under the original pre-war programme. Those two roads will cost somewhere about £200,000 according to the estimates, so that we see that the road programme on which the Board is at present working will cost somewhere in the region of £550,000. In addition, a number of small improvements which were covered by the programme have been made in certain areas, but a good deal more remains to be done. But my chief point is this, that if the Central Roads and Traffic Board considers that the present programme is not sufficiently comprehensive, not sufficiently definite, and not sufficiently large, then I think it should go into the matter further. At the meeting only last week, I think, or the week before, at which we discussed the road reconstruction programme I received the impression from the members that they were content with the steps that were being taken at the present time. If, however, the feeling is that we should work on a wider programme than that drawn up at present, by all means let us do so. So far as finance is concerned, at present we are providing roughly £100,000 a year from current revenue for roads, and my own feeling was that we would be able to do so for a year or two. I had in mind the fact that we have a reserve fund of £500,000 which is at present loaned to His Majesty's Government, and reserve funds of other descriptions, and I felt

[Mr. Rennie] that if we improved our roads we might well do so very largely from our own resources. But the possibility has not been overlooked that we may not be able to complete our road programme from our own resources, and that is why the somewhat cautious wording to which the hon. member referred has been put in the despatch which he mentioned. It may become necessary for an application for assistance from the Colonial Development and Welfare Vote to be made at a later date. While it is not proposed at present to apply for assistance towards our scheme for road construction, I think that the wording indicates that the Government has in mind the carrying out of the road reconstruction programme from its own finances and, if necessary, to approach the Colonial Development and Welfare Vote for assistance later on, if it is necessary to do so. I would stress, in concluding my remarks about roads, that the Government is fully alive to the need for improvement in road communications and, so far as I am personally concerned, I have made my attitude plain time after time in discussions in the Central Roads and Traffic Board. I therefore am in entire sympathy with the hon. Member for Nairobi South. I would only mention, so far as finance is concerned, that I was under the impression that, since he was a member of the sub-committee of the Standing Finance Committee which helped to draw up the schedule in Appendix A to the despatch, that he agreed to the procedure we are adopting at the present time in respect of the provision of funds for our road programme.

He also referred, and one or two other members referred also, to the question of importing a road engineer who should be a really first class man with up-to-date knowledge and who should be in a position not only to plan our roads but to see the construction through. I think the hon. Director of Public Works made it clear that we had been very fortunate so far as the actual planning of our roads is concerned in having obtained the services of one or two really first class engineers. As regards the question of importing men from outside for the construction of the roads, this point was discussed during the Standing Finance Committee deliberations on the draft estimates last year, but to be quite sure that I had not mistaken their attitude I

took the somewhat unusual course of putting the point to them again in March this year and I took the precaution of making a note of the discussion immediately afterwards. Perhaps I may be given permission to read what was said: "With one exception, the other members agreed that we should tackle the problem on the lines mentioned. They were not in favour of paying a high salary for a road engineer since they thought that a high salary would not necessarily mean that an outstanding man was appointed. Col. Grogan in particular made this point." (I have obtained the hon. member's permission to use his name in this connexion) "Col. Grogan in particular made this point. Members also felt that a new man would take some time to get used to conditions out here and to acquire the necessary local knowledge, whereas a local man had by means of trial and error obtained a large amount of experience which would not be lost." That, I think, indicates that so far as the Government is concerned, it had given consideration to the question of importing a man from outside at a high salary, but after discussing the matter with members of the Standing Finance Committee, adopted the line that it took.

COL. GROGAN: Your Excellency, may I say in explanation that that particular thing was related to the then time. It was emphasized that at that time it would be very unlikely if we applied to England that we should get a first class man because of the war demands on first class men.

MR. VINCENT: May I add on a point of explanation that I made it very clear in my speech to this Council that as a result of considering this matter during the past year we came to this conclusion, and it is a strong man who is willing to change his mind.

MR. RENNIE: Turning to the remarks of the hon. Member for Kiambu, her points made regarding labour have already been referred to, and she will realize that her suggestions for rationing labour and rationing domestic servants have been receiving the consideration of the Government and will be further examined. I am not quite sure if I misunderstood the remark she made in respect of the Mathari Hospital. I have made a note here that she was under the impression that only £2,000 was being

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provided for the hospital and she thought that was insufficient.

MRS. WATKINS: On a point of explanation, Your Excellency, I asked where it came in the budget, and received the information from the other side of Council that £2,000 had been included this year and that further money was to come another time, later on. My point was that Italian prisoners could well be employed to put up these buildings, and I thought the money could be made available this year.

MR. RENNIE: I thank the hon. member for her explanation. I merely wish to make the point that if the money that has been provided is not sufficient more will be provided if a case is made out. She made reference to cablegrams to Egypt, I think it was, I regret very much that the hon. Postmaster-General had to leave rather suddenly a few days ago on account of illness, and for that reason it may be that a number of points raised in connexion with his department will not be covered by my replies. But so far as the hon. member's point about the cost of telegrams to Egypt is concerned, I am informed that Egypt is a foreign country and the rates chargeable for telegrams to that country are laid down in an international convention, to which this Government adheres, as do other Governments in Africa.

MRS. WATKINS: On another point of explanation, what I asked for was that this Government here should subsidize "other ranks" at least so that the whole of the Empire telegram system may be standardized, I suggested a subsidy from this Government for that purpose out of its huge profits.

MR. RENNIE: That is rather a different matter, and the point will be put to the hon. Postmaster-General when he is fit to consider it.

Turning to the remarks of the hon. Member for Mombasa, he asked a number of questions after he had given indulgence to his arithmetical tendencies, and one of them referred to the pensions of chiefs. He asked what decision had been arrived at. That matter has been considered in consultation with the Provincial Commissioners during the year, and the intention at present is that once

the African provident fund is established all chiefs drawing over Sh. 40 a month should become members of the fund and that in addition pensions should be given in exceptional cases. He referred also to compulsory third party insurance. Since the hon and learned Attorney General has not dealt with that, perhaps I might mention that the recent representations on the subject from the Associated Chambers of Commerce are being examined at present, and I discussed the matter with a member of that Association quite a short time ago.

He also referred to that very unfortunate communiqué in *East Africa and Rhodesia*. I do not intend to make any excuses for that communiqué, which I regard as one of the less worthy efforts of the Information Office, but I would merely refer to one particular point which occurred to me as soon as I read the communiqué and the leading article relating to it. It was this. Some play was made in the leading article on the fact that the communiqué spoke about "constant and unstained" publicity for Kenya. It occurred to me that the juxtaposition of the words "unstained" and "constant" suggested that there had been a typing error, and I had that particular point verified by reference to the Information Office here, suspecting as I did that "unstained" should really have been "sustained", and I found that the communiqué was sent from here containing the words "constant and sustained publicity", not "constant and unstained". (Laughter.) It does make a slight difference. As regards the criticism of the Information Office generally, this criticism is made every year so far as I recollect. I tried to trace whether it was made in the first budget debate that I took part in, but for some reason or other everyone was quiet that year. However, it has been my unhappy, or happy, lot, as the case may be, to say a few words on behalf of the Information Office in every budget debate, and the curious thing is that on almost every occasion we have had a different head of the Information Office; I have no doubt that the point will be made that we have not yet got the right type of man. The hon. Member for Nyanza stated that the present officer is a round peg in a square hole or a square peg in a round hole. That, sir, he himself is quite prepared to admit, but like a great many

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of the Government at the present time, he is doing his best in a job in which he has been put, and I feel that we must realize that he is there because he has been put there; not because he asked to go there or because he wants to remain there, and he himself realizes the shortcomings of the office. He is always open to suggestions and criticisms and does his very best to make improvements when he can.

MR. SHAMSUD-DEEN: On a point of explanation, I was not against the Information Officer; my point was that the whole office was unnecessary.

MR. RENNIE: My remarks did not relate specifically to those made by the hon. member Mr. Shamsud-Deen. I will merely mention on the other side of the picture that I gather that a few points can be put down to the credit of the office. I am told, for example, that the news sheet, the Information Office Bulletin, is very acceptable and fills a very distinct want. I am also told so far as Indian broadcasting is concerned, that letters of appreciation have come from places as far apart as Omdurman and Natal, so it does seem to indicate that a certain number of the Asians do appreciate the broadcasts that come out from that office, and the Information Officer himself told me that, in reply to a recent questionnaire about African broadcasts, he received a surprisingly large number of appreciative letters. That I merely put forward as a short summary of a few points that can be said on the other side.

The hon. Member for Mombasa asked a question regarding the return of enemy aliens from South Africa. The facts there are that some 210 enemy aliens have returned, 75 of whom are Germans and 135 Italians. They are all, so far as I am aware, still locked up at the present time. The cases of a number of them will come under review, if they are not being reviewed at present, by Sir Charles Belcher's committee, to which a recent Gazette notice referred. The actual pro-Nazis will remain in internment; their cases will not be reviewed by that committee at present. Criticism was made by the hon. member Mr. Kasim of the large staffs in the Commodity Distribution Boards. I have taken that point up with Mr. Tester, as Chairman of the Central Commodity Distribution Board, and his

difficulty up to date has been to obtain sufficient staff to carry out the work that the various boards are doing at present. He is prepared to admit that if really competent staff could be obtained it might be possible to reduce the staff in number, but under present circumstances his opinion is that the staff is by no means too large for the work they have to do, and I should like to take the opportunity of paying a tribute to the work of these Commodity Distribution Boards. We all realize that they have at times not done things exactly as someone working under perfect conditions might have done, but I for one am greatly appreciative of the work that they have done. If anyone had told me two years ago that we should have had the rationing of all three races in Nairobi, to take only one place, introduced as smoothly as it has been and with as little trouble, I should have been inclined to doubt the statement, and I should like to pay a tribute, as I have said, to the work of these Boards, work which is done to a very large extent by unofficials. (Applause.)

I take it that the hon. Acting Financial Secretary will deal with the financial points which the hon. Member for the Coast raised, and I will not refer to them. He, too, mentioned the labour question, to which I have referred already. I do not think his concluding remarks were addressed to the Government in particular; I think they were addressed to the country in general, when he warned us against complacency in respect of three main problems. I agree entirely, and can assure him and hon. members that, so far as the Government is concerned, there is no complacency whatsoever about those problems. If I pass over remarks made by a number of hon. members, I hope they will realize that in some cases they have been dealt with by previous speakers and in other cases they are not points I can deal with at the present time.

Coming to the remarks of the hon. Member for Nyanza, although it is not my duty to defend the Crown Agents for the Colonies I should like just to say a word or two about that much-abused body. This is not the first time that I have heard the Crown Agents severely criticized. In fact, a number of years ago, I made very careful inquiries into the work of the Crown Agents because somewhat similar criticisms to those that we

(Mr. Rennie) have heard here in the past day or two were made in another colony in which I was resident at the time. I went into the matter very carefully. I do not propose to comment in any detail on the result of my investigations then, but I would merely say that I did appreciate, after going into the work of the Crown Agents, the very valuable services they render at very low cost to the various colonies. I would make the point that the Crown Agents are the agents of the colonies. They are not a limited liability company out to make profits for themselves. A short time ago, as a matter of fact, their system was that, if at the end of a year there was a profit on their work, they distributed that profit back to the colonies in proportion to the amount of business that each colony had put through the Crown Agents. Whether that system still obtains or not I am unable to say, but I can say this, that during my leave in 1934 and again in 1937, I spent something like three weeks in the Crown Agents' offices to see exactly what work they did, because I thought it would be useful for me when I was in the Ceylon Treasury to know how they worked. I got a good insight into their work then, and I appreciate the good work they do at a very reasonable cost on behalf of the colonies. I merely take one point to illustrate that. The work they did in standardizing various articles, pencils, stationery, etc., resulted in an immense saving to the colonies, and I for one am not prepared to stand by and hear the Crown Agents run down without putting in a word on their behalf, although it is outside my purview.

Reference was made by the hon. member to post-war taxation, and since reference was also made by the noble lord the hon. Member for Rift Valley to what the Government said in 1939, perhaps I might be permitted to quote what I said on that occasion: "Your Excellency, I think I can reassure hon. members by stating that the present intention of Government is that this legislation is emergency legislation designed to enable the Colony to play its part in bearing the additional war expenditure. It is impossible to say, as the hon. Financial Secretary has stated, what may be the position after the war, but this legislation was introduced as an emergency war measure. That is how it is regarded

by Government at the present time. Some of the implications the hon. Financial Secretary has already referred to. It is impossible to say what further implications may arise, but I state definitely at this time that the legislation was introduced as an emergency war measure". That, sir, was the statement I made then, and I see no reason to retract from it in any way now. I sympathize entirely with the views of those hon. members who have stated that since this taxation was introduced for a particular purpose, it should not necessarily be maintained at the same high level after the war without the agreement of this Council. I think that after the war a very good case indeed will be put forward for the maintenance of a reasonably high level of taxation. I do not think that any of us will attempt to argue then that we should go back completely to the pre-war level, since we are all aware of the need for a good deal of revenue for all kinds of services that we must have if this Colony is going to advance as it should do after the war.

I have already referred to the criticisms of the Information Office. The hon. Member for Nyanza in his special capacity has, I think, a right to criticize, but if he would indicate to the Information Officer or to myself on some quiet occasion exactly how the effort of the office is wasted, because we are always out to improve the office if we can, I should certainly appreciate that very much. The question of getting a specialist into the office has been considered on more than one occasion, but so far we have not got one. The question that he raised of expediting the printing of Hansard will be gone into; I cannot give him at present a quick answer about that. In the same way his request for a curtain for the window above his head will be attended to. I should have started my remarks on his speech by congratulating him, as I have already done personally, on the best speech I have heard him make in this Council. Whether it is due to the fact that the sun was shining quietly in on him immediately before his speech I cannot say, but I certainly thought his speech was an excellent one.

A number of points have been made by other hon. members, for instance the hon. member Mr. Shamsud-Deen, regarding the Posts and Telegraphs Department.

(Mr. Rennie) He stated, for instance, that something had gone wrong with the telegraph part of that department, and quoted mistakes in transmission. It is a point I will take up with the Postmaster-General. It was brought to my own notice recently by a telegram which I received from the hon. Member for Aberdare, which read somewhat on these lines, if I remember rightly: "Agricola with proposal". I take it he had sent off "Agriceable with proposal", but that was how it arrived in my office, so it shows there is some room for improvement. Turning to the remarks of the noble lord, he asked whether the Government would supply him with names of the 20 officers covered by the Administration vote still in the armed forces. I have already given instructions that this should be done. The hon. Acting Director of Agriculture has already referred to the delay in answering the noble lord's questions. I apologize for that delay, as I must apologize for the delay in answering a number of questions from other members. We have received on this occasion, for some reason quite strange to me, a larger number of questions than ever before, and especially during this week, when we thought we might have time to get a number of those questions answered, we have been sitting in the afternoons, and as hon. members will realize, it is difficult to be in two places at once. I apologize for the delay, however, and hope the questions still outstanding will be answered early in December.

The noble lord the hon. Member for Rift Valley asked what work the Statistical section was doing. My information is that the section has collected its staff, is getting its library and papers in order, and is training staff in the use of the Hollerith machine. It has done a certain amount of work in connexion with price and cost of living indices and has also done a certain amount of work for both Uganda and Tanganyika in reply to *ad hoc* inquiries.

There is only one point to which I would refer in connexion with the remarks made by the hon. Member for Trans Nzoia. He alluded towards the close of his speech to what I regard as a very important point, namely the carrying capacity of the reserves, and he stated that that carrying capacity is being strained both as regards live stock and

human beings and that soil conservation alone would not deal with it. This is a question which has engaged the attention of the Government for quite a considerable time now, and I think something like two years ago the Native Welfare Committee drew up a questionnaire which it was proposed to send out to all Administrative Officers to try to obtain a survey of the carrying capacity of the various reserves, both as regards live stock and human beings. Unfortunately, pressure on the Administration at the time and since then has been such that the Government decided not to call upon them for this additional work at the present time, but that questionnaire is ready, the information will be obtained as soon as possible, and it is hoped that the information so obtained will give a very good idea of which areas are at present over-populated or over-stocked, and in that way material will be obtained for the examination of the next part of the problem, namely to which areas some of the people in the over-populated reserves should be moved. I think the hon. member asked the question as to what is to happen to the surplus population since no land is available. The hon. Director of Veterinary Services indicated the reply, which was that once the tsetse fly survey has been completed we should then be in possession of sufficient information to enable us to take steps to carry out fly clearing operations on a very large scale in areas suitable for settlement.

There is only one point to which I would refer in the speech of the hon. member Mr. Patel. If I understood him aright, he gave the impression that certain recommendations that had been made by heads of departments for promotion and higher salaries had not been taken into consideration properly by those who framed the estimates. I am not quite sure if I understood the implication behind that statement, but if it is that any considerations other than the normal considerations which apply in such cases were taken into account, then I must repudiate such a suggestion. It is the case that recommendations are made by heads of departments at times which, for reasons which appear good to the Government, are not accepted, but the same general considerations apply in every case, and there is no question of recommendations being turned down because

(Mr. Kennie) they refer to one particular section of the community. If the hon. member was as well aware as I am of the number of representations that have been turned down in respect of other sections of the community he would, I think, realize that his community has been treated in exactly the same way as the other communities.

I do not wish to take up the time of Council by dealing in further detail with the various comments. I know my hon. friend the Acting Financial Secretary has a good deal to say, and I therefore pass the ball to him.

MR. TROUGHTON: Your Excellency, I wish in the first instance most heartily to associate myself with the remarks made by the hon. Chief Secretary regarding the general reception which has been accorded to this budget. In fact, my hon. friend rather stole from my mouth the words with which I had intended to open my reply. I would also like to express my personal thanks to hon. members for the more than kind remarks which they have made about me personally. In opening this debate I ventured to express the hope that the criticisms which would be directed towards the budget would be directed towards eliminating some of the things that were there rather than towards pressing for increased provision. In this hope I have been very disappointed, with two exceptions, namely the hon. member Mr. Paroo who, if I understood him aright, advocated the elimination of the Price Control vote, and the hon. member Mr. Shamsud-Deen, who made a similar observation in regard to the Information Office vote.

The hon. member Mr. Amin put forward an argument in regard to salaries which was new to me. If I understood him aright, I gathered that he wished that Government should increase the salaries of its officers in order to give them a higher standard of living. I suggest that any money which the Government has available to improve the standard of living should be applied for the benefit of the taxpayers generally, including Government officers, who have in fact provided the money, and that no particular steps should be taken to create special conditions for one section of the community. The Government's obligations towards its servants, as I see them, are to

provide reasonable terms and conditions of service and to pay each man a salary commensurate with the responsibilities which he assumes. On this point, several hon. members referred to the salaries of police officers, particularly junior police officers. All I can on this matter is that the question of the terms and conditions of European police officers, all police officers, was carefully considered by a representative committee of which I had the honour to be chairman. Their report was unanimous, and all the important recommendations with regard to salaries were adopted. It is perfectly true that the hon. Member for the Coast spoke to me about the matter while the report was in draft, and it is equally true that the representations which he then made were taken into consideration. I can, however, say this, that the junior European members of the Police are members of the Kenya European Civil Service and that a committee, of which I for my sins am also a member, is at present about to report to you, sir, on the subject of terms of service generally, and if anything comes of their recommendations, without anticipating them, I can say that European junior police officers will participate in the result. The hon. Member for Kiambu, if I understood her aright, expressed the view that there should be quite separate terms of service for the Police Force. I would like to inform the hon. member that one of the main grievances which the Kenya European Civil Service have put before the committee now sitting is that there should not be two separate and distinct conditions of service applicable to Europeans. If the hon. Member for Kiambu had her way at the present moment there would not be two but three, and I suggest that would only accentuate the grievances.

On the subject of salaries the hon. Member for the Coast referred to the salaries paid to the various Controllers. Controllers are of three types: the first is the same type as the hon. gentleman himself, and that is public spirited individuals who give their services as Controllers for nothing in addition to their ordinary work; the second is Government officers like the hon. Director of Veterinary Services, who is Live Stock Controller, and the hon. Postmaster-General, Electrical Controller, who have taken on these tasks in addition

(Mr. Troughton) to their ordinary duties without a penny additional remuneration; the third type of Controller is the whole-time Controller who is paid at market rates. There are very few of them. In some cases the rates may appear high, but in the opinion of the Government the work that they are doing is fully commensurate with the remuneration. That is all I have to say about the salaries of Controllers.

The hon. member Mr. Paroo, if I understood him aright, expressed the view that Controls should be abolished, and also expressed the view that as soon as a commodity was controlled that commodity proceeded, to disappear. It may be news to most hon. members of this Council that the hon. member is himself Controller of Copra and Coconut Oil. I took an opportunity of consulting the Director of Produce Disposal, and he informs me that neither of these two commodities has in fact disappeared! One hon. member has spoken about Controllers being people who are directly interested in the particular commodity which they are controlling. That may be so, but Government is satisfied that none of these people, whose particular knowledge has incidentally been of the greatest possible value, has in fact abused the position, in every case a voluntary position, which they have assumed as part of their war effort. (Hear, hear.) I pass to the subject of Price Control, which is a Control of a rather different character. The hon. member Mr. Paroo suggested that Price Control should be abolished and that—

MR. PAROO: On a point of explanation, what I said was that it was a waste of money so long as it followed the present policy of not giving sufficient increased profits commensurate with present conditions. I did not say abolish the department, but it is a waste of money the way it is carried on.

MR. TROUGHTON: I appreciate the hon. member's point, although I admit I did not get it correctly before. He feels that the Price Control should be modified to ensure additional profits to merchants. (Laughter.) The main reason for Price Control is to cut down profits to merchants' profits to merchants that are already quite high enough. I would ask the hon. member to study the estimates of revenue from income tax and the

figures I have given in regard to the excess profits fund. In my opinion, the factors which have been introduced to calculate profits to merchants are very generous, but I am glad to know the hon. member at any rate, like his colleague the hon. Member for Mombasa, is in favour of the maintenance of Price Control. So far as the speech of the hon. Member for Mombasa is concerned, on the subject of Price Control I feel that there was some element of misunderstanding in the hon. member's reading of Your Excellency's speech at the opening of the session of the Associated Chambers of Commerce. There were two points. The first was the question of the Price Controller being advised by a committee. On this point Your Excellency said: "It has been suggested to me from time to time that price control in all other parts of the world"—(mark the word "all")—"is directed through a board or committee. I wish to say that the evidence I have on this subject does not bear this out". That is a true statement. It may well be that in the Dominion of Canada or the Protectorate of Zanzibar it is worked through a committee, but there are other places in the world than the two I have mentioned. I understood the hon. member to express the view that the Price Controller, despite what Your Excellency said, should in fact be advised by a committee, and that that committee should be representative of commercial interests, and that the Price Controller should normally follow their advice, although I admit the hon. member did not say so.

MR. NICOL: On a point of explanation, I never suggested the composition of the committee, but what I tried to convey to the hon. mover was that the Price Control should be under the distribution authorities, the distribution and rationing authorities, and not to be a law unto himself.

MR. TROUGHTON: I appreciate that point made by the hon. member. The distribution authorities, I agree, and the Price Controller must keep in close touch, but I shudder to think at the results if the Price Controller were under the distribution authorities. I cannot imagine, for example, if the hon. member were translated to the office of Home Secretary that he would convey instructions to the governor of Dartmoor

(Mr. Troughton) prison that he should have an advisory committee composed of representatives of the convicts and that he should be in general subject to their control! No, sir, what I think that the hon. member, who is notorious or famous for his fair mindedness, would do if he were appointed Home Secretary, is that he would tell the governor of Dartmoor prison that if he had any doubts on any matter of prison administration he would seek the advice of some convicts of good character and long standing. (Laughter.) That is what the Price Controller does in his relation to trade. He approaches representatives of commerce of long service and good standing, and seeks their advice when he wants information as to commercial practice. I have already indicated that I agree entirely that there must be close co-ordination between distribution and price control, and on that point Your Excellency was most explicit in addressing the Associated Chambers of Commerce. What Your Excellency said on the point was: "The present procedure which is of such a nature that there is no limit to the degree of co-ordination that can be brought about". The Price Controller is a member of the Central Commodity Distribution Board, and works in the closest possible touch with the chairman. The link, therefore, is there. I do not know whether the hon. member, who was a bit vague on this point, thought that only commodities whose distribution is controlled should in fact have price control. He would no doubt contradict me if I get him wrong. Therefore I may say that I emphatically disagree with him. Would the hon. member suggest, for example, that it would be wise to waste valuable man power in controlling the distribution of women's stockings? I do not suppose for a moment that he would do so. But if women's stockings were not price controlled they would no doubt soar to £6 or £7 a pair as they have done in Cairo.

MRS. WATKINS: On a point of explanation, they are not obtainable! (Laughter.)

MR. TROUGHTON: I regret that I did hear the hon. lady's interruption? (A member: They are not obtainable.) (Laughter.)

MR. NICOL: I beg to suggest that if they are obtainable there is a limit as to how high they can go! (Laughter.)

MR. TROUGHTON: I appreciate there is a limit, but if the hon. member could obtain a pair of stockings for his wife, he would probably have to pay a few shillings, I would suggest that if and when he buys a pair he will immediately take his wife home and drink to the health of the Price Controller that he has only spent a modest portion of his savings, that in Kenya things are not as they are in other places! I agree very largely with what the hon. member Mr. Shamsud-Deen said of Price Control (I am sorry he is not here now). He did point out that Price Control was in fact like a vehicle with one wheel, and that is because of the unfortunate fact that the Price Controller has not been able to collect all the staff he wishes to collect and which he needs if he can run his show as he would like it to be run.

The hon. Member for Mombasa also mentioned the question of income tax allowances in respect of insurance. Here I may say straight away that I am in full agreement with the hon. member. I think, in fact I know, from personal experience that the allowances are too low, but the fact is that any increase in these allowances would mean a reduction in taxation, and I do not personally think that the present is the time to do it. Moreover, when a reduction is possible in income tax, I feel that the first thing to be modified should be the family allowance, because as a matter of fact income tax bears very hardly on the family man, and if any relief in that respect would benefit myself more than the hon. member well, I leave it to Council to judge whose fault it is! (Laughter.)

As regards the point made by the hon. Member for Nairobi North, I should like to make it clear that Kenya does not receive one penny of the income tax paid by members of the armed forces in respect of their military pay and allowances. Their incomes in this respect come from the United Kingdom. It is true that in certain cases they pay United Kingdom rates of income tax and in other cases pay Kenya rates, but the fact that they are paying Kenya rates does not mean that the Government of Kenya gets the money: it is a concession given by His Majesty's Treasury at home to the in-

(Mr. Troughton) individuals concerned. Therefore I suggest that the proper course for those officers is to make representations through the ordinary military channels, if they have not already done so. (Lord Francis Scott: They have.) (Major Cavendish-Bentinck: They have, but nothing was done, and the officers have served this country well for many years.) I appreciate that, but we are not getting a penny from them in income tax. (Lord Francis Scott: They have raised this point, which is being dealt with in the army at the moment.) I am grateful for the information given by the noble lord. The hon. acting member for Trans Nzoia raised a point about excess profits tax and suggested, if I understood him aright, that agricultural indebtedness should be set off against excess profits tax. I think that that would be wrong in principle, because if you do that you are in fact discriminating in regard to taxation against farmers who are out of debt. The proper way to do it is the way it is done, namely that there should be a generous scale of allowances, and if the hon. member wants full information regarding that I suggest that he calls on the Commissioner of Income Tax when he is down here next month, and I have no doubt that he will give him full information.

The question of silo storage was raised, both by the noble lord and the hon. Member for Nairobi North and the hon. acting member for Trans Nzoia. I fully appreciate the value of silo storage as an insurance against famine, but I frankly do not believe that the existence of silo storage would have had much effect on the food shortage in this country during the past few years, and I am speaking without having seen the Willan Commission report at all. My feeling is that if the food had been in the silos and if that food was wanted for urgent war purposes in neighbouring countries and shipping space was not available, in point of fact we would have chanced our arm and emptied our silos. Nevertheless, I am not deprecating the value of silos as a measure of insurance against famine. I would also say this, that I very much doubt whether three or four years ago we would have been able to get the materials. The construction of silos, I am informed by those who ought to know, involves large quantities of steel and also cement, but I very much doubt whether

in the conditions at the time the United Kingdom would have been prepared to agree to release steel for silos three or four years ago. The hon. Member for Trans Nzoia raised the question of revenue from silos. I think that is a matter which can be considered when the time comes. He also referred to the failure of Government to import machinery some years ago, and he referred to dollar exchange as being the difficulty. Well, he is quite right, dollar exchange was the difficulty, and before lend-lease was brought into operation by the generous action of the Government of the United States the fact was that the United Kingdom did not know where to turn for dollars in order to be able to meet urgent operational requirements. Therefore it is perfectly natural that we could not import machinery from the United States at that time.

The hon. Member for Nyanza referred to the sum of £50,000 provided for food subsidies, and suggested that it was inadequate. I am not going to express an opinion as to its adequacy at all. It is a token figure, and if more money can be profitably and suitably spent I have no doubt that the Standing Finance Committee will be very ready to agree to the necessary provision. The £50,000 was frankly a shot in the dark. The hon. member also referred to the price of maize, and indicated the desirability of a high subsidy to the consumer. That is a matter which will certainly fall to be considered by the committee in due course. The hon. Member for Mombasa asked for information about the progress of the Taveta irrigation scheme. I am informed that the position is this, that we have got 300 acres ready for planting, we have got rice nurseries planted sufficient for that number and another 500 acres are nearly ready. As to what the actual expenditure to date is, I am afraid I cannot tell him, but the Taveta Committee, and here I am speaking as a member of it, and not for the Government, have a scheme in mind which involves capital expenditure of roundabout £30,000 in the aggregate, including money already spent.

Various members referred to traders' licensing restrictions. I do not think I need harp on that particular point, except to say that it was a thing which was introduced in order to safeguard the traders themselves and not in order to

(Mr. Troughton) restrict trade, and I think that it has worked very well. As to whether the boards' discretion should be fettered by requiring that person or that or the other person should be granted a trading licence, I think that would be most unwise. Having appointed representative boards to deal with the matter, the thing is to let those boards get on with the job. As regards import control, there is very little for me to say. The question of modifying the present basis of allocation of import licences is under consideration. Some hon. members suggested that the group advisers were all Europeans and interested in the trade in the particular matters they were advising on. A short answer is that we have in this Council a group adviser in respect of cotton piece goods, the hon. member Mr. Paroo. He spoke earlier, as did the hon. member Mr. Amin, of delays in receiving periodicals by mail to and from India. I have not consulted the hon. Postmaster-General on this particular matter, but quite frankly I have not a lot of sympathy with the complaint. For most of this war, those of us who had relatives in the United Kingdom have had letters and communications after delays of three or four months, and quite often the letters went to the bottom of the sea. Compared with those who have been corresponding with the United Kingdom, I think those who have been corresponding with India up to now have been remarkably fortunate.

The hon. Member for the Coast referred to the vacation leave allowances, and I can answer him at once: that it has been decided that these should be retrospective to the 1st August last. He also asked whether they could be reviewed. The short answer to that is that any Government decision is subject to review at any time, and this is no exception. The noble lord referred to the rent of Nakuru Industries. The answer is that Government does pay the rent. It was suggested some time ago that this should be done first as a contribution to the war effort, and secondly so that this Government should be in a position to exercise a measure of control in connexion with the running of the place. He also inquired regarding the particular item in the estimates as to the cost of Italian missionaries at Nyeri. The explanation of that is that there are a

number of Italian nuns in the country, and it was considered desirable that they should live in Nyeri for security reasons, and the money is to provide for their living there. The hon. Member for Nairobi North referred to the inadequate accommodation for the Nairobi post office, and I entirely agree with him. The only trouble has been not finance but materials. Referring to labour, and I do not propose to refer to it at any length because it has already been dealt with fully by other speakers, but he asked why no provision had been made in the estimates, if I understood him aright, for the management of labour generally. The answer is that neither of the two heads of departments concerned, namely the Labour Commissioner and the hon. member himself, suggested it, and it did not occur to me, but if the hon. member gets down to it with the Labour Commissioner and indicates what he thinks ought to be done I have no doubt that the Standing Finance Committee will consider it.

So far I have been speaking on relatively small points and I would like for a few minutes to deal with rather more general questions. In the first place the hon. Member for Mombasa suggested that the revotes fund should be revised in connexion with these estimates. Well, that is a matter that can be considered in committee. I would only like to say this now, that the revotes fund is a device, a perfectly legitimate device, but nevertheless a device; and I personally think it shows a clearer picture to the public to give the total revenue expected to accrue in the year and the total amount actually expected to be disbursed. The hon. member also suggested that the customs revenue estimate was perhaps not sufficiently conservative. I admit myself second to none in the desire for estimating revenue with caution, and I shall be very glad to discuss the matter with the hon. member further during the committee stage.

Various hon. members have referred to the suggestion that I made that some of what the hon. Member for Nyanza, I think rather unfortunately, called the fortuitous surplus for this year, should be applied in creating a supplementary sinking fund for the 1921 loan. I gladly abandon that proposal so far as I am concerned. I think the noble lord the hon. Member for Rift Valley hit the nail

(Mr. Troughton) on the head when he said that what he would like to see is a reserve with unrestricted user. But I do welcome the suggestion of the hon. Member for Nyanza that the next Colony loan should be raised locally. I must point out at once that there are difficulties. I am not going to elaborate them, but there are difficulties which we should make every possible effort to overcome, and I can assure the hon. Member for Nyanza and other hon. members that every effort will be made to overcome them. I do not, however, agree that a loan should be raised now. As it happens we have plenty of money at the moment and if we raise a loan now, in the first place we would only have to pay interest to the bondholders on money which we are not in a position to spend. In the second place it is absolutely contrary to public policy—I should like to say a bit more about this in a moment—to raise money for normal war purposes by way of loan at the present time. I know as well as the hon. Member for Nyanza that any amount we would raise by way of loan would not pay the cost of the war for more than an hour or two, but I cannot agree that the war effort would not be one penny the worse. In point of fact I suggest that the war effort would be exactly the number of pennies the worse as there were included in the amount of the loan. However, I do think that in due time we should raise our next loan locally if we can manage to overcome the difficulties. I do not believe that interest rates will soar at the end of the war. This war has been a 2½ per cent war, whereas the last war was a 6 per cent war, and there is no reason to believe that the British Government intends to change its policy and allow interest rates to increase. I may say on this point that the hon. member mentioned that there was a lot of money in the country awaiting investment. If that is so, and I believe it is so, I would suggest that the hon. member should make strong representations to his friend the Editor of the *Kenya Weekly News*—that well-known paper—to run a campaign for investment in East African war bonds to make our issue an even greater success than it has been.

The hon. Member for Nyanza also spoke of certain contingent liabilities, and he mentioned the dehydrated vegetable factories—I do wish he would use

the word "dried"—dried vegetable factories at Kerugoya and Karatina. If the hon. member will read that somewhat dull publication, the Official Gazette, he will find a statement of the Colony's assets and liabilities published regularly, and in those he will find the amount that is outstanding on account of those vegetable factories, which I may say arrangements have been made to liquidate quickly by the sale of vegetables to the military authorities. He will also find in the Official Gazette published from time to time audited accounts of various Controls, and if he studies those accounts I think he will realize that the Controls are a contingent asset to the Colony rather than a contingent liability. On this subject of contingent liabilities, the hon. Member for Nairobi South mentioned that I had not given a full list. That is perfectly true, but I do think that I gave all the major liabilities which we need take into consideration for practical purposes. The two specific liabilities that he charges me with omitting are, first, European widows and orphans pensions. It is perfectly true that the revenue paid by contributors to date exceeds the amount paid out by way of pensions by round about half a million pounds. That is a perfectly true statement of fact. It is also true that the revenue from contributions continues to outrun the payment of pensions, but only time, and a very very long period of time, can tell whether that £500,000 will ever be required. Actuaries are notoriously conservative gentlemen, and apart from that they are apt to take a rather gloomy view of the conditions in Kenya and possibly their rates are unduly conservative. In any case the money will not be required for 30, 40 or 50 years. If staff expands after the war, as it may or may not, but probably will, then the contributions paid by the new staff will still tend to increase the balance of contributions over pensions and postpone the date when liability will arise. When that liability arises, what will it consist of? It will consist of an excess, a difference between the pension bill at the time and the revenue from contributions of a few odd thousands of pounds a year, and I would suggest that it would be madness to consider putting some half million pounds away now in order to avoid a subsequent generation of taxpayers years and years ahead having to pay a few

[Mr. Troughton]

thousands of pound a year, if indeed they are ever called upon to do so.

Mr. VINCENT: On a point of explanation, sir, I merely suggested that that money did not belong to the Government; it belonged to the contributors, and that pensions were not funded out of that amount standing as an alleged credit balance at the end of 1944.

Mr. TROUGHTON: Your Excellency, I entirely agree with the hon. member that pensions are not funded, but nevertheless the contributions paid by members of the Civil Service are assessed scientifically in order to entitle their dependants to certain benefits and these benefits the dependants will get. I think, as I was saying, that it would be a great mistake to attempt to fund this liability because we who are, as the hon. acting member for Trans Nzoia said, still a pioneering generation, are leaving so many assets to future generations that we may well leave a few modest liabilities. (Hear, hear.)

As regards ordinary pensions, the noble lord asked whether our pension bill had become static. I very much regret to inform him that that is not the case. It only happens that there is no increase in the estimates this year because of the virtual embargo on retirements, but after the war I am afraid we must expect a very substantial increase in that particular vote. But I cannot agree that we should fund pensions at this stage and that we should at the same time pay our existing pension liability, plus the pension contributions in respect of all future liabilities, because then we would be letting off future taxpayers at the expense of the present generation and, as I say, I think we can reasonably, having done future generations so proud, leave them a few liabilities.

Referring to the balance of the speech of the hon. Member for Nairobi South which, as I see it, consisted of a criticism of His Majesty's Government in the United Kingdom regarding the niggardly policy pursued towards the colonies, I do not feel that it is up to me to defend that policy here, either the policy pursued over the last twenty years or the policy pursued in the reign of His late Majesty King William III, but I would like to say a few words about the present policy because it seems to me that there is some misconception. In the first place, the

present policy of the Government is not subject to variations of party Government in the United Kingdom to the same extent as other matters are because that policy is laid down by Act of Parliament and cannot be altered without the consent of Parliament. The Act provides that a sum of 50 million pounds be spent on colonial development over a 10 year period, and the way the Act is administered is really quite simple, as the hon. Member for Nairobi South ought to know. The Secretary of State has asked all colonial governments to put forward their development programmes and their claims for assistance under the Act. These applications are reviewed in London in the light of their merits and the amount that can be made available. We have sent home a number of them, including several major ones, one of which, namely that for African housing, has already been approved. On that point I should like to make it clear that our application was for half a million pounds, and that the approval which I announced the other day does not, cannot be taken to indicate that "the sky is the limit". What has happened is that we applied for a loan of £500,000; but the Secretary of State has gone one better and has agreed to a free grant up to one-third of the cost in particular cases. No application that we have made has yet been turned down. Others are still receiving examination in the United Kingdom, and I would suggest that it would be more graceful on the part of the hon. Member for Nairobi South, if he will not mind my saying so, to defer his criticisms, or to have deferred his criticisms of His Majesty's Government until such time as some of our urgent needs have been rejected. As regards the past we are to some extent ourselves to blame because we in fact refused to participate in a grant-in-aid.

I have only a few more words and I have finished. The last time I sat through a budget debate in this Council was eight years ago when I was Clerk, and I could not help being struck by the tremendous difference between then and now. Then, hon. members were asking, and quite rightly asking, for economy in Government expenditure in order that the burden on the taxpayers might be lessened. To-day, the scene is transformed. Possibly the most remarkable aspect of the transformation, if he will not mind me saying so, is the hon. Mem-

[Mr. Troughton]

ber for Nairobi North, who was then most urgently seeking for economy and now advises that we should take risks and spend money for the future development of the country. I agree with the hon. member that we should take risks in spending for the future development of this country, and if we do not take risks we will get nowhere. (Hear, hear.) But, there is a "but" and I do not want to be accused of preaching a sermon, but it is a fact that the money with which we are taking risks is not Government money. Government has no money of its own—(Members: Hear, hear.)—except what it holds in trust for the benefit of the taxpayers who have provided it. Therefore the risks must be kept down in the interests of the taxpayers. I am going to say nothing about taxation, except that I did not give any indication of what I felt about the incidence of taxation after the war. I was merely giving a warning as to the total amount. That warning still stands, and I feel that if all the expenditure advocated by hon. members during this debate were granted, the prospect for the future taxpayers would indeed be grim. I think most hon. members realize that the warning was necessary, for some appear still to need convincing about this subject of taxation which, to my mind, is all important. Sir, we may agree or disagree on many things to-day, but there is one thing which has been implicit in all the speeches; that is, our faith and confidence in the future of this country and our determination to work for its future prosperity, and I associate myself with that entirely. (Applause.)

The question of the motion was put and carried.

BILLS

FIRST READING

On the motion of Mr. Harragin the following Bills were read a first time and notice given to move the subsequent readings at a later stage of the session: The Legislative Council (Amendment) Bill, the Compulsory National Service Bill, the Local Government (Municipalities) (Amendment) Bill, the Non-European Officers Pensions (Amendment) Bill.

ADJOURNMENT

Council adjourned to a date to be notified later to hon. members. (Subsequently fixed for Tuesday, 7th December, 1943, at 10 a.m.)

Tuesday, 7th December, 1943

Council assembled in the Memorial Hall, Nairobi, at 10 a.m. on Tuesday, 7th December, 1943. His Excellency the Governor (Sir Henry Moore, G.C.M.G.) presiding.

His Excellency opened the Council with prayer.

ADMINISTRATION OF OATH

The Oath of Allegiance was administered to W. A. C. Bouwer, Esq., Acting Member for Uasin Gishu.

OBITUARY

HON. RAHAMTALA KASIM

HIS EXCELLENCY made the following Communication from the Chair:—

Before we proceed with the business on the order paper I should like to take this opportunity of expressing our regret at the sudden and untimely death of the late Mr. Rahamtala Kasim.

As members are aware, Mr. Kasim was in Council on the 18th November. He left before Council rose as he was feeling unwell, and returned home to Kisumu, where he died four days later. His aged mother died on 26th November from the shock of her son's death.

Mr. Kasim was elected a member of Council at the General Election in 1938. He was also a member of several boards and committees, among them the East African Industrial Council, the Kenya Supply Board and the Indian Advisory Man Power Committee.

Mr. Kasim never hesitated in the interests of his community to draw public attention to what he considered were legitimate grievances or anomalies, and he was always most active in pressing for better terms of service for the subordinate staff of the Railway and the Government.

I am sure hon. members will wish to express their deep sympathy with his widow and family at their loss, and I suggest that we should stand for a few moments in silence as a token of respect.

Council stood in silence for a few moments as a token of respect.

MINUTES

The minutes of the meeting of 19th November, 1943, were confirmed.

PAPERS LAID

The following papers were laid on the table:—

By MR. RENNIE:

Standing Finance Committee Report on Draft Estimates of Revenue and Expenditure for 1944.

Standing Finance Committee Report on Schedule of Additional Provision No. 3 of 1943.

Food Shortage Commission of Inquiry Report, 1943.

By MR. HARRAGIN:

Select Committee Report on the Trespass Ordinance, 1924.

The Increase of Rent and of Mortgage Interest (Restrictions) (Amendment) Bill, and the Local Government (Rating) (Nairobi Municipal Council Valuation Roll Validation) Bill.

The 1944 General Election (Amendment) Rules.

NOTICE OF MOTION

MR. RENNIE gave notice under Standing Rule and Order No. 52 (v) that he proposed to move the adoption of the report of the Standing Finance Committee on the Draft Estimates for 1944 on Monday, 13th December, 1943.

ORAL ANSWERS TO QUESTIONS
No. 64—LAND AND WATER PRESERVATION
ORDINANCE

LORD FRANCIS SCOTT:

Will Government state what practical steps have been taken during 1943 to implement the Land and Water Preservation Ordinance?

MR. KILLICK: Since the reply to the question asked by the hon. Member for the Rift Valley is long, it has been given in the form of a written statement which has been laid on the table this morning.

Reply to Question No. 64:—

The following is the information in reply to Question No. 64 asked by the hon. Member for the Rift Valley.

1. During 1943 steps have been taken to ensure that the powers provided by the Land and Water Preservation Ordinance are adequate for the work that requires to be done and that the Rules made under the Ordinance give the Director of

Agriculture the necessary powers to ensure that soil conservation measures can be enforced where necessary. The revised Rules became effective only on the 10th of September, 1943.

2. The following soil conservation works were carried out by the Soil Conservation Service in the European areas during the first six months of 1943:—

Narrow-base terraces were constructed on 2,433 acres (556 miles).

Broad-base terraces were constructed on 2,840 acres (820 miles).

The Officer in Charge, Soil Conservation Service, has been available to give advice to farmers; he has worked mainly in the Usain Gishu, Trans Nzoi and Nakuru areas.

In the European areas substantial progress in respect of land and water conservation measures is dependent upon the services of an adequate advisory and executive staff and also upon the provision of the necessary machinery and equipment for soil conservation works. It will be appreciated that under present conditions neither sufficient staff nor sufficient machinery is available to carry out all the work that is required.

3. In native areas soil conservation measures are normally carried out under the authority of resolutions made under the Native Authority Ordinance, 1937, which have the force of by-laws. The following work has been done in native areas under the supervision of the Administration and the Agricultural Department during the first six months of 1943:—

Nyanza Province.—600 acres were broad-base terraced in the Kitosh area and 2,000 acres have been safeguarded with narrow-base terraces in the Maragoli-Teriki area. Soil protection measures were instituted in the Wanyoya River Valley and in the Alego location. Additional areas were closed to grazing.

Central Province.—2,550 *shambas* were narrow-base terraced in South Nyeri and Embu districts. In other districts of the Province 1,570 *shambas* were similarly protected. Many areas were closed to grazing for regeneration purposes.

Coast Province.—1,000 *shambas* were narrow-base terraced in the Teita district.

Terracing work progressed in the Kilifi District. In Digo District, in the Shimba Hills, the limited area cultivated has all been terraced.

In native areas as in settled areas the work has been considerably hampered by lack of supervisory staff.

4. It is hoped to publish shortly a report on the activities of the Land and Water Conservation Committee since its inception.

No. 67—LIVE STOCK CONTROL PRICES

MR. BEECHER:

(a) Is Government aware of the considerable dissatisfaction existing in various parts of the native reserves at the fact that prices paid by the Live Stock Control are on the average anything from Sh. 10 to Sh. 20 per head below current pre-war native prices?

(b) Is Government aware that this dissatisfaction is increased by the knowledge that considerable profits, now well in excess of a million shillings, arising from the sale of such stock remain undistributed in the accounts of the Live Stock Control?

(c) Will Government please make an early announcement of the plans proposed for the expenditure of those profits for the general improvement of the pastoral areas from which that stock has been collected?

MR. DAUBNEY: (1) While the Government is aware that dissatisfaction exists in certain quarters as to the prices paid by the Live Stock Control, it is not accepted as a fact that the prices paid are Sh. 10 to Sh. 20 below current pre-war native prices. In the Government's view much of the dissatisfaction arises from the fact that the internal price of live stock in certain reserves has become seriously inflated since 1940.

(2) I will answer parts (b) and (c) of the hon. member's question together.

The profits to which he refers remain undistributed because they cannot be converted into cash balances until the Control is finally wound up, but as already announced in reply to a previous question by the hon. Member for the Coast, any profits accruing on the winding-up of the fund will be disposed

of by the Governor in Council in consultation with the military authorities. So far as this Government is concerned, the intention is to devote any such profits to the betterment of the live stock industry in the native areas from which the stock has been drawn.

No. 68—LAW OF TRESPASS

MR. BEECHER:

Arising out of a case recently heard at Molo, in which a Kikuyu was charged with injuring two European cows which he found grazing in his *shamba* at night, and as a result of which he was sentenced to 18 months' hard labour and ordered to pay Sh. 1,000 compensation or in default to undergo a further six months' hard labour, will Government please state: (a) Whether the Select Committee appointed on 15th September, 1943, to enquire into the working of the Trespass Ordinance, 1924, and to make recommendations for its amendment should this be considered necessary, will deal with trespass on native land? (b) What present facilities for redress in the case of non-native trespass on native land are available to the African peoples of this Colony? and (c) whether, in view of the fact that the trespass of stock is not dealt with under the Trespass Ordinance, 1924, and that Africans experience considerable difficulty in getting any redress in the case of the trespass of non-native stock on their *shambas*, Government will consider the introduction at an early date of a Stock Trespass Ordinance.

MR. HARRAGIN: (a) The Trespass Ordinance, 1924, does not refer specifically to stock trespass, nor do the recommendations made by the Select Committee make any specific reference to the point.

(b) In the existing law there is no legal discrimination in the redress available to persons of all races.

(c) Claims for compensation on account of damage by stock trespass are subject to ordinary common law rights, but the Government will examine further the practicability of the hon. member's suggestion that a specific Stock Trespass Ordinance of general application should be introduced.

No. 79—SOIL CONSERVATION SERVICE TRACTORS

HON. MEMBER FOR RIFT VALLEY:

1. Is it a fact that the Soil Conservation Service is unable to carry out its work for lack of suitable tractors? How many tractors have been allotted to the Soil Conservation Service?

2. Is it a fact that the Soil Conservation Service gave up two of its tractors to the timber industry, and that when the timber industry received a number of tractors recently they did not allocate two of them to the Soil Conservation Service in replacement of those previously allotted to them from the Soil Conservation Service?

3. Does Government consider that the increased acreage of cultivated land should have its fertility conserved? If so, does it not consider that a sufficient number of tractors should be allocated to the Soil Conservation Service for this purpose?

4. Does the timber industry have first and sole priority for all track tractors over all other industries? Do the various timber companies pay for the tractors allotted to them?

MR. KILLICK: Since the reply to the question asked by the hon. Member for the Rift Valley is long, it has been given in the form of a written statement which has been laid on the table this morning.

Reply to Question No. 79:—

1. (a) The lack of suitable tractors is one of the limiting factors which restrict the scope and effectiveness of the work of the Soil Conservation Service in present circumstances.

(b) Three at present.

2. (a) Yes, but one tractor was later made available to the Soil Conservation Service by the Agricultural Machinery Pool.

(b) Yes, but the recent importations of tractors referred to in the question were made by the War Department through military channels in view of their urgent timber requirements. Twenty-three tractors were imported; 18 of these were allocated to the Timber Control, and nine of these were allocated to Kenya and nine to territories other than Kenya.

3. The answer to the first of the two questions is in the affirmative. With

regard to the second, there are some 350,000 acres on European farms planted during 1943 with cereals, flax and pyrethrum, and in view of the existing shortages of man power and machinery the effective conservation of soil on this acreage is a problem which cannot, in present circumstances, be solved except to a limited degree. At the present time, lack of man power is as great a limiting factor as is the lack of machinery, and while the Government agrees in principle that a sufficient number of track-laying tractors should be allocated to the Soil Conservation Service to meet the requirements of available staff, it also bears in mind the fact that in making allocations of machinery in limited supply due weight has to be given to the claims of all the industries directly engaged on war-time production.

4. Until recently the United States authorities did not allocate track tractors other than to the War Department to meet military requirements in combat zones. None was, therefore, available for civil agricultural purposes, and the question of priorities did not arise. Recently the United States authorities have agreed, but only in special cases, to release track tractors for urgent war priority production, under which heading they include sisal, but it appears that any such allocations would comprise not diesel but gasoline models, which are little suited to local conditions and expensive in operation.

In regard to the distribution of any track tractors that may become available in future, the claims of the timber industry will be treated on their merits *vis-à-vis* the claims of other industries or requirements. Timber companies pay for any tractors allocated to them in the same manner as anybody else does.

No. 85—IMPORT LICENCES

MR. AMIN:

(a) Is it a fact that import licences have been issued to firms who were manufacturers' agents and who did not import goods for themselves before the outbreak of war?

(b) If the answer is in the affirmative, will Government state separately the number of such licences issued in 1941, 1942 and 1943?

(c) Will Government state reasons for issuing such licences?

COMMISSIONER OF CUSTOMS (MR. NORTHROP): (a) Yes, sir.

(b) 1941, nil; 1942, nil; 1943, 115.

(c) It has become the practice during the past year for some overseas shippers to make fixed quota offers to their East African representatives. In order to avoid the necessity of issuing a large number of licences for small shares of such quotas it has been found more convenient to issue a single licence in the name of the local agent, subject in all cases to the submission to the Imports Controller by the agent of a distribution list for approval. It is made a condition of the issue of the licence that the relative goods are distributed among local importers in accordance with this list. In practically all cases the distribution list approved by the Imports Controller is forwarded to the shippers who make direct shipment of their respective shares to the local firms on the list. All these are imported under a single licence number.

In a few cases approval is given to the direct shipment of the export quota offered, to the local agent, who submits a distribution list to the Imports Controller for approval. The agent receiving this facility is not permitted to act as a wholesale trader, but charges only his normal commission plus a small distribution charge. This arrangement has the approval of the Association of Chambers of Commerce, and is the only practicable means of obtaining shipment of small export quotas, as the separate packing and shipment of a considerable number of small shares to individual firms will not be undertaken by overseas shippers, owing to an acute shortage of staff and packing materials, and to other factors.

No. 86—IMPORT LICENCES

MR. AMIN:

(1) Will Government state (a) the number of consignments of goods confiscated by the Imports Controller on the ground that the consignees had not obtained the necessary import licences prior to the arrival of the goods, (b) the duty paid value of the goods so confiscated, and (c) the method of their disposal and the amount of proceeds derived?

(2) Will Government also state (a) the number of consignments released

by the Imports Controller in spite of the fact that the consignees concerned had not obtained the necessary licences prior to the arrival of the goods, and (b) the duty paid value of the goods so released?

MR. NORTHROP: (1) (a) 20. (b) The duty paid value of 14 of these consignments amounted to £2,705. The remainder have not yet been disposed of and the duty paid value cannot be given. (c) Confiscated goods are sold by the Customs Department by public auction. The proceeds of the sale of the 14 consignments amounted to £1,920 and customs duty to £785.

(2) (a) Four consignments were released by the Imports Controller, in spite of the fact that the necessary import licences had not been obtained, after satisfactory explanations had been received from the importers; one of these was released for re-export to the senders. (b) The duty paid value of the consignments released was £80.

No. 87—AIR MAIL DELAYS

MR. VINCENT:

In view of the very serious delay experienced by members of His Majesty's Forces in the Middle East in receiving Air Mail letters from this country, compared with Air Mail letters from South Africa, 21 days and six days respectively, will Government ascertain from the Military authorities whether there is any necessity to continue to censor letters addressed to members of the Forces in that area posted in Kenya. If the answer is in the affirmative, will Government request the Military Authorities to endeavour to prevent the very serious delay which is at present taking place?

MR. RENNIE (for Mr. Hebdon): The Military authorities have been consulted as regards the necessity of continuing military and civil censorship of letters addressed to H.M. Forces in the Middle East, and the Government is advised that it would be most undesirable to relax in any way the present censorship procedure. The Government is also advised that no undue delay has arisen in the East African territories owing to censorship.

No. 88—MOMBASA PERMITS

MR. COULDREY:

In view of the acceptance by Government of a resolution to request the military authorities to relax the ban on visitors to Mombasa, will Government inform Council whether the military authorities have complied with this request?

MR. RENNIE: The answer is in the affirmative. The attention of the hon. member is invited to the communiqué which was published on this subject on the 3rd of December and to the relative Defence Regulations which are being published in to-day's issue of the Official Gazette.

No. 90—CONSCRIPT LABOUR

MR. COULDREY:

Will the Government take steps, where necessary, to conscript labour to enable District Councils to carry out their necessary work?

MR. RENNIE: No, sir. The approved policy in respect of the use of conscript labour was the subject of a full announcement published in the Press on the 22nd of November, to which the Government has nothing to add.

No. 91—AFRICAN MANSLAUGHTER CHARGE

MRS. WATKINS:

1. Will Government state whether an African Government servant was tried for manslaughter without being provided with either legal, or departmental, advice in court for his defence?

2. Will Government please state whether an Indian sub-inspector of many years service has been sentenced to dismissal, involving loss of pension, by the Commissioner of Police, without trial, as the result of the above case?

MR. HARRAGIN: 1. It is assumed that the hon. member is referring to Supreme Court Criminal Case No. 161/1943, in which two African constables were charged with and convicted of manslaughter. They were not provided with legal or departmental advice in Court. The case was prosecuted by the Crown, and legal assistance is given normally only when the charge is one of murder.

2. An Indian sub-inspector was recently sentenced to be dismissed by the Commissioner of Police after a police inquiry. This decision was subsequently reviewed by the Governor in Council, and the sentence of dismissal revoked, and other disciplinary action being taken instead.

MRS. WATKINS: Arising out of that answer, is it not the custom to provide people who cannot afford their own defence that they should be provided with that defence?

MR. HARRAGIN: The answer is in the negative.

No. 92—MALINDI DROWNING MISHAPS

MRS. WATKINS:

Will Government please state: (a) the number of fatal drowning accidents that have taken place at Malindi beach in the last 18 months, (b) what precautions have been taken to prevent the recurrence of such incidents, and (c) whether Government has received a report from the District Commissioner or other authority on this question and, if so, can the report be laid on the table?

MR. RENNIE: (a) Three, all of whom were members of the Forces.

(b) Notice boards have been erected and life-buoys and life-lines have been hung up on the posts of the notice boards. In addition, warning notices to visitors have been posted at various hotels and prominent places.

(c) On the 16th of April, 1943, Headquarters, E.A. Command, informed the Government that three members of the Forces had lost their lives by drowning at Malindi during the three weeks before the report, and suggested that conspicuous notice boards be erected, and life-belts and ropes be made available on the beach.

The information given in parts (a) and (b) above, which is based on a recent report from the Provincial Commissioner, Coast, indicates that the necessary action has been taken.

RETIREMENT OF SENIOR OFFICERS

MR. COOKE: Your Excellency, I beg to move: That this Council requests Government to consider the retirement of those senior officers who would normally have retired but for the outbreak of the war.

[Mr. Cooke]

If I may be allowed to digress for a moment, may I refer to the last day before we adjourn when my hon. friend the Chief Secretary in rather a cavalier manner refused to allow my motion to be taken. I could have punished my hon. friend as a naughty boy for not knowing his lessons because, of course, under Rule 3 of Standing Rules and Orders it is mandatory on the Government to devote one day per week per session to private business! But as a matter of fact on that particular day I was not as magnanimous as I am pretending to be because, although I knew of the existence of such a rule, I could not for the life of me lay my hands on it, and I might add that when some of my hon. friends on the other side of Council—the more observant of my hon. friends—saw me feverishly turning over the pages of this little green book they anticipated a certain amount of liveliness! I must apologize for their disappointment.

It is with a good deal of reluctance that I bring this motion to-day, because naturally it is an invidious and somewhat distasteful duty to bring, even to the feeble light of this hall, officials, many of whom were my colleagues in the old days, but those of us who undertake public life must be prepared to do unpopular things at times. Possibly some of the hon. members on the other side of Council may be murmuring to themselves: "Physician, heal thyself". Actually one senior official did approach me and say that as I considered it was about time he retired he considered that I, too, was getting a bit "long in the tooth", and that it was about time I retired from politics! Of course, my reply to that is this, that in a few months time there will be a general election and then the half dozen or so electors who were kind enough to return me to power (laughter) a few years ago—I see that my remark causes a certain amount of hilarity, so I may mention that there were 150 electors and, after all, if small things may be compared with great, the Elder Pitt during his long parliamentary life never represented more than 100 people! You see it is quality and not quantity that counts! (Laughter.) To return to what I was saying, if the 150 electors feel inclined to get rid of me when the general election comes along they will no doubt

do so, and if my hon. friend would be prepared to submit himself to a similar test I would gladly support such a test.

I shall not be long to-day and I am going to condense what I have got to say as much as possible. I wish to deal with my motion from three aspects: No. 1 from the standpoint of public efficiency; No. 2 from the standpoint of the junior official whose promotion is being delayed; and No. 3 from the standpoint of the senior official who is not permitted to retire. Under the old regulations—I stand open to correction—an official could opt to retire after 20 years service or after he had reached the age of 50, whichever came first. That regulation later was changed, I think to 55 years of age. However, that is beside the point. The point is that when the war came Government would not allow senior officials to exercise this option. The legality of such a decision, I think, is open to doubt; I am informed by certain legal people it is, but that is neither here nor there at the moment. The point is the effect this change would have on the Service as a whole. Here you have a custom in this country quite different from the custom at home, where people retire at a later age, so there must be a good reason for having this early age of retirement in this country. Now you are asking a lot of senior men at a very trying time and when they cannot even get their home leave, to undergo the stresses and strains of this war, and I do submit that that is bound to impair the efficiency of these men. They are asked to undertake these very arduous duties at a time when they are suffering from the stress of war, and they cannot and do not deliver the goods. With all honour to those who carry it on, I think it must be admitted that in a few departments at any rate there has been lack of efficiency, and I feel that it is consideration of the general public that must come first and, above all, of the interests of the war. These men, as I said, have carried on with this very arduous work, and they have been asked to undertake this after many years service in this country. I do not think this is either wise or expedient. I know that people will say—not in this Council at least, but outside it—that a great many of these officials cannot afford to retire. I think that we must look at this matter from an entirely objective point of view and not from a subjective

[Mr. Cooke]

or sentimental one, and the point really is: can this country afford to pay people who cannot fully pull their weight? and the suggestion I make is that if those men would have been retired normally if no war had broken out then they should now be retired.

I now come to my second standpoint, that of the younger men in the Service. Those men are at an age when they are at their best, they have had experience of this country and they are full of enthusiasm, and we are expecting them to submit to an almost interminable period in the present pay they are receiving and in the present lack of promotion. I say that such a state of affairs is bound to rouse a feeling of frustration and cause a lack of efficiency, no matter how willing those people may be. It is now that they possess the invaluable asset of enthusiasm, and are we going to say to these men "You will not be promoted now; we will promote you only when you have lost a lot of that enthusiasm"? That, I think, would be most unfair not only to the junior official himself but to the public of this country as a whole. I know the argument that will be used by my hon. friend the Chief Secretary because he has used it once before, and that is that Government cannot afford to spare these senior officials. If that is so, I suggest that, as has been done for instance in South Africa, all senior officials should be retired and should be brought back to do the routine work of the offices, leaving the more strenuous work and the responsibility and the power of quick and swift decision to the junior people who are the age when they are fit to exercise authority. There is, I know, as I said before, the argument that these men cannot be spared, but there is also this fact, that there must be a lot of injured and disabled officers available in this fifth year of war who could be brought in for temporary duties and thus relieve the senior officers. I am not convinced by that argument, for it does seem to me rather a strange thing that one man has been spared, I am not going to mention any specific names, but I have got to refer to a specific officer, and that is the late Provincial Commissioner, Nyanza. Government were either able to spare his services or they were not able to do so. If they were not able to spare his services,

he should not have been seconded as liaison officer to the Conference of Governors. If they were able to spare his services, then I submit that senior officer should have been retired, and in fairness to more junior people who were entitled and deserving of promotion they should be given their chance.

If Your Excellency thinks, or if anyone thinks, that the present policy pursued is one which will lead to contentment and loyalty in the Civil Service, I will answer emphatically that it will not. I notice that the emoluments of this senior officer are mentioned twice in the estimates. They are mentioned first under Provincial Administration. There are four provincial commissioners and only three are at present acting in that substantive rank. He is also mentioned under the Governors' Conference vote. I do submit that if this gentleman—and I think there can be no doubt that this is so—is suitable and necessary for the present job he is performing, then I do submit that he should be given that substantive job and given it on a salary commensurate with the important work he is doing. If I may say so, having been a member of the committee that sat on African post-war development, the amount of information which he is now gathering in his inspection of the K.A.R. and of the Pioneers and of the reactions of those men to their new environment would be invaluable in connexion with the post-war scheme of re-establishing those men on the land. Therefore his services in his present capacity, taking the long view, would be eminently necessary when the war ends.

Then there is the third standpoint, and that is in connexion with the senior officials themselves. I want to give two or three instances of how this present policy may react very unfavourably on those men. Take the case of the senior official who has elected to commute his pension. He is compelled by Government to carry on; he is not allowed to retire; he is impairing his health and he is running risks which otherwise he would not have run. And supposing—which God forbid—such a man should die in harness, what will his widow receive if he had commuted his pension? Let us say a man has earned a pension of £600 a year, his commuted portion—I am not a mathematician—I think would come to £1,500. But if he dies in harness all his

[Mr. Cooke]

widow would get is a year's salary, considerably less than £1,500. I do not see why Government should "cash in" on a matter such as that. I know there has been one such case in Tanganyika, and I hope that if such a case occurs in this country the Government will sympathetically consider the matter. There is a second case, and that is of the man who has chosen not to commute his pension. He has presumably done that with all the factors in front of him, and if a man has argued, as presumably he has when he comes to that conclusion, that he will retire after a certain age and will invest his money in such and such a security, housing or land or in some other way, when he is kept on three or four years longer in the Service all those factors take on a totally different aspect, and I do submit that such a man should be given an opportunity of reconsidering whether he should commute his pension or not. Then, of course, there is a considerable number of men who are anxious to get out, and who now argue that they are working on half wages for Government because if they retired they would draw a good pension; but now they are working for the difference between that pension and their substantive salary, and Government is getting the services of those men at a much less rate than they would if they got new entrants into the Service. That, I think, cannot be denied. It also cannot be denied that men who are working so hard in these arduous circumstances may be impairing their health and (I hope not) some of them will have less expectation of life in consequence, and on this assumption in the long run Government will save on the pensions that they would normally have to pay to these men.

These three standpoints are plain ones, and I think are susceptible of plain answers, and I hope the hon. Chief Secretary will not indulge in any of that jargon about "hard cases making bad law" or anything of that sort, because we are dealing with human factors which require and, indeed, demand human and fair treatment. I have not anything more to say except to express the hope that before Government comes to any final decision in this matter, they will give it wise and careful consideration so that they will not any further alienate a Civil Service which has done such loyal and

fine work under very trying and arduous circumstances.

MR. COULDRY: Your Excellency, I beg to second this motion. I do not on this occasion intend to take very long because I think the hon. mover has covered nearly every point. He stated in his beginning that he approached this subject with reluctance. I have no reluctance at all. I am going to deal only with what he called his second point, the effect on the Service of retaining these gentlemen who have passed the retiring age remaining on. It must be in your knowledge, sir, and that of Government that there is a tremendous amount of discontent in the Civil Service, not only in the local Service but among those recruited from overseas, and I have no doubt at all in my own mind that one of the big reasons for this discontent is that so many junior officers do not see where they are going to get promotion. They think they are working in a blind alley occupation, and I know of nothing that tends to sap initiative more than that. The motion "requests Government to consider the retirement". It does not ask that they should automatically retire on reaching the retiring age, but it asks Government to consider retirement, and I do hope that will be taken into consideration. I would further ask, being optimistic, if you, sir, on this occasion would allow a free vote. (Hear, hear.) After all said and done, this is a matter which is the intimate concern of the Civil Service itself. The motion has been moved by an ex-Civil Servant, because no junior member of the Service could possibly move it, and I do ask that on this occasion you will allow hon. members on the other side to vote according to their own consciences and ideas and not according to a stated policy of Government.

MRS. WATKINS: Your Excellency, I would stress one point only, and that is that a free vote should be allowed on this motion. It concerns the gentlemen opposite more than it does us on this side of Council. I do not know how it came about in this Council, but we never have a free vote and there are certain things when we should have one, and this I would ask now.

MR. SHAMSUD-DEEN: Your Excellency, I should also like to join in that plea. As I said the other day, this is the last

(Mr. Shamsud-Deen)

time I shall be in this Council and it would be a matter of great gratification to me if I could see after 20 years a free vote allowed. I cannot remember one instance when it has been. Otherwise this motion is rather innocuous, inasmuch as this Council "requests" Government; after all, the men on the other side do represent Government. If you are going to order Government how to vote on this request, I feel it will be very unfair, and therefore the best thing is to allow each to vote for himself.

MR. RENNIE: Your Excellency, the Government is prepared to accept the motion—(laughter and hear, hear)—but I should like to make it clear at the outset that acceptance of the motion will make no real practical difference in the procedure adopted by the Government up to date. Hon. members may not be aware that quite a considerable number of Government officers have retired since September, 1939. The number, I think, would surprise those who do not know it: I have approximate figures here which show that something like 50 officers have retired since the beginning of the war. The point, however, is that at the present time, although we have had a considerable number of officers released from the armed forces, we have over 150 officers still with the armed forces. 150 officers represent quite a fair percentage of the European personnel—and I am dealing only with European personnel at present—it represents quite a considerable proportion of the European personnel in the Kenya Government Civil Service. In addition, we must remember that at present we have a very large number of additional calls upon the Government. In the Secretariat I am constantly being bombarded with requests for additional men. The shortage of "bodies", the shortage of officers, at the present time is very acute indeed, and it is very often impossible for the Government to meet as fully as it would like the various requests it gets for men for, in some cases, most important and urgent work. I should like to make the point clear, that in view of the fact that we have still a large number of men in the army and a large number of Government officers doing work in posts that have been created on account of abnormal war conditions, we are not at the present time in a position to allow

officers who wish to retire to do so as freely as we should like.

The points that the hon. Member for the Coast has mentioned are naturally taken into consideration in dealing with every application for retirement that comes in. He has made three points: (a) that on the ground of public efficiency it is advisable to allow senior officers to retire, (b) that the present procedure blocks promotion to junior officers, and (c) that it is not fair to senior officers who are kept on in the Service. The hon. member mentioned that a number of officers are eligible to retire after 20 years service or on reaching the age of 50 years, whichever is the earlier, and perhaps it may bring the position home to hon. members if we may take my hon. friends on this side of Council. If all those eligible to retire were allowed to retire, we should have very few indeed left on this side. (Members: Hear, hear, and laughter.) I have no doubt the hon. member will say "That is all to the good". I anticipated that reply, but since I should be one of the few left on this side of Council I think he would be the first to agree that such procedure is not altogether desirable! (Laughter.) Indeed, on the grounds of public efficiency, to take that point first, at a time when the calls on the Government are very extreme, at a time when we are trying not only to deal with current affairs but to plan ahead for a post-war Kenya, at a time when the stress even on the existing members of the Service is very severe indeed, I submit that it would be quite impossible, it would put Government in a desperate position, if we were to allow all those officers eligible to retire to do so. The hon. member will twit me with uttering platitudes but, after all, there is a war on. A war does bring hardship in its train and, so far as we in Kenya are concerned, I think we have been very fortunate indeed; and if the greatest hardship we have had to suffer is to stay in the Government service a year or two longer, I think we shall be very fortunate indeed. So much for the ground of public efficiency. My submission is that at the present time it would be quite contrary to the efficiency of the public service if we were to allow to retire all those officers who are eligible.

As regards the question of blocking promotion, this aspect of the question is one to which the Government has given

(Mr. Rennie)

a great deal of anxious consideration. It realizes only too well that when senior members of the Service remain beyond the normal age of retirement, the junior man is in a good many cases blocked as regards promotion, but when the hon. mover states that junior men remain on their present pay he is, I think, somewhat exaggerating the position. Indeed, so far as the European Service is concerned, in a great many cases junior officers are on a long incremental scale, and although there may be stagnation among men right at the top of the scale it cannot be said that, for the time being, there is stagnation among the men lower down, because, subject to the ordinary incremental certificate, they advance steadily up the scale towards their maximum. So far as the junior members are concerned, it may be that they expect a block before they reach the top, but in a great many cases they are going steadily up the scale, and I hope by the time they get to the top the way will be clear for promotion. The hon. member suggested that the senior men should be retired and brought back to do routine work in the office, leaving the strenuous work to the juniors. I see objections to that. If the intention is that a head of a department should be retired and brought back on pension plus the difference between his former salary and pension, to do the work he was formerly doing, that would not work, because we should have two men in the one job, the retired man and the promoted man. It is possible in a good many cases to arrange that a senior man should be brought back to do other work, and a certain amount of that has been done in the past four years but, generally speaking, it is not practicable to retire senior men, especially heads of departments and provincial commissioners, and bring them back to do routine work.

The hon. member referred to a specific case, and since I am well aware of the circumstances of that case perhaps I may be permitted to mention them. When the present Provincial Commissioner, Nyanza Province, was seconded to his present duties connected with the army—before that secondment took place—the question arose whether the secondment was likely to be of a permanent nature. If was in the nature of an experiment; it was quite impossible to say whether it would last for three or

six or nine months or a year. In the circumstances you, sir, decided that for the time being, until it was seen whether the experiment was likely to be a success and whether the arrangement was likely to be permanent, he should be seconded, and that an acting appointment as provincial commissioner should be made. That experiment has now gone on for a considerable time, and the matter has come up again recently, and the question of altering the present arrangement is now under consideration. The factors and considerations which the hon. mover mentioned have been in the mind of Government all throughout so far as this particular secondment is concerned, and I have no doubt the final decision in the matter will be one that he himself would approve.

MR. SHAMSUD-DEEN: Your Excellency, on a point of order, is the hon. member giving the answer expected from Government, or is he only talking on the motion itself, whether the question is to be met or not?

HIS EXCELLENCY: I do not understand what point the hon. member is raising?

MR. SHAMSUD-DEEN: I want an explanation as to whether the hon. member is in order in giving the Council what is likely to be the answer if the request contained in this motion is met. He is only entitled to express personal views, but not what actually Government is going to do.

HIS EXCELLENCY: I do not think the hon. member is expressing Government's views.

MR. RENNIE: I will leave the hon. Acting Financial Secretary to deal with the points the hon. mover took in connexion with the salary appearing twice in the estimates; I know he is aware of the matter, and will be in a position to explain.

Coming to the third point that the present policy reacts unfavourably on the senior men, well, the Government appreciates that the senior officers who are eligible to retire are very anxious indeed to make their contribution to the war effort. In a good many cases they have told me personally that, so long as the war lasts, they are not anxious to retire, and the Government greatly appreciates not only the very loyal

[Mr. Rennie] attitude that these officers have adopted, but also the work that they have carried out, in some cases in very difficult circumstances. As regards the question of financial loss in the event of death while still in harness, I will leave that point also to the hon. Acting Financial Secretary. I am aware that it has been considered on an inter-territorial basis recently, and I will leave him to deal with any particular aspect that he may think necessary. I will merely take one or two general points which may be of interest.

It is sometimes said that in view of the restrictions on leave there should be sufficient men available in the country to take on the additional work that now comes along, and also to take the place of those who have gone off on military service. The position is not quite so happy as all that. In a good many cases—or let us take the case of the Administration as one. We have still 16 officers in the army, we have secondments to special war-time posts of 11 officers; 16 and 11 equals 27; we have one or two officers on leave at the present time, which brings the figure up to 29, and our normal number of officers on leave before the war would be in the region of 20 to 25 per cent of 116. That, I am sure the hon. Member for Mombasa would rapidly tell us, indicates that the number of officers who would normally be on leave does not compensate entirely for the number of officials in the services and on these special duties that I have mentioned at the present time. The position, therefore, is, so far as leave is concerned and the "bodies" that are saved by the restrictions on overseas leave, that it is only because of those restrictions that the position, which is very difficult at present, has not become desperate.

The hon. Member for Nyanza, in seconding the motion, stated that in his opinion one of the chief reasons for discontent in the Civil Service at the present time is the blocking of promotion. He has stated that the initiative of the junior officers is sapped. Well, I have already made it clear that, so far as a great many junior officers are concerned, they are in a position to advance steadily up their salary scale subject to the obtaining of the necessary increment, and it is only at the top of the scale that stagnation and discontent are likely to arise; and, so far

as I am concerned, I have received very few complaints indeed from officers that their promotion has been blocked. As I said earlier, the majority of officers realize there is a war on and that equality of sacrifice in war-time is impossible of attainment, and if one man is comparatively more unlucky than another that must be put down to war conditions.

On the question that has been raised of a free vote, this does not arise in view of the fact that the Government is prepared to accept the motion, but I would merely stress the point I made at the beginning of my remarks, that acceptance of the motion does not mean that any more retirements will necessarily be permitted than have been permitted up to date.

MR. VINCENT: Your Excellency, a war always brings certain injustices into every walk in life. I think that from this debate has emerged that the ones who are suffering because of the present circumstances through heads of departments not retiring although due for retirement, are the "seconds in command". I do not share the opinion of the hon. mover that it is the heads of departments who should necessarily retire because it is thought, and I think with a certain amount of justice in some cases, that a lot of officials not even due to retire should have retired years ago! (Hear, hear.) The point made by the hon. Chief Secretary is a very fair one, that juniors are going up in their scales, but I do feel there may be cases of seconds in command of departments who are not only suffering to-day but are liable to suffer in future because of the delay in normal promotion. Government must be aware that by these heads of departments who could have retired but who remain with us, wanted or unwanted, as the case may be, are saving Government quite a lot of money in pensions, for some of the pensions which are due to go to heads of departments on retirement are very considerable. I know that the hon. Acting Financial Secretary will probably reply to me and say that the second head of a department will not necessarily become the head of the department but we may get one transferred from another territory. But there is a limit, and after all the war has now been going on for a number of years—God forbid, it may go on for another two—and I do feel that

[Mr. Vincent] there is a case for Government to consider because of the saving it is making in pensions due normally to those officers who are remaining with us; we should consider each case of the No. 2 men on its merits. These men are having a tough deal all round, to put it vulgarly, because they get no allowance as far as war bonus and that sort of thing is concerned, and their ultimate pension may be very seriously affected by this delay. As far as the junior ranks are concerned, they do go up on their scales, and I also understood in the Standing Finance Committee that if a man has been languishing at his maximum grade scale for a number of years his case is given consideration. At the same time, I do feel we should not forget those men who are really vitally affected, though I cannot expect at this short notice that the hon. Acting Financial Secretary can give me an immediate reply to that, but it merits serious consideration.

MR. TROUGHTON: Your Excellency, I had not intended speaking this morning, but there are a few points I must deal with and, in particular, I cannot fail to accept the challenge just hurled at me by the hon. Member for Nairobi South. The hon. member pointed out that we are now saving on our pensions bill owing to the deferment of retirements. That is perfectly true, but, as the hon. member knows, the report of the Standing Finance Committee indicates that the surplus on next year's budget is now reduced to the modest sum of £404, so that in effect the saving on pensions is absorbed in meeting the expenditure necessary on account of the war. It is also perfectly true that seconds in command are not getting promotions which, in the normal course, they might expect to get, but the problem is not one of Kenya alone, because in the whole of the Colonial Service the general principle has been to keep people on in view of the shortage of man power, provided they can do an efficient job of work in their present posts. Quite frankly, I do not mind telling the hon. member that I should have hoped if the war had not come that a benign Secretary of State might have offered me promotion in another colony! He has not, and that is the fortune of war, and if the hon. member thinks that equality of sacrifice is a principle which can be followed in war-

time, then I should be glad to know what his ideas are as to the detailed application of the principle. Equality of sacrifice, I submit, is an impossibility in war.

The hon. Member for the Coast mentioned that provision had been made for one officer twice in the 1944 draft estimates. That is true in a sense. The position is this, that there are four posts of provincial commissioners and there is one post of liaison officer. When these estimates were prepared I had no reason to believe that all these posts would not be filled during the course of 1944, and therefore it was essential to make provision in the estimates for the expenditure which could be foreseen. The hon. member made a point about the hardship experienced by an officer or by an officer's family when an officer has opted to commute his pension and dies in the Service. It is perfectly true that when a pensionable officer dies in the Service his legal personal representative gets a gratuity of one year's pay plus house allowance. It is also true that an officer who has opted to commute his pension gets a gratuity on retirement which may be more than the gratuity to which his legal personal representative would be entitled in the event of death. I want to make this point. The gratuity in partial commutation of pension and the death gratuity are two completely different things. The first is payable to an officer himself in his lifetime, he can dispose of it freely by gift, by will, by the purchase of anything he wants to purchase, and so on. The death gratuity is payable on the officer's death to the legal personal representative. The two things are really quite separate and distinct. It is perfectly true that if an officer dies on the last day of his leave pending retirement, his widow can get a gratuity. If he survives another day and dies on pension, he will be in a position to bequeath the full amount of the gratuity in partial commutation of pension, which may be very much more. An officer's family, it is true, may stand to gain if an officer survives one additional day, but that was always the case in time of peace, and that anomaly, I submit, cannot be overcome with equity.

MRS. WATKINS: On a point of explanation, I believe it was overcome in one case, that of a Provincial Commissioner, Nyanza, I think, when £2,000 was paid in gratuity.

Mr. TROUGHTON: I can assure the hon. member that she is misinformed on that point.

There is a further point, that if such a concession were granted to officers who have opted to commute their pensions, one would in fact be discriminating against officers who have not opted to commute. But there is one case of very real hardship, I am quite prepared to admit, and that is a case where an officer has undertaken financial commitments in anticipation of drawing the commuted portion of his pension, and is kept on in the Service so that he cannot honour those commitments which he had hoped to be able to do if he had retired at the time at which he would normally have been allowed to. The officer may have contracted to buy a house or he may have obligations in connexion with family education. That is a cause of hardship to which we are fully alive. It was recently considered at a conference of Financial Secretaries at which I was present, and we hatched out a solution which is at the moment being considered, and I hope that it will be possible to make an announcement on the subject fairly soon.

The other point made by the hon. Member for the Coast with which I wish to deal is that officers who are kept on in the Service are in fact working on very small salaries, the very small salary being the difference between the pension which the officer would draw if he had been allowed to retire, and the total amount which he is actually getting. Right from the beginning of the war we took the line with regard to pensioners who are re-employed that we would pay them the difference between their retiring pay and their pension, provided they were working in a job of the same responsibility as that which they had prior to the war, and we have had no difficulty in getting public spirited pensioners to work on those terms. There have been a great many of them and, so far as I know, they have no particular grouse, but they would have a genuine grouse if they were called on to re-employment to exercise greater responsibilities than those which they had exercised prior to retirement. In such cases they have been paid higher salaries in view of the extra responsibilities which they have assumed on re-employment. I think, sir, that their treatment has been fair on the whole.

I admit that there are inequalities of sacrifice, but, as I have said, there must always be inequalities of sacrifice in war-time.

Mr. COOKE: In spite of the formal acceptance of my motion, I regard the replies from the hon. Chief Secretary and the hon. Financial Secretary as entirely unsatisfactory and unsympathetic. In dealing with the few points which have been made, I shall be very brief. Of course I did not for one moment argue that all heads of departments who are eligible for retirement should be forced to retire. There are a great many of them, I am glad to say, who still preserve their youthful energy and a youthful outlook. It would be absurd to say, for instance, that because Mr. Winston Churchill has reached the age of 69, or whatever it is, that he is too old for his work. Of course he is not; he retains a youthfulness of outlook, and exactly the same may be said of a lot of heads of departments. The hon. Chief Secretary said he was unaware of any discontent; all I can say is that he must be very much less in touch, I am sorry to say—

Mr. RENNIE: On a point of explanation, I said no complaints had been made to me personally, which is rather a different matter.

Mr. COOKE: That is worse still, because if my hon. friend is not sufficiently accessible for complaints to be made to him it seems to me it makes the matter even worse because I am aware—and I am in touch with a good many of the junior officials of all departments—that there is very real discontent at the present position, and I personally think they have every reason to be discontented. It does not mean that these people are working any less loyally than they otherwise would, but it is bound to have an effect on their work. I do not say either that they are all discontented, because I know of course about the incremental scales, but I was referring in particular to people who have reached "stagnation point", and it is quite conceivable that if these people become discontented they may spread their discontent to others in the lower ranks. My hon. friend said it is not practicable to make senior officials work in routine jobs. I do not admit that at all. At the beginning of this war a great many senior naval and military officers

[Mr. Cooke]

returned to do routine work under very much more junior people, and I was only reading the other day the life of Lieut.-General Brownrigg who went back as a private attached to the Home Guard after having held an active command up to Dunkirk; and if a man of that calibre can go back to work surely it is not asking too much of senior officials—I do not say heads of departments—who may be retired to come back to work in a routine capacity. We all know that two or three provincial commissioners have done so; these senior officials are rendering very valuable aid to Government.

With regard to the secondment of the senior Provincial Commissioner to which I referred, of course I know Government had to see how he was doing in his new job first, but I submit that they took an unconscionably long time to come to their conclusion, and it seems to me unfair that still this matter remains—if I may use the jargon of the gentlemen on the other side—"under consideration", and that people should be penalized because Government cannot make up its mind quick enough or firmly enough. Nobody will deny that the officials have shown a very loyal attitude, I would be the first to acknowledge that, but why penalize these men who are showing this loyal attitude? Why stretch this loyal attitude further than it need be stretched? We know the old aphorism, "it is the last straw that breaks the camel's back", and every effort should be made not to strain these men's loyalty to the breaking point.

The hon. Financial Secretary talked about equality of sacrifice and that there cannot be equality of sacrifice in war. Of course, that is one of the trite remarks which is perfectly true; but there should be a better effort made towards equality of sacrifice. I know you cannot reach perfection in this matter, but because we cannot reach perfection is no reason why we should not try to reach as near as we can towards the standard of perfection. So I do not regard that as a very strong argument. My hon. friend, I know, has been put up to defend a position which he probably does not agree with! (Laughter.)

Mr. TROUGHTON: On a point of personal explanation, I have not been "put up" in any sense of the term.

Mr. COOKE: He said two completely different and separate things, on this question of the man saying he would take his pension in money form and the man whose dependants are paid a year's salary; of course they are two separate and distinct things. I never asserted they were not. That is no reason why a man should be sacrificed or why a man's dependants should be sacrificed because he dies in harness. If, as the hon. member gave an instance, a man dies a day before he is due for retirement, that is most unfortunate; but that is an act of God, but this present arrangement is an act of Government which is a totally different thing. (Laughter.) (Col. Grogan: Supposed to be so!) That is the reason why I object to it. Anomalies such as these are anomalies which are made to be dealt with in a human and humane way instead of taking up the position of "hard cases making bad law". I am now going to lecture my two hon. friends and say what I refrained from saying during the budget debate—that a good deal of the dissatisfaction in the Civil Service to-day is due to the fact that when junior officials approach these two hon. gentlemen they are too often met in an uncompromising spirit, and I do feel when Civil Servants have a real case they should at any rate be listened to in a reasonable manner and complaints, if they are legitimate complaints, redressed, rather than give them the impression that everything is being dealt with in an uncompromising and stern, realistic manner.

The question was put and carried.

BILLS

FIRST READINGS

On the motion of Mr. Harragin the following Bills were read a first time and notice given to move the subsequent readings at a later stage of the session: The King's African Rifles (Amendment) Bill, the Military Units (Amendment) Bill, the Trespass Bill, and the Housing Bill.

THE LEGISLATIVE COUNCIL (AMENDMENT) BILL

SECOND READING

Mr. HARRAGIN: Your Excellency, I beg to move that the Legislative Council (Amendment) Bill be read a second time.

As hon. members are aware, this Bill is being introduced with the sole object

[Mr. Harragin] in the country for a year and is entitled to be registered, even though he has not been in a particular area for which he wishes to be registered for three months in the preceding year he will be able, nevertheless, to get on to the voters' roll. Clause 5 deals with the amendment to which I have referred, and gives the necessary authority to register either in the business area or the living area, and makes it an offence for any person to vote in more than one place. Clause 6 also makes it an offence to attempt to register when a person is registered elsewhere. Naturally what will happen in practice is that before X can get on Y roll he will have to get a certificate from the registering officer of X area to say "I have expunged this man's name", whereupon he will be entitled to have his name placed on Y roll if he has the necessary qualifications.

MR. BROWN seconded.

LORD FRANCIS SCOTT: Sir, there is one particular point I should like made clear by the hon. and learned mover, the question of having names erased from the electoral roll. There have been many complaints that names are erased automatically without any notice to the people concerned. I have not the principal ordinance before me, but I am given to understand that in fact before a name is erased a person must be notified by the person who proposes to erase that name. I should like an assurance on that point by the hon. mover.

The first amendment appears in clause 2. Under the law as it exists at present, any person who has been resident here for a year or more would be entitled to have his name placed on some register. Clearly it is not the intention of this Government that every soldier who happens to be stationed in this country for a period of a year should be granted the privilege of a vote. I do not think the soldiers themselves would expect to have that right, nor are they sufficiently intimately connected with the country to be entitled to vote. Clause 2, therefore, deals with that particular aspect, and states that in the case of the armed forces the period of 12 consecutive months will have to be 12 consecutive months preceding the 3rd September, 1939. Clause 3 is a necessary amendment in view of the amendment to which I have just referred providing for a voter to be able to vote either where he lives or carries on business. Clause 4 is to facilitate those in the armed forces who have not lived three months in any one particular district within the necessary period for the purpose of registration, and in fact says that where one of our Kenya men has lived

in the country for a year and is entitled to be registered, even though he has not been in a particular area for which he wishes to be registered for three months in the preceding year he will be able, nevertheless, to get on to the voters' roll. Clause 5 deals with the amendment to which I have referred, and gives the necessary authority to register either in the business area or the living area, and makes it an offence for any person to vote in more than one place. Clause 6 also makes it an offence to attempt to register when a person is registered elsewhere. Naturally what will happen in practice is that before X can get on Y roll he will have to get a certificate from the registering officer of X area to say "I have expunged this man's name", whereupon he will be entitled to have his name placed on Y roll if he has the necessary qualifications.

MR. COOKE: Your Excellency, I wish to say something in addition to what the noble lord has said. The point I wish to put is that it is mandatory at the present moment to expunge the name of anyone who has not resided in a particular area during the past year. That causes a lot of confusion and I think unnecessary work for the registration officer; even if they do inform so-and-so that his name is going to be expunged it is a routine job which causes a lot of unnecessary work. I suggest that should be deleted—I think it occurs in Rule 8 (2) of Schedule II to the principal ordinance—and that the Rule should be that no one should be put on an electoral roll unless he has resided in the particular area for the past year, because that would prevent people from "packing" a constituency with their own friends, which was probably the object of this rule. But it should not be

[Mr. Cooke] mandatory to take off the roll anyone who has not been in that electoral area during the past year. It may be that a man has resided in an electoral area for 20 years and has always been interested in it; he moves out for a year and is immediately taken off the roll because he has not been living there for the previous 12 months. I do not believe the law ever meant that. Names should automatically be kept on a roll whether a man has been in that area or not in the past 12 months, unless he dies or permanently leaves the country or it is removed at his own particular request. This would save a lot of unnecessary work.

MR. HARRAGIN: Your Excellency, as the noble lord has indicated, it is a fact that when a name is erased from a roll the officer erasing that name has to send a notice of such erasure to the last known address of the person whose name he is erasing. In the majority of cases I admit it may well be that that notice is never received. In the event of that person objecting to his name being erased for any particular reason there is, as members know, a time limit within which an application can be put in to the registering officer to have the name reinserted. In these days that does not mean as much as it used to because with the various delays in posts that occur it might well be, particularly in the election which is expected to take place next year, the appeals may be received too late to be heard. I really think we are dealing with very few. I will look into the point raised by the hon. Member for the Coast. I do not like to give a definite reply now, because unfortunately the volumes of the ordinances in the Council are sadly deficient and the one one most wants is never there. I do not know whether it is mandatory to erase a name or not. If it is, then it is a question for consideration in war-time whether there is not a great deal in what the hon. member says. Because in war-time a man might be away from his district for a year on his lawful business. The hon. member can rest assured that, with regard to army people, they are covered by this Bill. There may be other than army people who have an equally good case to remain on the roll, although in fact they have been away for a year. I therefore propose, subject to your approval, sir, not

to take this Bill into the committee stage to-day in order to give me an opportunity to go into that point, and I will take the Bill at some later date in the session.

The question was put and carried.

THE LOCAL GOVERNMENT (MUNICIPALITIES) (AMENDMENT) BILL

SECOND READING

MR. TROTTER: Your Excellency, I beg to move that the Local Government (Municipalities) (Amendment) Bill be read a second time.

There are comparatively few sessions of this Council when some amendments to the local government legislation do not come forward. This, I submit, is evidence of the activity and keenness of our local governing bodies. They are eager to extend their work in various directions, and they often find that when they want to do a particular thing which is quite reasonable and practicable, the law as it stands does not cover their proposed activities. The amendments now before Council are both public health measures. One is to give municipal authorities the power to deal more effectively with milk distribution, and the other relates to the control and, if necessary, the prohibition of the keeping of live stock in certain portions of municipalities, and also the power to supervise and licence the use of common grazing areas within municipalities.

Dealing with the first point relating to milk, it is the duty of a local authority under the Public Health Ordinance to take all reasonable and practicable measures to prevent, or at any rate to control, the spread of communicable and preventable diseases, and to exercise in the interests of the public health all possible safeguards. The danger of disease by means of adulterated milk is notorious, and it is only right that the municipal authorities should have their minds very much exercised in this matter. The municipal authorities of Nairobi, Mombasa and Kisumu in particular have been much concerned about the lack of control which exists at present over milk supplied to the populations within their respective municipalities. They have at present power under section 52 (33) of the law to establish depots for the inspection of milk and for the cleansing of milk, but this power, in

[Mr. Mortimer] the submission of the municipal authorities concerned, does not go far enough, and they have after very close consideration, particularly Kisumu Municipal Board, come to the conclusion that the only effective method of controlling milk distribution in their particular area is to have the power to buy milk and sell it direct to the consumer. There are objections, I know, to municipal trading in general in so far as it competes with private enterprise, but I submit that there are very good reasons for regarding milk in a separate category. Milk is so easily adulterated and it goes bad so quickly, and is such a frequent cause of the spread of disease. Kisumu Municipal Board is very anxious to institute not only a cleansing and inspection depot but also a system of buying milk from the producer and distributing it through authorized agencies to the consumer, and it has succeeded in getting the agreement of the producers and distributors to the system which it wishes to introduce. That difficulty will then be overcome. One looks forward to the carrying out of this experiment and its results, which may well furnish evidence to other municipal authorities of the way in which the control and distribution of milk should be carried out. It is proposed, then, to amend the existing law by deleting the reference to milk in section 52 (33) and by inserting a new subsection giving a municipal authority power to introduce by-laws not only for the erection of depots for the inspection of milk, but also for the treatment, distribution, purchase, and sale of milk, and to distribute, buy, and sell milk.

It has been suggested that the amendment as drafted, while it gives a municipal authority power to erect, equip, and maintain a depot for these purposes, does not give the power to carry on the working of a depot. The hon. and learned Attorney General does not agree with that opinion, but in order to make the matter doubly sure he has drafted an amendment which I propose to move in the committee stage to introduce the words "and to carry on such a depot". There is one other point to which exception has been taken and that is that while a municipal authority will be given power to sell milk, it will not be given power to deal with the surplus milk at the end of a day's business, and there may well be a surplus which it is

economical to turn into butter, ghee, casein or other product, and to dispose of it in the market, and and I propose in the committee stage to introduce the words at the relative points "and milk products", to make it quite clear that a municipal authority will have power to deal with such milk products as and when occasion arises.

The other amendments arise at the request of the Municipal Council of Nairobi, and are intended to give municipal authorities powers to introduce by-laws to prohibit the keeping of specified live stock in certain portions of their areas. At present, a municipal authority has power merely to regulate the erection of stables. All that it can do is to ensure that the stable is structurally sound and complies in every respect with the by-laws as a structure, but it has no power to prohibit the erection of a stable and the use of the stable for the keeping of animals in certain particular areas. The law as it stands, while adequate enough in the early stages of a town's development, is by no means adequate now in the more advanced stage of development of a municipality like Nairobi. It is therefore proposed to give power not only to regulate and supervise but to prohibit if necessary; also to issue licences to keep cattle, horses, sheep, goats, and pigs within a municipality. Power is also given by this proposed amendment to prohibit where necessary and to regulate, supervise, inspect and licence stables, cowsheds, pigsties, and fowl houses, and also in a final amendment it is proposed to add to the existing powers of regulating and if necessary prohibiting grazing over common grazing areas, powers to supervise and licence grazing on such common areas within the municipality.

MR. HARRAGIN seconded.

MRS. WATKINS: Your Excellency, there are one or two points that arise which are relevant to Kiambu area and its members who supply milk for Nairobi, and that is that the dirt does not come into the milk on its way into Nairobi, but from the stables and the cow byres and the Kikuyu *bomas* where it is produced. I challenge any municipality to get the dirt out of the milk that has been introduced in the ordinary Kikuyu *boma*; I should think it could not be done. At any time, if the hon. member likes, he can

[Mr. Watkins] come along and on the Ruaraka River, which is not a very clean river, and on the still dirtier river between us and Mutbaiga, he will see half a dozen women adulterating several dozen bottles of milk. Whether these bottles can be tested or not I do not know. But that is a very strong point. I think you have to inspect and licence the stables and milking byres outside the municipality if you want clean milk within the municipality. That is the first essential.

The second thing is that if the municipality is going into trade, and if entirely wholesale milk is to be delivered to the municipality, you are cutting down enormously the ordinary profits that the big dairy farmers around Nairobi expect to make so as to keep their cow byres and their milking byres in proper condition. If you want to whitewash your stables and if you want to keep your men in clean white coats and all the rest of it, you have to have a certain amount of money to do it with, and if you are going to be pushed down to a very low wholesale price of milk so that the municipality can get the whole of the profit on the retailing, then you are going to do away with any possible extension of dairy farming, which is really essential around Nairobi. Most of the big dairy farms around us have got all their paraphernalia for delivering milk to Nairobi; they have their lorries, their bicycles and their boys; everything for retailing, and they obtain the full retail price, as they should. If that is going to be reduced by 40 per cent or more and they are told to send their milk into the municipality wholesale, simply because Kikuyu milk is so dirty that it has all got to be tested, I think we are going to do a great harm to the ordinary licensed European milk sellers around Kiambu. I suggest that certain farms, properly run and with good equipment, might be licensed to sell and to continue their retail trade, and it need not go through the municipal selling and buying depot. I do not know whether that is possible, but I do consider the point has got to be watched. If the municipality is going to trade in milk you have got to guard the producers' interests or you will not get the milk. I think that is all I have got to say on that point.

MR. MORTIMER: Your Excellency, I entirely agree with the hon. Member for

Kiambu, but I would draw attention to the fact that this is an enabling measure and has no statutory effect on any municipality other than giving them power to produce by-laws to do this or that. At present the evidence we have is that only the Municipal Board of Kisumu desire to adopt this measure and they have secured the agreement of both producers and distributors to the measures they propose to adopt. I have no doubt that if and when the Nairobi Municipal Council express a desire to adopt similar measures they will get into the closest possible touch with all the big producers, particularly those producers whose milk is produced under hygienic conditions, and endeavour to arrive at some fair method of dealing with this problem. So far as the other problem is concerned, that of the native producer, I would inform the hon. member that this afternoon the Standing Committee for Local Government (Municipalities) will be considering by-laws which the Municipal Council of Nairobi wish to introduce to prohibit the entry into Nairobi, with the exception of the native locations and Railway landhies, of any milk that is not produced at a registered dairy. Provision will also be made under the Public Health Ordinance for the registration of native dairies under simple rules and conditions which will prescribe at any rate a minimum of cleanliness to apply to the people with whom she is concerned. But I know of nothing that will prevent the adulteration of milk between the dairy and the consumer other than an immense number of police, one to accompany every single producer on his way to the consumer. I think I have covered the various points made by the hon. member and have nothing more to add.

The question was put and carried.

THE COMPULSORY NATIONAL SERVICE BILL

SECOND READING

MR. HARRAGIN: Your Excellency, I beg to move that the Compulsory National Service Bill be read a second time.

I suppose no bill has been more misunderstood than the one which we are now being asked to consider; in fact, the position is that this is merely a consolidating bill. There are two new points to which I will draw attention, but all the

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powers given in this Bill already exist either in the Kenya Defence Force Ordinance, the Compulsory Service Ordinance or the Women's Registration Regulations or the Asiatic Artisans Regulations, and as we had to make some amendments the opportunity has been seized to consolidate the law into the one Bill which you now see in front of you.

The first amendment to the existing law to which I should like to call hon. members' attention is contained in clause 2. Clause 2 shows that "every person of either sex for the time being in the Colony" . . . etc., is liable to be called up for national service. Under the law as it stands at present—I am thinking of Europeans under the Kenya Defence Force Ordinance—you can only issue the orders contemplated under that Ordinance to a person ordinarily resident in Kenya. This Ordinance will go further and give you, sir, power over anyone who happens to be in the Colony. I should like to clear up a mistake made in my office or the printer's; I do not know exactly whose fault it was—and that is in clause 2 (b) where we refer to the age of the women who can be conscripted as being from 18 to 60. Naturally, it is not the intention that it should be 60; it should read 45, or exactly the same as in the preceding subsection, and I will move an amendment in due course to that effect. Clause 2 in effect says this, that every person shall be liable for national service, that male and female British subjects between the ages of 18 and 45 may be conscripted into the armed forces, that a male British subject of any age, 18 and over, may be ordered by you, sir, to join any civil defence force that you may establish and, in (d), that they may be called upon at any age to do any civil work that is necessary in the national effort. That covers the whole of clause 2, and is existing law except for the fact that now it is extended to everyone in the country instead of only to those ordinarily resident here.

Clause 3 is an amendment which has been put in to facilitate the service generally, and it now covers a point which has to be done in a very clumsy way at the moment. For instance, if you want to transfer men from one unit to another—there are certain units in particular I am thinking of—they cannot be

transferred out and out, but have to be seconded for work with the other unit. Although the result may be the same, it is complicated from the point of view of bookkeeping and records and so on, and this gives Your Excellency power to transfer a man to any of His Majesty's armed forces lawfully established in the Colony. Clause 4 once more reiterates what is already in the law with regard to man power committees throughout the country, and later on you will see that they are preserved *in statu quo*. Clause 5 again is the usual form of calling up notice, but there is a slight change there because we are now giving man power committees power under certain circumstances to call up the men required. Clause 6 deals with medical examinations. It also preserves the present Kenya Defence Force exemptions so that there will not have to be any dislocation by people having to run off and get new exemptions.

Clause 7 is a clause to which I must call particular attention because it is new. In clause 7 provision is made to give you, sir, wider powers with regard to non-military units and conscription into non-military units. You are permitted here by regulations to establish a force for civil defence or for maintaining internal security within the Colony. There is no secret as to why that clause has been put in. It has been put in in order that Your Excellency may establish in this Colony what will be known as the Special Police Force, which to a great extent will take the place of the present Kenya Defence Force organizations in the Colony. Provision will also be made for a military force which will not be compulsory, but men will be able to join if they so desire, in which case they will be exempt from the provisions of the Police regulations, which will deal in effect really with what we call "C" class of the Kenya Defence Force who may be called upon by you, sir, to form a Special Police Force, and clause 7 will be the authority. This is neither the time nor the place to go into the details of what will be eventually contained in the regulations. All I need point out here is that it will be under clause 7 that Your Excellency will be able to form that force.

Clause 8 provides for exemptions for people who are medically unfit, it gives Your Excellency power of general exemption, and makes provision for deal-

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ing with conscientious objectors and with cases of undue hardship. Clause 9 preserves the present Kenya Defence Force tribunal, to whom, as everyone knows, Your Excellency delegated his duties under the Kenya Defence Force Ordinance with regard to all exemptions. That tribunal will continue in existence under this present Ordinance with exactly the same powers. Clause 10 makes provision for payment at current rates where a man is made to do compulsory labour and where a man is forced to work for a private employer. It will be for you, sir, or whoever you may delegate your powers to, to fix the rate of pay. Clause 12 reiterates the present law with regard to the appointment of farm supervisors, and again gives you, under sub-clause (3), the right to fix the remuneration to be paid. Once you have fixed it it becomes a civil debt and is recoverable in an ordinary court of law. We also preserve the provision whereby disputes between employer and employee under this Ordinance may be settled by a board which Your Excellency has power to appoint. In addition to the ordinary farm supervisors you, sir, have power to appoint people who are called inspectors and whose duty it will be, and has been, to go round and inspect the work that the supervisors are doing, and it makes it an offence for anybody to obstruct them when they are carrying out that work.

Clause 14 gives Your Excellency power to delegate all or any of the powers conferred on you by this Ordinance, and clause 15 reproduces existing penalties. Clause 16 provides for the usual regulations prescribing for instance the procedure to be adopted by the man power committees. In fact, it has not been necessary up to date to issue any regulations, but it might at any time be found advisable. It is therefore just as well that the law should make provision for it. Clause 17 is known in law as the saving clause, and in effect means that there will be no dislocation whatsoever by the coming into force of this Ordinance. All the regulations and orders given by the man power committees in the past are preserved, and it will only be when they are altered by the new committee to be appointed under this Ordinance, or where they are repugnant in any way with any of the provisions of this Ordinance that any of them will be cancelled. In point

of fact, I cannot imagine any order that could be repugnant to the new ordinance in view of the fact that except for the two points I have mentioned this new law is consolidating the existing law, which at present is to be found in three or four different ordinances and regulations.

MR. BROWN seconded.

MR. MONTGOMERY: Your Excellency, there is one clause in this Bill which I want to refer to, and that is clause 5. On one or two occasions when this Bill has been discussed I raised in other places the question as to whether it was right to allow a man power committee to have this terrific power of calling people up. I suggest that it possibly might be done by a sub-committee subject to the directions of the Governor who, I understand, delegates his powers to the Director of Man Power. This point may be dealt with under clause 16 where procedure is laid down, but personally I would rather see it in the Ordinance itself. I come in close contact with man power committees and, with few exceptions, they are extremely good and very helpful and very knowledgeable about their areas, but I do think that you are putting terrific power in the hands of committees, and rather invidious power I think, because these committees operate in rather restricted areas and it makes it rather difficult for gentlemen who perhaps are friendly with one another to have to call a man up. I think it would be better if the Ordinance laid down distinctly that the calling up notice should be in the hands of the Governor who, I presume, delegates his power to the Director of Man Power, and then that such orders should be sent to the man power committees for execution.

MR. VINCENT: Your Excellency, I have great sympathy with the Director of Man Power, because it is probably the most difficult task which confronts any unfortunate individual in the position of a controller, of goods or of individuals. I am very pleased that he has made his point clear that this Ordinance, for instance, does not cancel out Government Notice No. 213 of 1943, paragraph 5, which gives reasons for the exemption of various women categories from conscript service, but I think that, no matter how serious the position is from the military point of view in regard to a shortfall in

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stenographers and clerks, we should make provision that where a child between the ages of 6 and 16, for instance, comes within the automatic control of a parent and that parent cannot at that particular time make provision to have that child looked after—I am referring particularly to girls—it should be considered sufficient reason why that woman should not continue her service while such child is under her care. I am referring to girls home for the holidays or where there is an epidemic and the schools are closed, or for any other reason. I believe that the care of girls between the ages of 6 and 16 is one of our first duties, and we should not give anybody power to sue a woman for absence under those circumstances.

I have read the two communiqués which have been issued, the first under the signature of the Chief Secretary and the second I think is unsigned, regarding the Kenya Defence Force and the Auxiliary Police Force. I believe that the Kenya Defence Force motto that "never have so few been fooled around by so many" is very apt and very much to the point. I was very glad that the noble lord and another member of this Council paid a very just tribute to the Kenya Defence Force at the beginning of this session. I do not think that the notices referred to were well conceived. I do not think, from the information I have obtained from the members of the Kenya Defence Force, both upcountry and in Nairobi, that Government are alive to the real feelings of these men. What is now proposed is that they should be thrown into a Police Force to serve probably under a man who was a private when they were officers in the Kenya Defence Force. There is also one point I am certain of, and that is, it would be most unwise in this country to disarm the Kenya Defence Force, because I believe it is going to be imperative that we have an armed European force for some considerable time after the cessation of hostilities, and I do beg of you that no matter what the issue, or what your present ideas are on this matter—and I take it this Bill will go to select committee—that you take evidence from these men so that in some measure their requests can be heard. I am casting no reflections on the Police, but I will say this, that from inquiries I have made the

Kenya Defence Force in their patrols in the Limuru district did very very excellent work, and I cannot see why the Kenya Defence Force cannot continue as a force to act when requested by the Police, but I think to disband it and to cause dissatisfaction and dissension among those who probably are more loyal, if it could be possible, than any others in the country, is wrong in every sense of the word. I must also draw attention to the fact that this distasteful position has been aggravated by the vicious sentence of £25 on a man who (it was blatantly a test case) who was compelled under our glorious democracy to take the oath or else to be fined in our civil courts when he was transferred from the Kenya Defence Force and told to undertake police duties. All these points may be of no importance to those who are not members of the Kenya Defence Force, but I think they rightly resent that they are nobody's child, and until the military took them over they were never properly equipped and were just regarded as something which was going to be used if wanted, and otherwise was unwanted. I saw the hon. Attorney General shake his head in a most formidable way when I mentioned a select committee, but I do ask you that, if you will not allow this Bill to go to a select committee, you will undertake as a Government to reconsider the position of the Kenya Defence Force, because they have worked not only in production and other important war work, but they have given up hours of their time for proper training, and if you want them to attend lectures now to find out what a policeman does in the ordinary course of his duty, they can do that as members of the Kenya Defence Force, and it is not necessary to transfer them to the Police Force to do so. Where you have cases in some districts in which members of the Kenya Defence Force are very anxious to join the Police, they should be permitted to do so, and where in other districts that particular duty is distasteful to them I do not think they should be compelled to do it to the detriment of other work if they themselves are certain that such Police work is of no use in their district.

There is one other point and that is, as you are aware, a lot of natives were recruited—houseboys and cooks—and taken in and trained by members of the

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Kenya Defence Force. I understand that those natives for the greater part were excellent at their job; they took the keenest interest in catching thieves and in obtaining valuable evidence, and because this force has been disbanded by the military, apparently these boys are wondering what the position is; their unit has ceased to exist and they do not understand why. That is my information, and I should be very pleased if Government could tell me if these boys are going to have the position explained to them so that they know that they have got Government's gratitude for doing a good job. The men who were in charge of them assure me those boys were really excellent.

I do hope that whatever the powers of these man power boards are going to be, they will bear my first point in mind—as we cannot allow anything to be an excuse to have children neglected. I do not think also that because it is done in England it should be done here because, as I say once again, conditions are not always parallel and they certainly are not parallel in this case.

MR. COOKE: Your Excellency, there is one clause which I will oppose lock, stock and barrel unless I can get an assurance from the hon. and learned Attorney General, which I happen to know he will not give me because we have threshed this out in the Civil Emergencies Committee. That is with regard to clause 7. I understand that Your Excellency will give powers of a routine nature to this new special police force. I would not for one moment compare Your Excellency with Hitler or any of the notorious despots of the past, but I do say it is a most dangerous thing to enable you to give routine powers to civil police officers. I am prepared to be told by members on this side of Council that I do not show any great faith in my fellow countrymen in this country, but it is impossible for a man to serve two masters, and no man can be a judge in his own case, and if you ask settlers to take on the ordinary routine duties of arresting boys for offences under the Masters and Servants Ordinance and for various alleged petty thefts, it is bound to lead to abuse. I admit that the majority would not abuse it, but there will always be a minority who will. We have had in this country, in the past two

or three months, two very unfortunate instances as far as the regular police are concerned, and if they do "these things in the green wood what will they do in the dry?" We have the full blaze of British publicity on this country, so that we have got to be careful what line we take, in the matter. I shall therefore oppose that clause 7 unless I get an assurance that routine duties will not be imposed on these men.

There is another thing, and in this I support the hon. Member for Nairobi South. We are told by the Director of Production that the farmers of this country are doing 24 hours work out of 24. Unless the hon. and learned member has joined the ranks of the higher mathematicians and can square the circle or make water run upwards, I do not see how it will be possible to expect these farmers to do 26 to 30 hours work in every 24 hours! I draw a distinction in the urban areas where people are employed at regular hours in offices and other capacities and are under the strict supervision of public opinion and consequently are less likely to abuse any of the privileges given them. I could not help smiling when the hon. and learned Attorney General said it was a consolidating ordinance, because if it is a consolidating ordinance which gives him power over every man, woman and child of every race in this country, it is a mighty funny thing this power has never been exercised before, and why Europeans and Africans have been expected to bear the heat and burden of the day while other races have not been conscripted. I find it impossible to get over why they have not been. Those are the only remarks I have to make.

MRS. WATKINS: Your Excellency, I am very much in sympathy with what the hon. Member for Nairobi South said, especially when he expressed sympathy with the Director of Man Power, although I sympathize with him far more in his capacity as Director of Woman Power! It seems to me a very severe task to be laid on any man.

There are one or two points in this Bill I want to deal with, and I only want to deal with those which affect the women. We see a good many clauses—two or three foolscap printed sheets of clauses—about different items that must be taken into consideration now, but we

[Mrs. Watkins] do not see any clause in this Bill for the exclusion of women with children under 7. I shall be told that the Director of Woman Power would not dream of taking any woman with a child under 7; well, I should like to see that incorporated in the Bill. I should like to see it incorporated on page 1, between lines 20 and 25, that no woman can be conscripted provided she has children under 7. I am quite sorry to see that the extension of the age limit does not hold good; I was expecting to be a Fanny yet! However, I dare say in a few months time we shall want more women and I may yet have a chance to be a lance-corporal! I should like to add one condition, that if a woman obtains exemption because she has children then one condition of that exemption should be that she remains with her children; not that she obtains exemption from all military and other duties, and then obtains other work and leaves her children just where they were and where the country does not want them: at the corner of the street in charge of an ayah.

There is one statement that was made in this Council the other day to which I think that I as a woman must take exception. Someone was reported to have informed the hon. Attorney General that if he conscripted nurses they would take it out of their patients. Most of us recognize that as a joke, but the hon. Attorney General saw fit to repeat that joke in this Council, and while we recognize it as a joke, and perhaps a cheap joke, I would remind him that our Hansard travels far afield. Anyway, it was evidence, hearsay evidence, that does not hold water, and it would seem to me that people reading Hansard would say "Kenya again; look how the women behave". So I would like to take this opportunity of absolutely refuting, on behalf of all nursing sisters of this country, that slanderous statement. I am quite certain the hon. Attorney General had no intention at all of casting a reflection on the nursing profession, knowing he regards it at least as honourable as the legal profession, shall we say. And I know that he himself at times must have been dependent on nursing sisters for his comfort, if not for his safety. Even if he has never been ill, he has at least been bored! (Laughter.) So we realize that he must at some time

have been dependent on their kind services.

I am quite certain he will realize also that if he wields his powers for the greatest good of the community he will have the backing of public opinion, and in this Bill, which he calls a consolidating Bill, I consider he is asking for more powers while he is not using those he has got. We saw an appeal the other day for nurses—a pathetic appeal and a very necessary one, Your Excellency—and we heard of one nurse who applied to be allowed to work at the Maia Carberry, and we hear that the Inland Revenue Department cannot dispense with her services, so she works by night as well as by day. That, if I am correctly informed—and I admit it is only hearsay evidence—is a case where I think he might have used the powers he has got before he applied for further powers. I do not think he is using to the full the admirable services of the Deputy he has got, which brings me to the point, why is she a Deputy; why is she not Director of Woman Power? The hon. Attorney General in his capacity of Director of Woman Power rather reminds me of the middle-aged admirals and colonels one often meets who, while they may be perfectly competent in charge of several thousand armed men, are completely flooded by any 20 year old daughter, and the short answer is that there should be a woman Director of Woman Power. Far be it from me to suggest the choice. A choice has been made, an admirable choice, of a deputy, and I suggest she should be given full powers as Director of Woman Power, and with it, speaking for a woman from personal experience, I would like a guarantee given to her that whatever she does in her job it will not affect her husband. I think one always has a feeling when one is married to an official that what one does is going to affect one's husband. I think if a woman is going to undertake an onerous duty like that she should have an explicit guarantee from Your Excellency that anything she does will be counted to her or against her alone, and not the husband, for whose career she naturally also has concern. I speak from personal experience, Your Excellency.

There are various points of detail with which I should like to deal in this matter, and I do request the Bill goes to a select

[Mrs. Watkins] committee. The women of Kenya have come to me and said, "I do hope we shall be allowed to go before the select committee and give evidence". There are a good many points in it that one could hardly discuss here; for instance, the change in the age of a child from 6 to 7, and things like that. Then there is another small point. It will perhaps help the hon. Attorney General when dealing with the nursing situation, that if he wants to conscript a woman for nursing and she does not want to be conscripted, but prefers office work, I suggest she is put into the lowest rank of the Fannies where she will earn about Sh. 35 a fortnight, and leave it at that. All these points should come before a select committee. I do suggest these three things very urgently: that we have a woman Director of Woman Power; that I should like very much to hear from the hon. Attorney General that what he said about the nurses of Kenya was only a joke; and I should like this Bill to go to a select committee.

LORD FRANCIS SCOTT: Sir, I am not going to waste the time of Council, but I have one point. On page 5 it says in the schedule of persons who will be exempted "officers, warrant officers, non-commissioned officers and men (whether on the unemployed list or otherwise)". That was in the Kenya Defence Force Ordinance, because they could not very well be put into the K.D.F., but under this bill I do not think the unemployed should be exempt. After all, the people on the unemployed list are chiefly those let out from the army for purposes of national service.

MR. RENNIE: Your Excellency, in view of the remarks made by the hon. Member for Nairobi South, perhaps I might be allowed to explain one or two of the reasons for the change over from the Kenya Defence Force to this proposed auxiliary police force. The hon. and learned Attorney General in the course of a *safari* which he made around the country several months ago, came back and reported that he had received representations from numerous sources to the effect that members of the K.D.F. were not satisfied with the present arrangements. We must remember that the original role of the K.D.F. was a double role, namely, to deal with external aggression and to act to the advantage

of internal security, and when the tide of war moved rather farther from the shores of Kenya than seemed possible a year ago a number of members of the K.D.F. felt that the time that they were spending on parade was not time well spent, in view of the fact that they were being required to increase production. My hon. and learned friend came back and reported the result of his discussions throughout the country, and you, sir, took up the matter with the G.O.C. in-C., and since at that time the external aggression role of the K.D.F. had to a very large extent disappeared and only the internal security role remained it was felt that the second role could be achieved by some method other than the K.D.F. arrangement. A number of members were under the impression, as I have mentioned, that it was no longer necessary for them to spend as much time on parade as they had done, and the conclusion was reached that if the internal security role was still essential, as indeed it was, those members of the K.D.F. could be transferred to the auxiliary police force to fulfil that particular duty, which should require fewer hours of training than they had carried out in the past.

The hon. Member for Nairobi South mentioned the fact that the members of the K.D.F. should not be forced to carry out ordinary police duties. There is no intention whatsoever of forcing the members of the auxiliary police force to carry out ordinary police duties. The new police force will be divided into two parts. There will be one part which will be concerned chiefly with training to enable them to carry out the internal security role, a role which we hope they will be called on to fulfil very rarely, if ever, and the second part will be entirely on a voluntary basis. A number of farmers felt that the duties they were doing as special constables up-country were very useful not only to their own farms but to the farms of neighbours; for example, that the patrols they were carrying out were useful measures of prevention against theft of produce of various types, and the Government considered that, since those men were anxious to continue to do that work, they should be allowed to continue as volunteers. Therefore, under this new auxiliary police force we have the two parts, the one part in which the men will

(Mr. Rennie) be trained for internal security purposes and the other part in which, entirely as volunteers, they will continue to do the work so many of them are doing most efficiently and effectively at the present time; that, I may say, applies not only to the rural areas but to the urban areas as well. The Commissioner of Police, as I mentioned recently, attaches the greatest importance to the work these special constables are doing in the urban areas, and under the new arrangement these special constables, as volunteers, will be able to carry on that work. I should make the point as regards the first part of the force, those carrying out the internal security role, means that all these men will have already received a very high training, and it will no longer be necessary, it is thought, for them to do as many hours of parade or the same type of parade as they have been doing in the past, in view of the fact that they have been trained. It will probably be found that they will do a musketry course once a year or whatever the appropriate interval may be, and in addition receive such further training as may be necessary to enable them to carry out their security role.

I think that, so far as the points of the hon. Member for Nairobi South are concerned, the explanation I have given will make it clear that to a very large extent the K.D.F. will continue to function as it is doing at the present time. Those who are special constables will be expected to do that special work, and those who have not time for that will be trained for the internal security role. . . .

MR. VINCENT: On a point of explanation, will they still be members of the K.D.F. or police?

MR. RENNIE: They will be members of the auxiliary police force, whether they are in the voluntary part or the other part. As regards the natives in the Auxiliary Defence Force who were trained for a particular purpose, that arrangement was made at a time when the possibility of external aggression was not too remote. In view of the changed role the K.D.F. now assumes, these natives will no longer be required for that role, and I presume that, if and when this bill becomes law, the position will be explained to them. As regards the point made by the hon. Mem-

ber for the Coast, that routine powers should not be given to the special police force, I will leave the hon. and learned Attorney General to deal with that but, so far as I am aware, the intention is that it will only be when those police officers are doing their police work that they will be authorized to use their special powers.

MR. HARRAGIN: The general question is whether the bill should be referred to a select committee. I will say at once that Government has no objection to referring bills to select committee, but I personally cannot see what useful purpose will be served by so doing. For instance at the moment there are two amendments, which could easily be made in committee of the whole Council. The first point was made by the hon. Member Representing Native Interests where he suggested something of this description; that the Man Power Committees should be subject to the directions of the Governor, and for the reasons given I see no objection to that amendment going in. The second point, which was a very good one, was made by the noble lord, the hon. Member for Rift Valley, in regard to the Schedule, where by inadvertence I see that the old exemption has been copied out and the words "whether on the unemployed list or otherwise" should, I think, be deleted in committee.

The points—not very important—that have been raised by hon. members really refer not to the Ordinance itself at all, but to the regulations and the orders to be issued under the ordinance. Surely it cannot be expected that, in an ordinance such as this, which is merely an enabling ordinance, all the regulations should be set out and all the restrictions put in, and I think that the powers contained in this bill will enable you, sir, and your Executive Council when the regulations come before them to see that the points that have been raised are covered by the regulations when they are issued. For instance, take the point made by the hon. Member for Nairobi South in regard to girls being left alone between the ages of six and fourteen, that is an essential thing I suggest that you must leave to the discretion of the person administering the law. For instance, some girls between the ages of six and fourteen will be able to be provided for at home or at school during the time that the mother is at

(Mr. Harragin) work, and there are a hundred and one things like that. Everybody will admit that, if by issuing an order to a woman it will mean that her child is going to be left alone with the houseboys for most of the day, then it would be a most improper order to give. So it is really a question of taking each case on its merits and seeing how children can be provided for. As you know, thanks to the E.A.W.L., we have an excellent little home for young children that is open, I think, from eight to five every day where women who are coming in to work can take their children and leave them where they are looked after by competent European women, and the mother can be quite sure they will be well looked after. Thus quite a number of women have been able to do work of national importance in this town which, but for that place, it would not have been possible for them to do.

Another point made by the hon. member surprised me very much because he gave the impression that members of the Kenya Defence Force, as a whole, resented the fact that they were to be turned, some of them at any rate, into special police. I can assure the hon. member that Government, probably mainly through me, not only by going round the country but by consulting all and sundry in the towns, including the Civil Emergency Services Committee on this subject, thought—and I still believe thought rightly—that the K.D.F. would in fact welcome this change. They have for some time been rather chafing at the duties they have had to do which they felt were useless, and there was a general feeling throughout the country that if they could be convinced that what they were doing was of real help and assistance to themselves and their neighbours and the country in general, they would be quite pleased to do it. You must remember that if we were to say that this bill was not accepted and that the present Kenya Defence Force Ordinance remains the law of the land, these men will solemnly have to parade for 112 hours a year wherever the commanding officers say they should, and as sloping arms, forming fours and all the rest of it, and that is the alternative. What I say, without any fear of contra-

dition, is that the vast majority of those I have consulted all assured me that the average "C" category K.D.F. man will be only too delighted at this change over to duties which he thinks will be of real use to the war effort.

The hon. member made reference to a man who was fined £25 for failing to obey an order. Of course, he is perfectly right. The case was reported and, of course, the prosecution was instituted by myself, and it was necessary as a matter of discipline. Where powers are given under an ordinance or regulation, whatever it may be, and one man—and one man only within the whole of Kenya—Europeans I am speaking of at the moment—takes it upon himself to attempt to defy that order and to say that under no circumstances would he obey it, although everybody else was prepared to obey it, I was delighted to find that the court took a severe view of it and that he was fined £25. I may say that sounds a very large amount, but when I tell you that I took the trouble to send for that man before the prosecution was laid and said to him in effect "Now, my good man, you are making a dreadful mistake"—I think I actually rang him up on the phone—"These orders have got to be given. In fact, it is not going to affect your life materially, and although we know you have had grievances in the past you really cannot expect me to cancel the order in your particular case and make everybody else obey it", and he took up the line which you know, unfortunately he has had to suffer from what was nothing else, if I may say so, but pig-headedness.

The hon. member made reference to the houseboys who have been training. They are really what has been known as the Auxiliary Defence Force, commanded to a certain extent by K.D.F. officers. I can tell you something about that. In the course of my travels I went into that subject also, and the commanding officers said that the trouble with those boys was that they changed about too often. You start off, we will say, with five or six boys—not all houseboys, some are farm boys—and having done three drills they go off to their reserves for a month's leave or they go sick, and—and I am going on hearsay again, as I have been accused of doing before—I was told

[Mr. Harragin] by these commanding officers that they were not on the whole satisfactory because, unlike residents in a place who do not move about and who come weekly or fortnightly to drills, they were always changing, and they were not on the whole a success. So I think in spite of the fact that there may be some excellent fellows among them, probably taken as a whole that part of the Auxiliary Defence Force was not a success. That must not be mixed up with the Auxiliary Defence Force we saw in and around Nairobi who were commanded by the Kenya Defence Force and who were part of the Army organization and who turned up regularly, twice a month, for 48 hours' drill. They of course were a highly trained and highly satisfactory body of men who were brought in every two weeks or month, or whatever the time was, by their *bwana*s to drill at some particular centre. In the country districts, although the idea was excellent, and if there had been the people to run it I have no doubt it would have worked out well, in practice it was not working out as well as we had hoped.

The hon. Member for the Coast asked me to give him a definite assurance that no police powers would be given to these special constables. Well, the answer is, as he quite rightly said, in the negative; I cannot give that assurance. As my hon. friend the Chief Secretary has told you—although it is no part of the ordinance, I refer to it because it came up in debate—these men will only be able to exercise their police powers while they are actually on duty. Namely—I am imagining now—if, for example, they were told to do their rounds between seven and nine on Monday night, they would put on their armour, take up their truncheon and whistle, and off they go. During that period they would be in exactly the same position as an ordinary policeman. Naturally when off duty they would be in the same position as you or I until they were called up by their officer to carry out police duties. I know and sympathize with the hon. member in his fears, but these are strange times we are living in, and while there is this lawlessness about the country, thieving and so on, Government must do everything in its power to try and stop it. I would almost go so far as to say that these men

have volunteered to play their part in trying to assist Government in this matter, and I think it would be a great mistake if we rejected that offer and did not take advantage of it, and you can take it from me that only those who are known by the Commissioner of Police or the superintendent of a district to be suitable people will be appointed to do police duties. I should like the hon. member to realize that I am not dismissing his fears as of no importance, because I also see the difficulties, and I have weighed them up for some time, and eventually I came down on the side of having them because, if I may say so, it seems to me to be a choice of evils and this was the lesser evil. I do not quite understand the hon. member's point with regard to conscription. He must realize that at the present we have had actually in this Colony conscription of Europeans, conscription of Asians, and conscription of Africans, so there is nothing new in putting it down in this particular bill that we are considering . . .

MR. COOKE: On a point of explanation, I understand that, but I could not understand why Government has not put these powers into force if they had them.

MR. HARRAGIN: I can only repeat that I have personally been the officer responsible for conscripting, first, under the Kenya Defence Force Ordinance, Europeans; Asians have been conscripted both as clerks and artisans and into various units, and one of the units is No. 9 H.R.S. Of course, everybody knows that a number of Africans have in fact been conscripted, and that is quite apart from the innumerable Asians who have been conscripted into civil employment with the Armed Forces of the Crown, so all these powers have been used and used very freely.

The hon. Member for Kiambu made an astounding statement, as usual. She said I had insulted the nurses of this country. Of course, I was misrepresented in what I was supposed to have said; we are used to that, but one does get a little tired of it. What in fact I said was, that when I suggested to a doctor friend of mine that a certain nurse should be conscripted to do certain nursing duties which she did not wish to do, he said that it would not be in the interests of the patients to conscript a nurse who was not

[Mr. Harragin] longer a nurse, and I did not refer to any nurse who is willing to nurse, who are the only people we have got up to date. But I repeat here and now that the doctor advised me that, if a woman resisted conscription and said "I do not wish to do this nursing", it was very questionable and in his opinion undesirable that I should make her nurse. Whether that is repeated in the House of Commons or anywhere else, that is a fact and I repeat it. With regard to the other point, I am in entire agreement with the hon. member. I think that the first opportunity should be taken to make the Director of Woman Power a woman. I may say that I have endeavoured to get one particular lady who is particularly qualified to accept that post. In fact, before I had the honour of being made Director she was asked if she would take it on, and the answer was that she would not unless there was some man as Director to whom she could refer her difficulties and who would be responsible in this Council, to this Council, for what happened, and that is how I had the misfortune (laughter)—and I say misfortune advisedly—to be on my feet replying to this point.

I do not propose immediately to put this bill to a committee of the whole Council because I would like to discuss it, so to speak, out of Council with hon. members on the other side of Council. If they really want it to go to select committee of course I will be only too pleased to fall in with the idea, but I frankly do not think any useful purpose would be served by referring the bill as it stands, in regard to which, so far as I know at the moment, only two small amendments are in contemplation.

The question was put and carried.

ADJOURNMENT

Council adjourned till 10 a.m. on Wednesday, 8th December, 1943.

Wednesday, 8th December, 1943

Council assembled in the Memorial Hall, Nairobi, at 10 a.m. on Wednesday, 8th December, 1943. His Excellency the Governor (Sir Henry Moore, G.C.M.G.) presiding.

COMMUNICATION FROM THE CHAIR

THE FOOD SITUATION

His Excellency made the following Communication from the Chair:—

In my address at the opening of Council I referred to the anxiety regarding food supplies which had arisen owing to the continued absence of general rain throughout East Africa, and I added that a full statement would be made before the close of the session. I am able to make that statement now. I would add that the whole position was reviewed at the recent Governors Conference, and the action taken on the advice of the East African Production and Supply Council was fully endorsed.

It has been plain for some time, and fully realized by the authorities concerned, that the demands in maize meal or some substitute for it, which the Kenya Maize Control is required to meet, could not be assured if there were any major failure of supplies as planned, or some unexpected addition to requirements. Both events have now occurred.

In order to meet the present scale of consumption it was necessary as part of the 1943 production programme to include large maize acreages in Uganda which were planned to produce a minimum of 500,000 bags from the long rains crop and 100,000 bags from autumn plantings. A serious shortage of food has now developed in Uganda owing to the continued absence of general rain and the exhaustion of reserves earlier in the year. Marketing has come to an end; the deliveries to the Kenya Maize Control having totalled 245,000 bags. So far from being able to assist its neighbours further, Uganda may have to call for outside help to meet her own local deficiencies during the early months of 1944.

Turning to Kenya, the Nyanza long rains crop has been successful, but considerable quantities of grain were consumed in the early stages and the extent to which the remainder will be marketed

[H.E. the Governor] depends on the short rains which are so seriously delayed as to imperil, if not to occasion complete failure of, the crops now growing. The total Nyanza native crop to be marketed cannot be placed at more than 500,000 bags. A pessimistic view of the European maize crop to be marketed—and a pessimistic view is the only one which we can now allow ourselves in view of unfavourable weather conditions in certain maize-growing areas—places the European marketable surplus at 350,000 bags.

Food resources in certain areas of Kenya are becoming exhausted and it is proving necessary to furnish famine relief on a steadily increasing scale. The estimates received from Machakos, Kiambu, Kitui, the Northern Frontier District and the Rift Valley and Coast Provinces, combined with possible requirements from Uganda and Tanganyika, make it essential to provide during 1944 a minimum figure of 400,000 bags for famine relief.

The estimated monthly requirements from the Control for Kenya civil consumption, military consumption, minor allocations to Zanzibar and the Seychelles, and stock feed total 141,000 bags a month. The addition to this figure of 400,000 bags for famine relief and supplies which will still be due to Tanganyika gives a total requirement of over 1,700,000 bags up to the end of September when the 1944 crop will begin to come in.

In the face of these figures a request has been addressed to the United Kingdom authorities for substantial importations of food for East Africa in 1944. To supplement maize deliveries and to conserve supplies until importations arrive 100,000 bags of locally grown wheat have been released in order that a mixed meal containing a proportion of local wheat can be issued.

When I addressed you on 22nd September last and announced the return to a 2 lb. ration, I added a clear warning. As the position appeared in September, a yield of 70,000 tons from native producing areas in Kenya and 50,000 tons from Uganda was a reasonable expectation on the acreages known to have been planted, but the Supply authorities were well aware that the marketing of these quantities would not

be assured unless the short rains were favourable. The rains are a failure and there is a shortfall of 46,000 tons on these estimates. Moreover, it is now clear that 40,000 additional tons must be earmarked for famine relief.

The risk involved in the return to a 2 lb. ration was deliberately taken in order to keep up the labour supply in areas where the continuance of the 2 lb. ration was regarded as essential. It is proposed to maintain the present position as long as possible for the same reason, but faced as we are with the necessity of importing food, it becomes an imperative need to ensure that the full working ration is provided only to those whose work can be regarded as essential.

I have made it clear that East Africa is to-day facing a very serious food crisis. A critical situation of this nature requires firm handling, and the following are the steps which Government propose to take.

In view of arrangements which it is necessary to make with other territories, with the military authorities and for imported food, general distribution will remain the sole responsibility of the East African Production and Supply Council. In so far as Kenya is concerned, I propose to appoint Mr. R. S. Wollen to be in immediate charge of the allocation of supplies made available to Kenya. The distribution of these supplies when allocated will remain the responsibility of the Maize Controller. While priority in local allocation of the food available must be determined primarily by economic considerations, there are many borderline cases on which decisions must be given. Moreover, merely to cut off food supplies in certain directions does not necessarily mean that the labour for whom supplies can be found is employed to the best advantage.

I have therefore decided to appoint a Kenya Government officer, Mr. Wya Harris, to work in conjunction with the Supply authorities, to carry out the following duties:—

(i) To review, in conjunction with the Commissioner of Labour, the Administration and the Chairman of the Kenya Production and Settlement Board (to whom an officer is being provided to survey the agricultural labour position) the present distribution of employed labour.

[H.E. the Governor]

(ii) To direct the discharge or transfer to other employment of labourers whose employment is, in his opinion, unnecessary in terms of the policy laid down by Government from time to time.

(iii) To acquaint himself with the scheme for restricted distribution and the action being taken under it and, if he sees fit, to make representations to the Supply authorities (and in default of satisfaction to the Chief Native Commissioner) regarding any matter affecting the African population.

(iv) To deal direct with Provincial and District Commissioners on any questions arising from food distribution; referring to the Chief Native Commissioner as necessary.

(v) To ensure through the usual channels that arrangements are being made whereby discharged or unemployed natives in urban areas are either returned to their homes or directed to authorized employment.

(vi) To obtain from Provincial and District Commissioners the most recent information available from time to time as to famine relief requirements and the capacity of the Reserves to absorb returning labourers and their families, to keep the Director of Produce Disposal and the Chief Native Commissioner informed as to the position and to agree with the Supply authorities the quantities required for famine relief.

(vii) To ensure through the usual channels that the facts of the food crisis and the steps being taken to deal with it are being conveyed to the African population.

In addition to securing economy in distribution it is essential that the maximum quantities possible of maize and other cereals shall come into the possession of the Control, both from European and native production.

In regard to European cereal crops it has been decided that the Chairman of the Production and Settlement Board, operating through the agency of the Kenya Farmers Association and with the assistance of the Production sub-com-

mittees, shall be directly responsible for collection and purchase arrangements. Where immediate outright purchase and delivery is not possible for transport or storage reasons, a preliminary payment will be made in order to ensure that the cereals concerned pass into Government ownership.

In the case of the purchasing and marketing of native-grown crops I am arranging for Mr. Killick, Deputy Director of Agriculture, as soon as the Director of Agriculture returns, to undertake a special examination of existing arrangements and to be empowered to take immediate action, where necessary.

The food crisis with which we are now confronted can only be met by economy, better organization, and by importation. Importation is not made easier by the fact that there is at present not only no surplus production but in many cases a definite shortage of native foodstuffs throughout the territories of Central and Southern Africa.

Production on an East African basis to meet the requirements of 1944/45 is being planned to the maximum extent but the man power now available does not allow, when other priority requirements have been met, of any striking increase in food acreages. Consumption requirements for employed labour in East Africa as a whole, with a reasonable reserve margin, have now risen to a total of at least 3,000,000 bags per annum, and supplies on this scale cannot be obtained except under favourable weather conditions without reducing production in other directions which would be damaging to the general Allied war effort.

MINUTES

The minutes of the meeting of 7th December, 1943, were confirmed.

KENYA AND UGANDA RAILWAYS AND HARBOURS

ESTIMATES FOR 1944.

MR. ROBINS: Your Excellency, I beg to move: That the Estimates of Revenue and Expenditure of the Kenya and Uganda Railways and Harbours for 1944 be adopted.

It has been the custom of this Council in budget debates to cover a very wide field, not only on questions of principle but on questions of detail as well, and for that reason I am taking the main

(Mr. Robins) motion first and leaving the motion dealing with the supplementary estimates until after the main motion has been taken, because it is probable that questions of principle will be discussed on the main budget, and as the principles which are applied to both supplementaries are similar to those applied to the budget it may be possible to reduce the discussion on the supplementary estimates to a minimum and make them purely formal motions. In making my budget speech last year in this Council I was criticized by two members on the opposite side of Council. One hon. member described my speech as a little homily, and another hon. member complained of the shortness of the speech. In regard to the first, I am not too sure that a little homily is not good for the soul of Kenya now and again. I wish I had more time to write a few more homilies! In regard to the second point about the shortness of the speech, a fortnight ago I began to wish that other members had copied my example. I do not promise that I can cure both these defects. In deference, however, to the wishes of the Council I will, with some reluctance, go into further detail this year. I say with some reluctance because a very distinguished member of this Council once said to me that it was impossible to assimilate figures aurally. By aurally I mean through the ear and not like medicine, through the mouth!

In the front of the printed draft estimates there is a four-page memorandum written by me, which I am going to assume that members have read and studied. It is, in effect, a complete analysis of the budget as the draft estimates are, for war-time reasons, printed in abbreviated form. It also gives some indication of the policy which the Administration is endeavouring to follow. The first major point in regard to the estimates is that, although the revenue is not very much different from the revenue estimated in 1943, the amount of surplus as shown in the Net Revenue Account on pages 5 and 6 is much lower than it has been for a number of years. I will give the reasons for this at a little later stage, but I want for a few moments to turn to the revenue position. The revenue estimates have been based on information that the Administration has been able to obtain from the

Directors of Agriculture, the Service authorities and those authorities who are responsible for the production of crops in East Africa, and the amounts shown under the various heads call for very little comment, as they are practically no different from the estimate of 1943 and the amounts which are shown in the revised estimates for 1943. But there is one difference and that is in regard to passenger traffic. Hon. members will notice that the revenue estimate in regard to passenger traffic is considerably more than that estimated for 1943, but also it is considerably less than the revised estimates for 1943. It is extremely difficult to estimate passenger revenue with any accuracy. Consultations have taken place with the Service authorities in an attempt to make some sort of firm estimate, but the main reason for the reduction in the estimate of passenger revenue is as follows. First of all, 1943 has been a year of tremendous strain in dealing with passenger traffic. I very much doubt, as a matter of fact, whether hon. members fully realize the strain which has been placed on the Administration in connexion with the demands made for passenger transport. I do not want to go into a lot of figures because they are apt to be confusing, but the first point I should like to make is that owing to the requirements in regard to service specials, etc. we have less rolling stock available now than we had at the beginning of the war. We have got something less than 50 upper class coaches and about 60 third class coaches.

With these coaches we are carrying at the rate of 2½ million passengers per year. This excludes all special trains and all special arrangements. Before the war the total was somewhat under a million. I may say that it is a matter of considerable surprise to experienced railwaymen that we have been able to achieve this. There is no doubt that sooner or later there must be either a reduction in passenger travel or the Administration must have additional rolling stock to meet the demand. Unfortunately, there is very little hope now of the Administration obtaining any additional rolling stock. Even supposing it were agreed to set aside production capacity for the manufacture of passenger rolling stock, it would be at least 18 months or two years before that rolling stock would be available in this country, and it is now

(Mr. Robins) that the Administration needs assistance; not later on. The estimate therefore is framed on the assumption that there will be a reduction in the number of passengers carried compared with the actual number carried in 1943. To achieve this, discussions have taken place between myself and the Service authorities with the object of reducing the demands made upon the Administration for passenger transport by the Service authorities. It is also intended to continue the efforts which have been made in the past to reduce the civilian transport as much as possible. There is one other aspect in connexion with this passenger transport, and that is, it is unwise to ignore possible changes in the war situation. I have no inside information and therefore I cannot disclose anything that is of value to the enemy, but one cannot ignore the fact that there is a considerable improvement in the war situation so far as it affects the Allies, and that is putting it very mildly, and this may have some effect in East Africa.

Returning now to the first point I made—that the estimated surplus as shown in the Net Revenue Account is smaller than it has been for many years past—this is mainly brought about by increases in working expenditure. If hon. members will turn to Railways Abstract "H", head XVIII, they will see an item of £120,000 shown there, and under Harbours Abstract "F", head X, an amount of £10,000. These sums represent the amounts that the Administration has to pay out in war bonuses. A still further amount is included in the increase of £16,000 which has to be paid to the contractors at the Port. Then again, under Railways Abstract B, Head VII, a considerable increase of over £140,000 is shown which indicates the rising costs of coal and other fuel. At the present time the Administration is paying three times as much per ton for coal as it did in the pre-war period, and this is an extremely heavy burden. Furthermore, it is not possible to replace coal by alternative fuels for the reason that the policy of the Administration has been to use large locomotives, and these large locomotives cannot, for physical reasons, be effectively fired with wood fuel. Every effort is being made to increase the supply of wood fuel and also to increase the utilization of small en-

gines working with wood fuel, but there are many objections to wood-burning engines, and the Administration has from time to time been subjected to considerable criticism as to the use of wood fuel during the dry weather. Apart from that, the price of wood fuel has considerably increased, the reason being that the contractors themselves have suffered from increased costs—increased costs of labour, increased costs in transport—in getting the wood fuel to mill-head and other incidental costs. These two items which I have mentioned alone amount to over a quarter of a million pounds, and are increases which are quite beyond the control of the Administration.

In the same way there are similar increases in most of the other Abstracts and, except in the case of Abstract "D", these increases are mainly brought about by rising prices. The Administration has been very fortunate in the very wise policy which has been pursued in the past. At the outbreak of war the Administration had a considerable accumulation of stocks, and rising costs did not therefore affect the Administration in the early days of the war, and it is in my opinion a matter for congratulation that these heavy increases have only been severely felt in the fifth year of war. The increases under Abstract "D" are mainly in respect of staffing increases. In view of the tremendous volume of traffic which the Administration have been called upon to carry under most difficult conditions, I do not think anyone will quarrel with the provision of sufficient staff to carry out the work. Even Mr. Churchill in one of his famous speeches said, or asked that he should be given the tools to finish the job, and the same argument applies to the Railway Administration.

That, I think, covers the general questions arising out of the main budget.

So far as new works are concerned, under Abstract "L" hon. members will see that it is expected to spend £820,000 on new works during 1944, but the major part of this total—over half a million pounds—is in respect of new goods rolling stock that has been on order since the early part of the war, some of which has arrived and the remainder it is hoped will be arriving shortly. It is expected that £235,000 will be spent in 1944 on Harbour works, of which

[Mr. Robins]
£200,000 is in respect of new berths, on which work is steadily progressing, although not as rapidly as was hoped. This is due mainly to circumstances arising out of the war, when it is extraordinarily difficult to obtain all the labour and all the appliances for the speedy erection of works of this magnitude. The time has also arrived when serious consideration should be given to the enlargement of Nairobi station to deal with the increased traffic. This enlargement must take the form of an additional marshalling yard and increased facilities for the handling of passenger traffic. The whole question is under consideration at the moment, as any alteration in this area must have an effect on the town planning policy of the Municipal Council, but it is hoped that a satisfactory solution will shortly be reached. Hon. members will also see that under Abstract "L"—the Abstract I am now dealing with—there is an item of £18,000 to be spent on staff quarters in various parts of the system. This is mainly in regard to the provision of housing for African staff, and is entirely apart from the very large scheme estimated to cost about £63,000 for African housing on the island of Mombasa. This scheme of course, had to be suspended for war time reasons, but temporary housing is being erected in Mombasa estimated to cost about £10,000.

Other than the works I have mentioned, the Administration is pursuing a very cautious financial policy. On every occasion that I have been given an opportunity to speak in public on questions of Railway policy, I have reiterated my views that, at the cessation of hostilities, there is bound to be a recession in railway and harbour revenue. There will be a time lag after the cessation of hostilities before any major development can be brought into operation in this country, and I can conceive of no greater tragedy than that the Railway should, for financial reasons, have to embark on a policy of retrenchment after the war at a time when demands will be made on it to find employment for men of all races who are being discharged from the armed forces. I therefore contend that it is the duty of the Administration to make such financial provision as will enable it to weather this difficult period without retrenchment. The only way in which this can be done is to follow a

cautious financial policy. It must also be remembered that the additional spending power which has been available in this country has to a very great extent been financed by the British taxpayer. This, to say the least, has prevented the Railway from finding itself in a difficult financial position during the war and in spite of what the Railway has been able to render the British taxpayers in the way of concessions and granting low rates on material conveyed on behalf of the Services and by amounts placed at the disposal of the British Government it is, in my view, the duty of the Administration to give still further assistance to the British taxpayers in the post war period by assisting in cushioning the shock from war to peace time economy, and I have heard no argument advanced which shakes my opinion in regard to this question.

The only other point in connexion with the draft estimates is again to reiterate the policy which is being pursued by the Administration of making the maximum contribution to the war effort and making such provision as is possible for the future and, further, to be prepared in every way to meet any demands which may be made upon it. Although the war situation has considerably improved, it is quite possible that by still further changes in the war situation this country will be called upon to play a major part in the successful prosecution of the war, and every effort should be made by the Railway Administration to be prepared to meet such demands as may be made upon it to further this end, and also avoid doing too little and being too late in doing it.

Before I sit down, there are two other points. First of all, I wish to pay tribute to the services which are rendered to me personally and to the Administration as a whole by the Railway Advisory Council and the Harbour Advisory Board. I know it is the practice in some quarters to criticize those bodies, and it has been suggested that all they do is to carry out exactly what I want done. (Laughter.) Well, I ought to know. I have attended a good many of these meetings, and I can assure hon. members that that is far from true, that the interests of the users are very carefully watched by these bodies, and although their help to me is considerable it does not by any means take the form of agreeing with all I say.

[Mr. Robins]
Nor would I have it so. The other point is in connexion with the staff. From time to time a good deal of criticism is directed against the Railway. For myself, while I cannot say I like it I do not mind it much; I am perfectly prepared to let my reputation stand on a much wider foundation. But I am concerned lest the criticisms which are directed against the Administration are regarded as criticisms which are directed against the staff and the efforts made by them. No body of men and women in any country have done more for the good of the country and the furtherance of the war effort than the Railways and Harbours staffs, and I am proud to be associated with them. (Applause.)

MR. RENNIE seconded.

MR. VINCENT: Your Excellency, I like to congratulate the hon. General Manager on the figures produced and the clarity which has led to easy understanding of them, and to the policy which has been adopted generally in the interests of the public and also for the extraordinary amount of co-operation which has been in evidence since the war commenced. Now, whatever the result of the Railway's working are, there is no doubt that, whatever policy is decided internationally after the war or inter-territorially, our first aim and object—and I am certain the hon. member will agree with me—will be to get the cheapest possible form of transport throughout this territory, and as the Railway has indulged in a certain amount of road transport, and as they have a monopoly over certain portions of the territory, I feel that I am quite in order in referring to the question of railway and road transport as such.

I do not like being rushed myself and I do not try and rush other people, but I hope I shall be able to make a strong enough case this morning so that you, sir, as High Commissioner of Transport, and the hon. General Manager will be able to declare a policy which is so essential for this country. I think I heard aright at a meeting of the Central Roads and Traffic Board when the hon. General Manager gave me the impression that he was quite willing for passenger traffic to be unrestricted in this territory in relation to the Railway, and I would like him just to confirm that in his reply, in

case I misunderstood what he said. On the question of road transport run by a railway, we have a precedent in Tanganyika, and of course we have had that link in Uganda between Masindi and Butiaba for years. There is no doubt that with the coming of efficient diesel road transport in many respects and under certain circumstances, it is far cheaper to run a line of diesel transport as the feeder services to a main line, than to go to the expense of long railway tracks. We have one district in mind, that is the Solik-Kericho area, as being a potential sub-line for the railway branch line by means of road transport, and there may be others. But my point is this, that we should know as quickly as possible what the Railway intends to do. It is not merely a matter of closing an area and stating that on and after a certain date the Railway is going to have a monopoly of the main road, so that those who are running transport at the present time just wear their vehicles out and have no claim against Government for having put them out of business, there is a bigger question. I declare my interests on behalf of the trade as represented by the firm I represent, and that is this, that I am not quarrelling and not attempting to disparage any policy Government may have in mind, because I believe most sincerely that the road policy is the cheapest possible form of transport for this country in any way whatever, whether by road, rail or air, but when one is called on to make post-war plans for development in the trade which supplies motor transport, if Government will declare a policy as soon as possible then those who are interested will be in the know what amount of capital is going to be required and whether present capital is to remain in this country or to be devoted to other interests elsewhere. I think it is most important also to know this because of the road construction programme. Naturally, if we have vehicles that are going to ply over a certain section of the country, the roads must be able to stand up to this heavy traffic. There always seems to me a diffidence on the part of Government for a direct declaration of policy and, as I say, no matter what is decided internationally or inter-territorially, the fundamental remains that we have got to get every penny of profit made by the Railway, consistent

[Mr. Vincent]

with its correct upkeep and working, devoted to cheapening transport. Whether that is done by subsidy as in the present circumstances, or whatever form it may take, I suppose will ultimately be decided by the responsible authorities, but I can see no reason, unless the hon. General Manager can enlighten me, why Government cannot in the next few months issue a declared policy on transport for this country, and I do not believe I am unreasonable in asking for it.

I would also like to point out that the whole of road licensing and the control of transport in this country is very ably administered by the Transport Licensing Board, a most efficient organization. You may think, perhaps, that I am in a laudatory mood this morning, but I am sincere in saying that this is one of the best operated bodies in this country, both during the war and now, and I feel that the Railway have a complete cover under this Board. I also want to draw attention to a point which I would like the military to make note of. It is this. With this declaration of Railway policy which we hope we shall have soon, we shall then know the possible absorption of vehicles from the military in this country, and the lower the figure of absorption naturally the lower the value will be of vehicles sold by the military. That you cannot avoid or evade. As it is my personal duty to advise the Ministry of Supply as to the condition of vehicles in this country and the requirements of new vehicles, this declaration of policy is going to be a most important factor in enabling me to give intelligent advice to the Ministry of Supply. I feel that we are facing a very great problem in transport, and in giving the military confidence that they are getting a fair value or are likely to for vehicles for which they have no further use, I hope they will understand, and the hon. General Manager will share my view, that we can only deal in values based on the use to which anything purchased can ultimately be put. I do feel, sir, that I am not unreasonable, in asking for a declaration of transport policy as soon as possible in the interests of every portion of this community.

MR. COULDREY: Your Excellency, I propose this morning with your permission to devote a few words to say once again that I am not criticizing any de-

tails of administration but criticizing the policy under which the administration is carried out. Before I do so, as people are very sensitive I should like to say right away that anything I say is meant as a disparagement of the principle of the administration and not of the administration itself. Similarly, I join with the hon. Member for Nairobi South in feeling a great deal of very real admiration for the way in which the Railway Administration and its staff have carried on under most difficult circumstances. That is very sincere, and I should hate anybody to think that, because I am going to be critical of what the hon. General Manager called the principle of railway administration, I am being critical either of him or even the Railway Advisory Council of which he has such a high opinion. The Kenya and Uganda Railways, after all, when it comes down to tin tacks, are merely a very big and very well run public utility service, and as I am going to criticize the principle under which it is run I think it may be useful anyhow to compare it with another public utility service, although a smaller one, and I propose to make my point with a public utility service which deals with communications, in other words the Post Office. Both, after all, are monopolies, both are highly protected by the State, both are exempted and free from taxation, and of course both unfortunately consider it their duty merely to consolidate existing facilities and not help to develop the country by opening up fresh ones. But that is where the similarity stops, because while on the one hand the Post Office pays large sums, in proportion to its size comparatively large sums, into the revenue of the Colony, in this and the last two or three years some £300,000 to £400,000 a year, the Kenya and Uganda Railways which enjoys the same monopolistic facilities, and exactly the same protection, exactly the same exemption from all taxation, pays nothing into the coffers either of this Colony or of the Protectorate of Uganda. (Mr. Shamsud-Deen: Or even customs duties.) Or even customs duties as my hon. friend points out. The argument why it should not do that is because it must concentrate all its finances and all its resources on giving value in other directions; in other words, giving cheap transport, and presumably, although I cannot find it stated anywhere,

[Mr. Couldrey]

to assist in developing the country by opening up new methods of transportation. I submit that it does neither of these things.

It is very difficult to know how efficient this Kenya and Uganda Railways is because there is no yard stick by which to measure it. It is in an absolutely unique position. It controls one port only which serves two States; I know there are branch lines, but to all intents and purposes it is one long line serving these two territories, and there is no other country in the world where the railway is in such a favourable position. Whether it is cheaply or efficiently run I do not know and I do not think anybody else does. We had many assurances from the late General Manager either comparing it with railways in the Andes and elsewhere that the rates are low. That is not my point, which is that unlike the other public-utility service, the Post Office, the Railway, so far from putting money into the coffers of the country it actually takes a lot of money out. It has since 1932 accumulated reserves of approximately 7 millions. In 1932, as you know, the position of the Railway was so bad that it looked as if this country would have to make up the shortfall on its loan commitments, it was likely that that would happen. Now it is in a wonderful financial position. Where has the money gone to? I am not referring to investments in war loan, with which I naturally and entirely agree, but what the Railway has done is to take sums of money running into millions out of currency here, send it to England to what the hon. Member for Nairobi South described as the white ants of commerce, the Crown Agents, to invest in practically every Colony and in every other security other than Kenya. That is generalization, and I am fully aware that the hon. Acting Financial Secretary may, if he wishes to, read out a list of the investments in Kenya loans, but they are comparatively small. Why is it that on the one hand a small general utility service can assist not only this country but Uganda and Tanganyika while the Railway does not assist at all but, on the reverse, takes vast sums of money out of the Colony for investment at home? Of course, the answer is that the Post Office is controlled by the Government and the Railway is not only inde-

pendent of Government control but it is in practice, if not in theory, entirely independent almost of any control. I am not advocating for one moment that the Railway should go back to the old days when it was treated like a milch cow and, as it was once described by my hon. friend on my left (Col. Grogan) became a ribbon of rust running through the country. I am not advocating that for one moment, but I see no reason why there is not a mean between two courses of evil and some other form of administration should not take place. I will come back to that later.

We have had several reports on the Railway, and as far as my memory goes it was in 1933 that we had the Gibb Report: he came out here and made a report, and advocated that there should be no Railway Council at all in this Colony, but that it should meet in London because it would then be free from local influences. The Railway would be so free that the then General Manager associated himself with that report which, however, was not adopted. But I do submit that in practice the General Manager has got away with it and that he has managed to free it from local influences. There is the Railway Advisory Council which was appointed. The average man in the street and a good many members of this Council, I think, believe that the Railway Advisory Council is something in the nature of a board of directors. But it is nothing of the sort. It has no power of hiring or firing, and the first Railway Advisory Council may hear of the appointment of a chief mechanical engineer or a traffic manager—and I think both holders of those offices are in the hall at the moment!—is that they read it in their newspaper. They have no power at all that way. Their constitution is really absurd. Of the eight members, four are from Kenya and four from Uganda. Two are very distinguished officials, but are incidentally two of about the hardest worked men in the Colony, and they sit there not because they happen to be Mr. Rennie or Mr. Troughton but because they hold certain offices, and the absurdity comes in that whoever is acting in that office is suddenly changed in to a railway expert. Last year Mr. Surridge, then Acting Chief Secretary, found himself not only a member of the Railway Advisory Council but its chair-

[Mr. Couldrey] man, although he had never sat on a Railway Council before in his life, as far as I know. Actually, of course, although it is called the Kenya and Uganda Railways and Harbours, there are two advisory councils. So that if this Council gets too much information or power there are two councils: one looks after the harbour and the other the railway. It is true that each council gets the minutes of the other, but on the good old principle of rule and divide it is very easy for an astute General Manager—and the General Managers from Sir Christian Felling onwards have been extremely astute—to get his own way despite what he in his modesty said this morning. I notice the hon. General Manager expressed very honestly, and I am sure very sincerely, his thanks to this Railway Council and said what a great benefit they had been. In actual fact they meet three times a year. For three days a year the hon. Financial Secretary, the hon. Chief Secretary and my hon. friend for Aberdare, a gentleman representing commercial interests, for three days a year they become railway experts. It is not very easy, because once a year, or possibly twice, they sit for two days in a railway carriage going to Uganda and two days coming back, and they are railway experts for that time. I think it a good thing that there are those two days in the railway carriage, because a busy man like the Chief Secretary may have time to look up something about what he is to talk about, for I do not think he has much time otherwise.

What does this Railway Council do? It considers memoranda submitted by that very clever gentleman, the General Manager, or whoever is General Manager at the time. They get for example a memorandum on a siding for military use, and not one of the members has ever seen where it is going to be. Their decision must be prompted by the ability with which the memorandum was written, and by nothing else. The late General Manager was a past master in the art of writing memoranda, probably the best either south of the line, or north of it for that matter. Only once as far as I know was one of his memoranda ever turned down. Another thing about the Railway Council to show the importance attached to it, the emoluments which the unofficial mem-

bers receive are four guineas a day. Today they meet twice or at least once a year, sit two days in a railway carriage going to Uganda and two days back, to receive four guineas a day. If they attend three meetings a year they earn twelve guineas a year. That is unofficial members. I submit that that would be under payment for a director of any self-respecting whelk stall! (a) I think they should be paid more, and (b) it is an interesting sidelight on the value the Railway lays on these services to which the hon. General Manager has paid such a big tribute to-day. I think it is absurd.

So far I have been more or less destructive. I am now going to be constructive. I am now going to be constructive. I am fully aware that on an occasion like this we come into Legislative Council and the hon. General Manager has to listen to what we have to say, when he goes home, has a drink with somebody else, and says "Thank goodness that's over," and that is all that happens. But I prophesy that the proposals I make to-day will have to be adopted in the near future. I believe very sincerely, whether the General Manager or anybody else likes to or not, that the time will come when transport in this Colony and the other territories must be regarded as one problem. Already the transport by railway has absorbed the marine services and harbours, but it must go on to a logical conclusion and absorb also the road transport and the air transport. I think it a terrible indictment of the General Manager of the Railway that he has not agitated that a committee be appointed by the High Commissioner for Transport, possibly an *ad hoc* committee, to consider post-war development. If he has suggested it, I apologise, but I am not aware of it nor is any member of the public. If the British Government at a time like this can devote so much time to post-war problems, surely the Administration of the Kenya and Uganda Railways can devote a little time to post-war problems. Therefore I suggest that what is wanted in this Colony, this territory, or territories, if fusion comes along, is a Transport Board, and this board should be so composed that it should attract the best commercial brains of Africa. It should not be a cheap job at four guineas three times a year, it should be very nearly a whole time job, and be one of the plums of commerce. That Transport Board in

[Mr. Couldrey]

my opinion should deal with all problems of transport, whether by air, whether by sea, or whether by road. Below that I believe there must be a Railway Executive Council. I do not know whether executive is quite the right word—a Railway Council, however, concerned with the railway alone, as a Road Council is concerned with roads. But the broad idea is, and I am sure we have got to come to it, and if we do not the General Manager years hence will beg you to come to it, is that there must be a board which can view transport in the light of one problem and not four or five.

I do ask Your Excellency, in your position as High Commissioner of Transport, to consider whether you should not now appoint an *ad hoc* committee to consider post-war transport problems. The hon. Member for Nairobi South asked for a transport policy. I am not going to say that he is young, but he has the young man's over-optimism if he thinks we shall ever get a transport policy while the railway is being run on the present principle. Therefore I would hope, if he had an opportunity of speaking again, that he would support me when I say the time has come—after all, the war has got to end some time—when we have got to face up to bigger principles of transport. I do not believe the hon. General Manager will seriously disagree with me, but I do suggest that we cannot let time pass year after year in this Council with somebody from this side getting up and criticising the principle under which the railway is run and nothing happens. Ever since the hon. General Manager submitted his estimates to this Council I do not think one single figure has ever been altered as a result of the criticisms made in this Council. Now I am going to take the course of voting against these Railway estimates. If I can get the support of my colleagues it will make no difference nor is it intended to, but the time has come when we on this side of Council should make as effective a protest as we can on the lack of enterprise on the part of the Railway in the past in the whole principle of railway administration, and by refusing to assist what I believe is a growing desire that transport should be viewed as one problem and not five or six.

MR. TROUGHTON: Your Excellency, for a long period of years, as a private

citizen, I agreed with the views which have been expressed in this debate by the hon. Member for Nyanza concerning Railway financial policy. I was thinking during those years as a private citizen and I shared his views. Then, Sir, the turn of fortune's wheel came about six months ago and I found myself a member of Railway Advisory Council for the time being, and I had to study the question, which I had never done before, and on studying the question I reached the conclusion that the views that I had held in the past were quite wrong (Members: Shame!) and that in point of fact, so far from having more reserves than necessary it was very doubtful to me whether the Railway had sufficient reserves. I would like in particular to refer to one item making up the total of 7 million pounds to which the hon. member referred. That is the item of round about 4 million pounds, being the total in the Renewals Fund. The annual contribution to the Renewals Fund is 2½ per cent of the value of the assets which have to be renewed, and that value is calculated on a valuation made of the replacement cost in 1941. The first point that I would make is this, that prices have risen since 1941, and the replacement cost in 1943 is certainly more than the replacement cost of the assets in 1941. What the replacement cost will be in post-war years is a matter of prophesy, but obviously a large percentage of the Railway's assets will have to be renewed shortly after the war, and I do think that it is unduly optimistic to expect that the actual price which will have to be paid will be as low as the 1941 replacement cost.

The second point about the Renewals Fund is this. As I have said, it is calculated on a basis of 2½ per cent of the value of the assets. That assumes an effective life of somewhere round about 30 to 35 years. Those assets are at the moment—the rolling stock and all the rest of it—working at a pressure that was never expected at the time they were purchased, and it seems to me open to doubt whether in the event the actual life of the assets will be as much as 30 to 35 years on which the renewal contribution is based, and therefore, I would like to suggest to the hon. General Manager that if the revenue position permits he should consider the desirability

[Mr. Troughton]
of making a still further contribution to the Renewals Fund.

The next point on which I would like to say a word is on the subject of the investment of the Railway reserves outside the country. I would only like to say one thing, and that is that one and three quarter millions has been invested by the Railway in our local East African war bond issue, and that money is not invested outside the country because, in point of fact, it is all handed over to the Chief Paymaster of the military authorities to meet local expenditure in East Africa by the War Department.

I would also like to say a word or two, as a new member of Railway Advisory Council, on some of the points made by the hon. Member for Nyanza. The hon. Member for the Coast yesterday in another connexion mentioned that the hon. Chief Secretary and I tended to be uncompromising in staff matters. (Hear, hear.) A number of staff matters are considered by the Railway Advisory Council, and I do not know whether hon. members feel that once the hon. Chief Secretary and I get translated into the Railway Advisory Council room we immediately become amenable yes-men to the General Manager. (Hear, hear, and laughter.) Well, I can only say that the hon. Chief Secretary and I, and for that matter the hon. Member for Aberdare, are in no way yes-men to the General Manager, and as proof I can offer the fact that at the last two sessions of Railway Advisory Council on more occasions than one proposals put forward by the hon. General Manager were turned down or modified by Railway Advisory Council. The atmosphere of that Council in my experience—and I went to it with a mind partially biased against the Railway Administration—is one of very healthy and constructive criticism and argument. I admit that possibly questions of sidings at places may come up and that neither the hon. Chief Secretary nor the hon. Member for Aberdare nor I may have seen the particular place where the siding is proposed, but we are in a position to make inquiries and give a decision on the information which is before us. I said to "give a decision"—I made a complete mistake—the Railway Advisory Council is advisory and it tenders advice to Your Excellency, as High Commissioner,

which Your Excellency can either accept or reject, and it is a mistake to assume that the Railway Advisory Council gives a decision on anything. (Hear, hear.)

As regards the payment made to members, I have only two points to make. First of all, I would like to congratulate the Railway Administration on its enlightened policy regarding one aspect of these payments, and that is that the four guineas which was referred to by the hon. Member for Nyanza is also payable to the official members (laughter), and that is a matter of great importance because in point of fact it is the only money in addition to my salary which is ever paid into my bank account from one year's end to another. (Mr. Couldrey: Free of income tax?) (Laughter.) That I do not know; I hope so! When unofficial members of the Railway Advisory Council go to Uganda to attend meetings they also get a sum of Sh. 30 a day when travelling in the train, apart from the time spent attending meetings, and that is exactly the same amount as they would get when attending any statutory committee appointed by Your Excellency. Whether the official members get that or not I do not know, but if I continue to be a member of Railway Advisory Council I sincerely hope they do, but the sum of four guineas is rather more than is paid to the members of Your Excellency's Executive Council for attendance at meetings of that body!

MR. BEECHER: Your Excellency, the other day I came upon the notes of my predecessor which he had used in addressing this Council on a similar occasion last year. They provided me with ten minutes very interesting reading and, if I may say so, a measure of amusement. I cannot promise in any way to emulate his fine style or polished diction, but I must follow him in declining to be associated with the estimates of the Railway. (Hear, hear.) The reason that I do that is that I too, like the other members who have spoken from this side of Council, am very concerned about the lack of any co-ordination between the Railway, as a separate organization, and the general transport policy of this Colony. It is a matter in which I am bound to be interested, for over the last few years the African in this country has become associated in increasing measure

[Mr. Beecher]
with the very important question of the development of road transport. I have looked in the general Colony Estimates of Revenue and Expenditure, and my eye has lighted upon two items which I have singled out for mention in this connexion. One is the fact that this Colony spent in 1943 a sum of £7,500 on the Sotik Road and is proposing to spend a further sum of £10,000 on that road in 1944. On produce carrying roads in 1944 it was proposed to spend some £7,000, but the Standing Finance Committee, as hon. members will now have seen, decided that the sum was to be increased and it now stands at something very nearly £10,000.

I may be entirely wrong in asking this question, but the question which came to my mind was this, why, if the Railway is a public utility company in this country, does it not pay either for the whole, or at least part, of the produce carrying roads? The hon. General Manager may argue that the Railway have done their whole duty by this country in assisting production by the system of differential tariffs that has operated for a considerable time on the railway, but, if I may say so, the Railway has shown that they are from the public's point of view, though certainly I am sure not from their own, unprofitable servants, for their system of differential tariffs assists members of all races—it is not confined to any one particular race—in greater measure who are living and have their places of production nearest to the railway, and the unfortunate individual who lives at a distance from the railway still has to compete with circumstances which demand that he carries his goods, often under considerable difficulties, over roads that either might be regarded as not existing or which place a very severe strain and stress on his road transport. I therefore feel justified in supporting the request which has already been made on this side of Council for very careful consideration of the transport problem as a whole, and ask that the hon. General Manager will give consideration to it in such a way as will bring the Railway Administration into the closest possible co-operation with the general problems of road transport in this country.

MR. WATKINS: Your Excellency, the Kiambu constituency also asked me to

refer to the matter of a co-ordinated transport policy for this country. I will not take up the time of Council as it has already been dealt with very ably by the other speakers. There are two small points I want to raise. One of them concerns the youth of this country with regard to the railway. More and more as time goes on do we regard the railway and other big departments of Government as possible training stations for the youth of this country, and when I look down the Estimates and see a big surplus and then see £400 for a European apprentices hostel, I would like to state that I do not think it is enough. I think we want a far larger training department there for the young people of this country of all races, and I think we should take that into consideration. Quite recently some young fellows wanting extra coaching in certain directions thought that the Railway could help them to receive that coaching, and they had it I believe almost free from a very willing and very helpful member of the Railway Administration. But I do submit that we should regard the Railway as one of the large training institutions for the youth of this country. I should like to see really good hostels, and I should like to see much extended training. I think that is a very important point indeed.

There is one other small point. I am not quite certain of some figures shown in this Railway budget, and that is the rates at which the railway native drivers are paid. I see the maximum is about Sh. 160 a month. For the responsibility of driving perhaps a passenger train I do not consider £8 a month is enough. I may of course be told, as I probably shall be, that there are all sorts of hidden emoluments in the way of extra time or whatever it may be, but I do not consider that for an A class driver that is nearly enough, nor do I consider something between £4 and £5 is enough for any sort of driver, considering the training they have to have and considering the responsibility they carry. It would seem these lower grades are rather neglected in the Railway.

These two points, Your Excellency, are the only ones I wish to make.

MR. SHAMSUD-DEEN: Your Excellency, I only want to say a few words lest it be construed that the silence of the

[Mr. Shamsud-Deen] Indian members signifies approval or acquiescence of the Railway Estimates or of what the hon. General Manager has said! I have said it for many years, and still fail to understand why the estimates are brought before this Council at all. (Laughter.) To my mind it is a very clever camouflage on the part of the Railway Administration to be independent to all intents and purposes of any control by the Legislature of this Colony and yet to drag this Council into association in the passage of these estimates. As the hon. Member for Nyanza has said, all these years the estimates have come before this Council and never has one single cent either been added to or subtracted from them. Here we spend nearly a fortnight in going over every item of the budget of the Colony, but these Railway Estimates do not go through any such scrutiny at all. I submit that, even following the ordinary procedure laid down in the rules, the least they could do is to appoint a select committee the same as we appoint for almost all Bills, to go into all these items of the Railway budget and scrutinize them in the same way as we do the colonial budget. At the present moment I am very glad the hon. Acting Financial Secretary has made it quite clear that the Railway Advisory Council has no control or power over the Administration, that it is merely advisory. He said they were very critical of the proceedings of the Railway Administration, but one can well imagine, although the members of that Council might not be yes-men, how easy it is to placate them by flattering words such as were expressed by the hon. General Manager this morning, so that both the Administration and the Council can become an association of mutual congratulations! (Laughter.) I have always looked on these estimates as a sort of bulletin issued by the Railway year after year just to placate this Legislative Council and to exploit us by associating us with them, and we are living dupes to do so every year.

I think hon. members have voiced the necessities of various races which are not properly represented on the Railway Administration. It took me quite a long time to request the Railway authorities through Your Excellency as High Commissioner to agree that labour which had been employed in some cases for 20

years could not be described, by any stretch of imagination, as casual labour. I am glad to say that I succeeded to a certain extent as far as the Asian staff was concerned, and they did give up that definition of casual labour in respect of people continuously employed for 10 or 20 years, and they are now on some sort of permanent scale. Similarly there are so many other things that if a select committee was appointed and went through these estimates item by item something would be accomplished, but in the present circumstances I think a certain time of the Council is wasted in futile comments which carry us nowhere at all, and that is the end of it.

As regards the policy of the Railway, in what can now be described as the adjoining country of Sudan I have had an opportunity of travelling on the Sudan Railway. I find that the policy here is that neither native nor Indian can ever aspire to occupy a higher position than that of an ordinary clerk or driver, whereas on the Sudan Railway I have seen quite high officials who are natives of Sudan, and they are quite efficient. I cannot understand why that should not be so in this country. What is the Railway after all? If we come to analyse its position, it is an institution enjoying a monopoly, it has not spent one single cent on the land it has acquired for the Railway, that came from the British taxpayers. Let us put this Railway in the position of a private company and then see how much they have to pay in the shape of taxes, customs duties and so many other things that this Railway Administration does not pay to the country at all. The taxpayer is called upon to pay passenger fares and goods rates according to the policy decided on by the Railway Administration probably the Advisory Council; it is true that Your Excellency does exercise powers over them, but it is impossible for the Governor of the Colony to actually control the administration so vast in its nature. As regards the Advisory Council, the hon. General Manager, who has just recently been connected with the Tanganyika Railways Administration, should be able to tell this Council, and correct me if I am wrong, that there are Indian members on that Advisory Council or whatever it is, but in this Colony I think the greatest slur that can be thrown in the

[Mr. Shamsud-Deen]

face of the Indian community is that there is not one single Indian throughout Kenya and Uganda who is fit to be on the Kenya Advisory Council, either from business circles or from lawyers or from any other walk of life. The result is that Indian interests are never represented on that Council.

As regards the policy of the country, I have said in this Council before that it is an entirely wrong policy to give the Railway Administration a monopoly of traffic in any way. I advocated the building of roads parallel to the railway, but my voice was a voice crying in the wilderness, and up to now the Railway Administration with all its wheels in official quarters has successfully defeated all attempts to build any permanent roads being made from Mombasa to Kisumu. The result is that all private enterprise in the way of transport throughout the Colony had to go out of trade altogether. It is very lucky that this campaign in this country against the Italians did not damage the Railway, otherwise nothing in the world would have been easier to dislocate the Railway completely by blowing it up in half a dozen places, and without any roads parallel to it it would have been very difficult and painful to realize what had happened. I submit there is a lot in what the hon. Member for Nyanza has said, that the time has now come when we should revise the whole thing, not only the Colony idea but inter-territorially, in the way of a Transport Board with a vision of the whole policy. I know that it is impossible for anything to be done very soon, but I do hope the time will come when at any rate a select committee will be appointed to go through these estimates so that we can honestly say we know something about them. At the moment I have not opened these estimates or looked at them!

LORD FRANCIS SCOTT: Sir, I should like first of all to say that I consider that the work done by the hon. General Manager and the staff of the Railway during this war has been in the very highest degree most admirable in every way, and I do not think any of us would wish to be considered as having any criticism of what has been done in the actual running of the Railway. On the other hand, I for one am not at all happy with the way the Railway is con-

trolled and the fact that it is completely divorced from the Colony itself. As hon. members no doubt know, the present arrangement was arrived at about 18 years ago. I think as a sort of compromise—(Mr. Coudrey: 1923)—really between Kenya and Uganda, when it was decided that the old system of running the Railway as a Government Department with the profits going into the general revenue of the Colony was very unsound and very undesirable. None of us would advocate going back to that system. The Railway Advisory Council was then set up, consisting of two officials and two unofficials from Uganda and two officials and two unofficials from Kenya, and there is no casting vote. The result often has been in the past very decided differences of opinion between people representing the two Colonies.

The hon. Member for Nyanza is under a very great misapprehension if he thinks the Railway Council has always been a complete yes-body to the General Manager. I was a member of the Railway Council nine years, from 1931 to the end of 1940, and I took part in some most heated and strenuous controversies that I have ever taken part in in any body I have sat in in this Colony in the 20 years that I have been in public affairs. I should like to remind the hon. General Manager that I think he will remember one particular time when the Railway Council travelled around the lake, and the burning question was the transport of maize and cotton seed. Feelings became so high that I expected to see some members of the Council throw some of the other members overboard at any moment. (Laughter.) It was by no means a yes-man's meeting at that time! Coming to much more recent history, the late General Manager was anxious to pull up a railway line not very far from where I live and the matter was so strenuously opposed that the project was anyhow postponed even if it is not killed, and there have been many other instances. I should also like to say that, as the hon. member referred to the appointment of the present Traffic Manager and Chief Mechanical Engineer, I remember when on Railway Council both appointments coming before us for our advice and recommendation as to who should be appointed. So it is not true to say that appointments

(Lord Francis Scott)

were made and one only read of them in the newspapers.

Referring to the remarks of the hon. Member Mr. Shamsud-Deen about having a select committee to go into these estimates, I think I am correct in saying that in law this Council cannot amend these estimates in any way—they have either got to approve them or throw them out. There is no halfway measure at all, which does support his argument that this debate is somewhat of a farce, but I think that is the law. So it would not be possible to refer them to a select committee, or if it were done it would be a waste of time. Coming to other points, I was interested to hear the hon. Acting Financial Secretary urge increased payments to the renewal fund, because for many years when the late General Manager was here in charge we fought a strenuous battle to get the 2½ per cent reduced to 2 per cent and not increased, which the home authorities wanted to do. One of the arguments was that we should not pay any more up to 1946 when the first loan is due for payment. One thing I would like to know: what is the position to-day of the sinking fund, etc., to pay off the 1946 and 1948 loans? The 1946 is largely a Railway loan, and the 1948 is entirely a Railway loan I think.

I think that what really some of us feel the strongest about is what the hon. Member for Nyanza pointed out, that while the Post Office, a similar body, contributes largely to the revenue of the territory, the Railway contributes nothing. As I have already said, I should not like to go back to the old system when it was a Government Department and all the profits went to general revenue, but I should like to put forward again, as I have in the past, a proposal which I think would bring the Railway into much closer touch with the general public of Kenya. That is, that it should be treated in a sort of way like a commercial railway, that at the end of the year the board of management, whatever that is, should decide how much money should be put to reserve funds, and any money left over should be declared as a dividend to be shared by the shareholders in the Railway, the shareholders being, of course, the Kenya people and the Uganda people. I should like to see that money put in a special

fund, not in the ordinary general revenue but a special fund for the use and development of the country, whether by the improvement of roads or by improving agricultural development, or whatever it may be, in such a way as would tend to bring in more revenue to the Railway as a result. I have raised this before, and am told it cannot be done because of one section in the Ordinance which controls the Railway. If that is so, I suggest that that section should be altered to enable it to be done. With regard to the general control of the Railway, while I do not think the present system is everything one would like, I think it is probably the best under present circumstances, and I should not advocate any change until the time comes, as it must come very soon, when all these territories are unified and all the railways in the territories come under one control. That is the time when I think it would be the right time to follow out the proposals put forward already of some larger Transport Control Board, which would control transport of all sorts through all these territories.

MR. NICOL: Your Excellency, I should like to ask the hon. General Manager if in the amount set aside for works next year anything has been included for embarking on the building of No. 6 berth? That is, when Nos. 7 and 8 have been completed. The advantage of that would be that you have got the contractors on the site, and I understand it is not now necessary to have the very large amount of steel which was at first thought would be necessary and it could be done with some other materials, and also it would provide a very large area for stacking ground. We are very short of stacking ground in the port area, and we can most certainly do with more. With regard to his appreciative remarks of the work of the Harbour Board, as a member of that Board I must say "Thank you," and I also agree with him that that Board is not composed of yes-men to the General Manager. We should like to see him down at the port more often if he would come, but we do try to convey to him our sincere views. Incidentally, I think the members of the Railway Advisory Council are extraordinary lucky if they get 4 guineas for their meetings, because the Harbour Board members only get 42 bob!

(Mr. Nicol)

(Laughter.) There is one thing I do like and that is the way the fees are paid: a cheque is sent to one, and one does not have to apply for it as is the case when doing any work in this Council! I would, from the unofficial point of view of the travelling public, pay a tribute to the staff of the Railway, particularly the station and train staff; they have a very tough time, and I think their courtesy and their helpful attitude are really very much appreciated by the travelling public.

MR. WRIGHT: Your Excellency, despite the fact that I am a member of the Railway Advisory Council I confess, like my hon. friend the Acting Financial Secretary, to having a mind partially biased against the Administration, and I associate myself with many of the criticisms that have been put forward and the constructive ideas I should call them by the hon. members for Nairobi South and Nyanza. On a recent occasion, the last occasion I attended a meeting of the Railway Council, I sought all I could to derive how finance was manipulated on the Railway, and with great patience and charm the hon. General Manager tried to explain to me that it was a splendid system, and that the Railway, if you looked at it in the proper light, was hard up. But I was not able to and still do not understand the curious rigid inelastic system of administration that is operating some 14 millions sterling at 5 and 6 per cent rates and has 7 millions sterling in cash invested at rates averaging 2½ per cent. The renewals fund, of which the 7 millions comprises the bulk, is really depreciation, but the Secretary of State has laid it down that this peculiar system shall apply on this Railway. It is not to be classed as depreciation which in the ordinary business would be allowed for, to use as part of the ordinary working capital of a company. So we have the curious anomaly that depreciation must go on, as the Acting Financial Secretary has said, at a rate of not less than 2½ per cent, meaning that if the Administration buys an expensive locomotive to-day which cash is paid for, to-day or in the current year 2½ per cent is added to a replacement fund, although we know that the engine will have a long and useful life. I do therefore suggest to the hon. General Manager that the Railway

should adopt as a policy that it is the first duty to devote all moneys that are available from time to time to extending better facilities by either roads or railways throughout the Colony.

MR. ROBINS: Your Excellency, first of all I very much appreciate the views expressed in regard to the efficiency of the Administration and the work of the Administration's staff. I know they will be very welcome to the staff. They have done, in my opinion, a very good job of work and they feel heartened and gratified to think that any criticisms which are directed against the Administration are criticisms of policy, not criticisms of the work of the staff. I will now try and deal with some of the criticisms in regard to policy and answer some of the questions which have been put.

First of all, I would refer to the speech made by the hon. Member for Nairobi South, when he asked first of all that the policy of the Administration should now and in the future be to provide the cheapest form of transport throughout the country. That, sir, is the policy of the Administration. As a matter of fact, it is laid down in the law, and it is a policy too with which I am entirely in agreement, and furthermore I think there is considerable misunderstanding in regard to this question of cheap roads and cheap transport. The general impression is that the Railway staff and experts themselves are complete reactionaries over this question, that they like to keep the rates up for the sake of keeping them up. That is entirely wrong. I have spent nearly 40 years in railway service, and the whole tendency of the railway official is, if possible, to reduce his rates in order to encourage more trade; that is instilled in all professional railwaymen. The only point is that from the managerial point of view one is very anxious not to reduce rates below the standard at which they can be maintained for a reasonable length of time. A prominent businessman in this country once said to me that what was much more important than really low rates was that the rating system of the Railway Administration should not be subject to violent fluctuations up and down, that it was utterly impossible to work a business in this country with violent fluctuations in rates.

[Mr. Robins]

A further point made by the hon. Member for Nairobi South was that he asked me to declare without any hesitation a policy of transport for this country. I am going to express my own personal opinions on this matter, and I would say that I think he ought to judge me on my past history. For a number of years I administered the railway in Tanganyika. What was my history there in regard to transport, other than rail transport? For over four years I turned myself into an orator comparable to the hon. Member for Nyanza in pressing that the Railway Administration should provide road transport in areas absolutely devoid of any organized transport. I am glad to say it was successful; my only disappointment was that I did not actually see it in force—it only came into force after I came to this country. I cannot imagine such a complete change in outlook has come over me since I came to Kenya. He is preaching to the converted when he says that transport should be regarded as one whole. I am completely and absolutely in agreement with him. It is a policy which I myself am most anxious to follow. There are, however, factors which have got to be taken into consideration. I am not suggesting it is a right policy for the Railway Administration to embark on all sorts of transport schemes which in themselves are not likely to be beneficial, because if we lose money it falls on the users of the Railway; it does not fall on me. It is the users of the Railway who have got to meet any losses if we embark on such a policy. In regard to the policy to be adopted in regard to road transport, we shall want special consideration, at any rate in the early years, when it is at its teething stage, but looked at from the general point of view, I am most anxious that a modern outlook—that is transport as an indivisible whole—should be adopted in this country. I am not in a position yet to make concrete recommendations to the Railway Advisory Council—that rather abused body—or to the High Commissioner. For one thing I think the hon. member, and other members on the other side of Council, have got to do their bit to persuade public opinion to the same view as he and I hold. I know there is a considerable amount of public opinion in this country which is very much opposed to that point

of view. The argument advanced is: "Let the cobbler stick to his last"—let the railwayman look after himself and his railway and he should keep his fingers out of other transport matters. Therefore I feel that, if the view held by the hon. Member for Nairobi South is the view held by the other hon. members opposite, I think they should do a good deal to persuade unofficial opinion outside this Council to adopt a similar view and, as I have always held that the Railway is operated in the service of the public, if that is what the public want then that is what they stand a very good chance of getting.

There is another aspect, and that is it is a little bit too soon in my opinion to plunge into the question of air transport. No doubt all of us have seen the debates which have taken place in the House of Commons over the difficulties which have arisen as between the United States of America and Great Britain, and have also seen that the experts at home have not yet made up their minds exactly how this transport should be run. I am quite ready to hear the answer that they are dealing with large overseas transport covering huge areas, and not with the internal transport question. On the other hand the one hinges on the other, and until you have some major policy settled as to the attitude of the British Government over this question it is difficult to formulate any positive schemes so far as this country is concerned, but I would not like to leave the impression that I have thrown it aside waiting for somebody else to decide, because I have not. I have studied this question of transport as a whole, and in particular air transport. I have studied the question for the last five years intensively. I have a huge volume of opinions I have culled from various technical journals and from the correspondence of people interested in these difficulties, and I have studied the subject very extensively, and I have, so far as I myself am concerned, very strong ideas on the subject. But the time is not yet ripe to put them into concrete form. Another thing that I would earnestly ask hon. members on the opposite side to bear in mind is that the Railway is suffering under a tremendous strain at the present moment, a strain which is reflected from the top to the bottom of the staff. We are all as busy as we possibly can be in dealing with the day to

[Mr. Robins]

day problems, and it does not give us a great deal of opportunity to, shall I say, write homilies or articles in the Press indicating what sort of line we think should be taken. None the less a certain amount of consideration is being given to it, but we are not free agents at the moment to do all we would like to do.

The hon. Member for Nairobi South also asked me my opinion in regard to the question of unrestricted passenger transport. My attitude on the question of transport generally is this. That the whole welfare of all these colonial countries stands in the first place on efficient communications. (Hear, hear.) I therefore have never, and I am sure the hon. member will know this because I have expressed this opinion in public on several occasions, I have never opposed the building of roads in this country, not even parallel to the railway. All that I have asked is that when you have got these forms of transport, for goodness sake have some body which is looking after the interests of the consumer and the people to see that the particular form used is the form which is in the best interests of the people. That is the policy I have adopted; that is the policy I have always put forward; I have mentioned it several times in public and I see no reason to depart from it. Looking at the particular problem of passenger transport, my argument generally is that where speed is required, as in many cases it is, in all probability other forms of transport are much more suitable. This is a mountain railway and you cannot expect to have high speed trains running on this railway. Neither can we endeavour, because we cannot physically do it, to make this a slow moving country. I hope that will satisfy my hon. friend on that point. On the general policy of co-ordination of transport, a very deserved tribute was paid to the Transport Licensing Board, and to that extent I feel that this country has followed the general policy which has been advocated in some countries of co-ordination between road and rail. I agree that is not enough, but the fact is there is co-ordination there, and from that it may be possible to develop some more intensive form of co-ordination. The point that I really want to make is that a form of co-ordination does already exist.

Now I will turn to comments which were made by the hon. Member for Nyanza. I did not expect him to support my policy, and I am not disappointed in his criticisms. I am not sure that he is entirely on right lines or that on some points he differs a tremendous lot from what I should like to do myself, but I do think he gets considerably confused over this question. The argument he put forward was that the Railway is a monopoly. It has a certain amount of monopoly, I quite agree, but as to whether that monopoly should be removed, the point is, would the country be any better off if it were removed? and my answer to that is no. Reverting to what I said just now in dealing with the speech of the hon. Member for Nairobi South, I said this, that there was a Transport Licensing Board which in fact undercuts the actual monopoly of the Railway. He says we do not do anything to develop the country. One of your predecessors, sir, argued in quite the opposite sense; he said we developed a little too much and a little too fast. It is true that in war-time it is difficult to go in for his intensified development, for reasons I mentioned just now we are already—the senior officers—hard pressed to deal with the day to day business in connexion with the war. Another thing is that the appliances required for other forms of transport are none so easy to come by at the present moment, and in these circumstances it is not possible during the war for us to enter into other forms of transport. But that does not say that the position is not being studied. I think he or another member mentioned the Kericho-Sotik area; that matter is receiving quite considerable attention by me with a view to submitting again to that much criticized body the Railway Advisory Council some ideas as to what should be done after the war. They may not accept my views; I hope they will, but I think it has been made very clear that in the past at any rate they have not always accepted the advice of the General Manager. I could enumerate quite a number of things they have not done which they ought to have done. However, I shall in due course on the statistics I am at present collecting and from the review I am having made of the transport in those areas, put up some very concrete suggestions. I do not want to mislead anybody on this question.

(Mr. Robins) I shall not advocate to the Railway Advisory Council that we go and plunge into any unremunerative transport; we have no right to use the people's money in that way. I have been brought up in the hard school of business, and I should look at it from the business point of view. I am not suggesting we want to make profits out of it, but we should not go down the drain too rapidly at any rate, and it may be necessary for Government to formulate some policy in regard to transport in conjunction with the Railway system. Just as an illustration of my point, I feel it would not be unreasonable to ask the Government to grant an exclusive licence for a short period or for a reasonable period in order that the capital costs may be recovered and the organization got on to its feet. That would be a matter for Government action, and these are matters I shall probably make some recommendation on.

I am very glad my hon. friend the Financial Secretary made it very clear as to the attitude of Railway Council in dealing with all these things I put up myself. I do not think I need dwell on that, but the hon. Member for Nyanza to some extent the hon. member for Aberdare fell into the usual error; they still talk about the six and seven million as if they were fluid reserves. My answer to that is they are not; I keep on saying so—they are not reserves. This money—the greater part of this money—is earmarked and it has got to be spent. If it is not spent you will not have a railway or any other transport in this country. It is there to replace the articles which are gradually wearing out. These are not reserves in the ordinary sense of the word, and it is no different—I will deal with the point made by the hon. Member for Aberdare in a minute—it is no different from the question of depreciation in an ordinary commercial company. I may say that if you had an ordinary commercial company in this country they would not be satisfied with the real reserves that we have at the present moment. I do not want the impression to be created that I am anxious to add tremendously to those reserves. I do not think my reputation is such that I can be accused of lacking courage; I have courage and faith in this country. I do say you must have a reasonable amount of reserves, but I am not asking nor

have I ever pressed for an excessive amount of reserves.

There is another point which was mentioned by several hon. members in regard to the liability of the Railway for taxation and customs. I myself during the last 20 years before I was General Manager had expressed my views several times on this question. I have said that, looked at broadly, I did not very much mind whether the Railway Administration were taxed; I did not very much mind whether the Railway Administration had to pay customs or not; that it was a question for the people of this country to decide. But was it wise? What you put on in taxation and what you put on in customs has eventually to be paid by the users, not by me; and my argument was that it is not consistent with a policy of cheap transport. The argument I have always put forward is that if the people of the country want taxation paid by the Railway and if they want customs duties paid by the Railway, as far as I know there is nothing to prevent that being done; I do not know that I myself would violently oppose it, but I point out that it is hardly consistent with a policy of the cheapest possible transport—a policy with which I am in entire accord.

While we are discussing this question of reserves, the hon. Acting Financial Secretary did deal with the question of what was invested in war loan, and on the general point as to where investments should be made I have quite an open mind. I am quite prepared to consider any alternative suggestion in regard to our general investments, but it is not part of my job, I think those were the words used by the hon. Chief Secretary the other day, to defend the Crown Agents for the Colonies. I do not know the Crown Agents personally, but I do not wish the Council to be under any misapprehension of what I think of their technical staff. I think very highly of them, and the advice and assistance we get out here from them is obtained at a very cheap rate indeed, and I am glad to take this opportunity of paying tribute to the technical officers of the Crown Agents for the Colonies. The hon. Member for Nyanza also suggested that at any rate there was an invitation to me to follow the policy of "divide and rule", that I had only to be clever enough to separate Uganda and Kenya in the Railway Advisory Council,

(Mr. Robins) and if I was not satisfied with that all I had to do was to set the Railway Advisory Council against the Harbour Advisory Board. I do not do such things, that has never been done deliberately as a deliberate policy. I myself would spurn to use that method. The hon. member also made what he called some constructive proposals, and they were, I agree. He made proposals that transport should be dealt with as one problem, that there should be a General Transport Board, which would attract the best commercial brains, and under it there should be a Railway Council. I do not disagree altogether with some of the ideas expressed, and it will readily be seen again that these are my personal views, that if I accept the policy that transport is one and indivisible I must by common-sense accept a policy that it should be controlled by a Transport Board. I quite agree with him on that, but the time is hardly ripe, as the noble lord mentioned, that the time is not perhaps quite ripe for that line to be adopted. That may come when the amalgamation of the four East African territories takes place. I am not altogether in agreement with the hon. member in regard to an executive Railway Council, for very many reasons which I do not think I need go into in detail, but I had thought that if we had a Transport Council there would be sub-committees dealing with each particular form of transport. One of the reasons why I do not think an executive council would be satisfactory is that I think it would discourage the attraction of the best brains in regard to railway officers and so on. It is only because we are part of the British Colonial Service that we are able to attract men of experience to this country.

One other point before leaving the speech of the hon. Member for Nyanza. He suggested that the Railway Council could not pay a great deal of attention to its business because it only met three times a year. By law the council should meet five times a year, but that was modified during the war owing to transportation difficulties and pressure on members of the Railway Council to three times. But that is only part of the picture. Throughout the year I am writing memoranda to members through the post and, furthermore, in a big

railway like the Great Western, with which I served for nearly twenty years, you do not have a board meeting every week. It is impossible to manage a railway if the board were to meet every week or to get on with the job. I do not think there is anything radically wrong in meeting only three times a year; as soon as the war is over we shall revert to five meetings again to keep in closer contact, but contact is still maintained now. I saw the hon. member smile when I said that I sent memoranda to the members. He was very complimentary to my predecessor as a writer of memoranda, but I may not achieve the height that Sir Godfrey Rhodes achieved in that direction; on the other hand, it is generally admitted by those who receive my memoranda that I am not at all biased, that I try to put the points for and against, and members who are members of this Council will endorse that view.

The hon. Acting Financial Secretary made an extraordinarily interesting point in regard to the renewals fund, and it is a matter which is worthy of serious consideration. It is a fact that at the present moment we are not placing into the renewals funds amounts calculated in relation to the life of the assets, and we have a shortfall on that basis of approximately £50,000 a year. There are two points about that. One is that in calculating the life of these assets it must be remembered that the Railway is only 50 years old, and we have not got through two life cycles—a cycle is about 33 years—at the moment. The life had to be assessed, and when the calculations were made my predecessor set up an expert committee which in every five years was to revalue both the lives and recalculate the replacement costs of the various assets. When they last made those calculations and advised they sat in 1941, when we were not doing what we are now—working at terrific pressure—and it may well be that in the life of our assets we have not made sufficient allowance for the intensive work which the stock and other wasting assets are called on to perform today. As an example, I should like to mention the rolling stock, which is calculated on a life basis; in actual fact, the most desirable way of calculating replacement costs of rolling stock is on a mileage basis. We have not that basis; it means

[Mr. Robins] setting up a big statistical section to do it. When the lives were assessed, we assumed the stock would be mostly used normally, instead of which today it is run to death. Therefore it might happen that we are not contributing quite enough to the renewals fund. In view of that, I am setting up a committee in 1944, which is at the end of three years instead of five, charged specially to examine this question as to whether we are making a sufficient provision in regard to renewals and replacements in view of the present intense use of our assets.

There is another point which was also mentioned by the noble lord, and that is that in fact we are not contributing on a life basis today. Many arguments have been raised whether we should contribute to a sinking fund and a renewals fund at the same time. There are two schools of thought, and it is also thought that a state undertaking should be different from a commercial undertaking. I will not go into the details of this question. The fact is that the Secretary of State agreed on a reference made by my predecessor that instead of contributing on a life basis we should only contribute 2½ per cent of replacement cost so that the present generation is being let off to the extent of £50,000 a year. Personally, I am not sure whether the results of the deliberations of the committee I am setting up will result in further contributions to the renewals fund. I would not express a positive opinion at the present moment, but I am rather inclined to think that with prudent finance and reasonable care in the future there need not be any material adjustment, but it is a point that should not be overlooked or forgotten because of the difficulties that have fallen on other railways through similar mistakes. In China, for instance, there was a tremendous fiasco because a sufficient amount was not placed in the renewals fund to cover the unusually short life of rails which had been obtained from America. I mention that in passing.

I was very disappointed to hear that the hon. and reverend member, Mr. Beecher, had studied to such effect his predecessor's speeches in this Council, and I am sorry in many ways that he did not give me an opportunity to explain

some of the points to him. I have already dealt with the question of co-ordination of transport, and have given my ideas on this question, and when I talk about co-ordination of transport I mean that provided for all sections of the community and not one particular section, but there are one or two points, and one an extraordinary point, made by the hon. member was his demand that the Railway Administration should construct roads. I know of no transport undertaking which constructs roads, and even at home with intensive road transport they do not construct them—they are constructed by the State. Whether you enforce more taxation on the railway is another question. Even if it were taxed, I should not advocate the hypothecation of such taxation specifically to roads. If you did, it means in justice you must admit that the railway must exercise control over such roads, but would that be of any general advantage to transport as a whole? I suggest that it would not. I suggest that it would do the African a great deal more harm than the present policy. Another point was differential rates. I can tell you definitely after a lifetime spent in studying the rating question that neither I nor any other rating expert can eliminate distance from rates. If a man lives a long way away he has got to pay more for his transport. That is compensated, if the hon. member devoted a little more thought to it, by the fact that sites near a railway have different land values to sites further away, and many other things of that description.

MR. BEECHER: On a point of explanation, my suggestion was not that the railway should construct roads, but latent was the suggestion that it should at least contribute something towards the cost of them, particularly produce-carrying roads.

MR. ROBINS: I have in part dealt with that. Whether the public of this country or the two countries consider the railway should be taxed for any purpose whatever, is another question altogether. Whether that taxation should be specifically hypothecated is also a separate question. The hon. Member for Kiambu also pressed for a united transport policy, and I hope that what I said dealing with that question generally satisfied her that I have a great deal of sympathy for such a

[Mr. Robins] policy. She then raised the question of training of youth. I am very very interested in this question. She mentioned an allowance in the estimates regarding the European hostel of £400, and below that no doubt she noticed an item of £1,500 for Africans and so on. I contend that the Railway has done a great deal in this direction, and if she will also look through the estimates she will see that the Railway Administration is devoting a sum for bursaries to be awarded to lads at school in this country, of East African domicile, in order that they may pursue their studies either at universities or technical training colleges or serve their articles with other railways in order that they may have an opportunity of advancement in our service. On that question I do not think it would be improper to mention that my chief assistant is in fact a man who was born in this country and was educated to a very great extent in this country, and I have a number of other Europeans born in this country who are employed by the Railway Administration. The amount shown under the heading of hostels does not in fact represent the whole case, and I would like the hon. member some time to come and look at our hostels to see how they are run, and I think she will find they fit in with her idea. In addition, there are other expenses shown in different parts of the estimates whereby we are not only providing hostel accommodation but a certain amount of education—I am not trespassing on the preserves of my hon. friend the Director of Education—technical education, and I am only too keen to further this project for all races. That is the object of my obtaining your consent, sir, as High Commissioner to including an amount to be expended each year for bursaries.

The hon. Member Mr. Shamsud-Deen raised several questions. He asked that a select committee should be appointed to go through the details of these estimates. That fills me with dread, sir, that fills me with dread! Too many times have I to go to various bodies going through estimates with a tooth-comb, and in my spare time I am expected to manage the railway. First of all, there is the Railway Advisory Council. I know hon. members will not believe me, but the fact is they go through them line by

line; it is almost as great an ordeal as it is to meet this Council! Then I come here, now I am going to Uganda. Really, we must manage the railway some time, and for the life of me I cannot see what additional criticism can be put forward by a select committee than is already put forward first at the Railway Advisory Council, and secondly at this Council itself. He also mentioned the question of what he calls casual labour. I think he was out of the country at the time when a very material adjustment was made in regard to that casual labour which, in effect, removed a good deal of their grievances; I do not say it removed all, but a good deal. 600 men who previous to this were employed as what was called casual labour, although they had been in our service for a long time, were admitted to the permanent establishment and obtained all its privileges. It might be argued, why not admit the lot. My answer is that the Administration has always got to be prepared for a possible setback in its revenues and must deal with a peak position by a certain amount of casual labour. It is not peculiar to this railway or any business but it is a matter all business men have to meet from time to time. It is only just and right that casual labour (I do not like the term) should be reduced at any rate to a minimum, which I tried to do; but we cannot eliminate it altogether any more than you can at the port of Mombasa. The hon. member also mentioned the Sudan Railways. I have made a close examination of their railways, and do not agree with his argument that it is not possible for staff other than Europeans to get to higher grades on this railway. It is a question of qualifications and, as far as Sudan is concerned, I suggest he should not press that comparison too far, because he will give me a good deal of ammunition if he talks about these railways, which reminds me of a point made by the hon. Member for Nyanza, who asked if this railway is cheap and efficient, and said my predecessor was always comparing this railway with others. We stand a very good comparison as far as the Sudan Railway is concerned, and I do not think the public in this country would welcome some of the things done on the Sudan Railways. Public opinion does not count for very much—(laughter)—in the Sudan. (Laughter.) In case anybody did

[Mr. Robins]

not hear, I said in the Sudan) (Laughter.) On that point I can only say, and I can conceive of no reason why I should be particularly biased about the position, all I can say after a lifetime of experience in railways and experience on one of the finest railways in Great Britain, and my experience in Tanganyika, and the contacts I make with other prominent railway officials, not only British but continental, before the war, is that I am quite satisfied this railway is efficiently and cheaply run. In doing that I am not attributing it to myself, because the foundations were laid long before I came here, but I say that I am in a position to judge better than the ordinary man in the street what is efficiency and what is cheapness in working a railway.

The hon. member Mr. Shamsud-Deen also mentioned what would happen if this was a private company. I suggest that the best thing unofficial members can do in this Council is to direct their attention southwards and look at what is happening as far as the Southern Rhodesian Railway is concerned, which is a private company. Without going into details, I suggest that we here make a fine comparison with Southern Rhodesia. He suggested that if this was a private company it would pay taxation, customs, and so on. I suggest it would be very much more commercially-minded and even harsher on the staff than what we are alleged to be, and the rates would go up because of the shareholders' commitments. I would commend to those who are interested to examine the Southern Rhodesia question, and I also recommend them to consider the debate which took place in the Southern Rhodesia Parliament, and was also mentioned in the House of Commons, in which the public asked that the railway there should no longer be a private company but a State concern. There must be some reason for such a demand. Another point mentioned by the hon. member Mr. Shamsud-Deen was one I have already dealt with, dislocation by war, and he alleged that the policy of the Administration had been against roads in this country. I have explained that it was not so; neither my predecessor nor myself took up that attitude. As far as dislocation by war is concerned I think he has exaggerated the position, for the conclusion has been

reached that bombing cannot do a tremendous lot of permanent damage to railway track. An example is the consistent bombing of the marshalling yards at Hamm, for the railway engineers, whether British or German, are too resourceful in executing quick repairs to the track.

The noble lord, the hon. Member for Rift Valley, also related past history in regard to Railway Council, some of which I remember quite well. I also remember our journey round the Lake in an endeavour to seek neutral country in order to reach an agreement. I think we did reach agreement, but I am not so sure that members of Railway Council wanted to throw each other overboard, though I knew that they were often anxious to drop overboard the then rates expert, who was myself! (Laughter.)

He also asked for information in regard to the sinking funds. The information is contained on page 2 of the annual report, but I do not think that is quite the information which he wants. The position in regard to the sinking fund of the 1921 loan is that the total at the end of last year amounted to roughly 1½ million pounds, the 1927 loan to three quarters of a million, and the 1928 loan to about half a million, but I think that what he really wanted to know was when the loan became redeemable how we would really stand. Roughly—I am speaking a bit from memory—the position is this. We will be about £1,800,000 short of the amount to redeem the loan, and consideration has already been given as to how that amount should be raised, because it is important in my opinion in a State railway of this description, and in view of the policy we want to follow of cheap transport, that we should try at the first opportunity to get rid of the incubus of a very heavy debt in the form of a high rate of interest loan. How that should be done is another question. There is one other point about that, and that is that although in fact contributions to the Renewals Fund are not directly related to the sinking fund, the fact is the Secretary of State did agree that we should contribute £50,000, less than the actually assessed amount based on the life of the assets, and to that extent the present generation has benefited, although it was not directly related to the sinking fund question.

[Mr. Robins]

The hon. Member for Mombasa raised the question as to whether any funds are being provided for the construction of berth No. 6. No funds have been provided for berth No. 6 at Mombasa. The matter is under consideration at the moment, but I would like to throw out a few words of warning, if I may, on this question. First of all, by the additions to berths Nos. 7 and 8 you have in fact already added nearly half to the capacity of the port of Mombasa, and if you examine the statistics before the war as to the utilization of deep-water berths, you will find it is very difficult to justify an increase in berth accommodation by over 50 per cent. However, even supposing traffic considerably increased—as I said just now I have faith in this country—I do feel it is rather difficult to justify adding a further berth which would make over 50 per cent addition to the accommodation at Mombasa. The next point I should like to make about that is that we must be careful, I think, in spending money in war time when costs are inflated, which may in the post-war period result in our having to put up the port dues and handling and lighterage charges at Mombasa. I am sure it would be quite wrong to do that. The third point is that I myself feel that our energies ought to be turned in a different direction. One of the weaknesses disclosed by this war, which I mentioned in my budget speech, is the difficulty of coal supplies, and the biggest difficulty of the war has been the handling of these coal supplies. It is my intention to direct the Harbour Advisory Board to consider facilities other than deep-water berths in order that in the post-war period we may rectify the weakness which has been shown during the war.

He went on to talk about a stacking ground, and he put up a very strong case for considering the provision of a stacking ground, but that does not necessarily go with the deep-water berth. Another point is I do not think his information is quite right in regard to steel. The fact is we cannot get steel for No. 6 berth unless we can convince the authorities at home that there is an absolute war priority for it. We want all the steel we have for berths 7 and 8, and I do not see how we are going to convince the authorities at home that a

very great priority exists for No. 6 berth. Another point is about the employment of contractors. As a matter of fact I am advised by technical experts that even supposing we came to a decision to construct berth No. 6, there must be a period of time between the completion of berth No. 8 and the time we could go on to berth No. 6, and during that time we—that is the country—have got to pay the contractors for remaining idle in the country. Therefore I suggest that, while my mind is not actually made up, in the interests of East African users of the port it requires to be approached with caution. There is nothing more pleasant to a General Manager than to have a lot of nice new equipment and so on, but my advice is given in the interests of the East African users.

The hon. member also mentioned the question of the Harbour Advisory Board, and expressed some regrets that my visits to that Board have not been more frequent. No one regrets that more than I do. The real reason is that in order to economize transport it frequently happens that the meetings of the Harbour Advisory Board clash with those of the Railway Advisory Council, and the other point is that is the one I made just now in regard to the senior staff. Many demands are made on my time not only in connexion with running the Railway; I mean some of my time is taken up with serious economic questions which arise in connexion with the East African Production and Supply Council. Nothing would give me greater pleasure than to be able to go to Mombasa; I would like a change to sea level myself as well as an opportunity of meeting the members of the Harbour Advisory Board, but it has been difficult in the past and it is always likely to be difficult if the two meetings clash, but I do hope in the New Year to be able to make some effort to get down to Mombasa. I may say the position has eased considerably for me by the relaxation of some of the defence restrictions, because I have found great difficulty in finding anywhere to stay if I were there for any length of time.

I have only one final point to make, and that is in connexion with the speech of the hon. Member for Aberdare. He said that we were not following ordinary business practice on the question of depreciation, and he also mentioned ho

[Mr. Robins] had been on the Railway Advisory Council and had spent a lot of time on this question. I can only think he went away and forgot the answers. I feel sure that he in his own mind is convinced of the rightness of our policy, but on this particular question he mentioned—that is the question that we do not adopt the business method of meeting the cost of depreciation—in business they call it depreciation; we call it renewals—the point is that I consider it is in the interests of the East African countries that we should depreciate in the manner I have indicated, that is to say, when you buy a new engine you calculate its life and its probable replacement cost, and every year you put away an equal amount so that at the end of its life you are able to buy a new engine. You have got to replace it and replace it at the replacement cost. If you do not contribute in the first years, then in the last years you have got to contribute double the amount, and it seems to me to be better to take the straight line principle than to have a haphazard principle. I quite agree in big companies such as the company I mentioned just now—the Great Western Railway—they do not depreciate on a straight line principle. The principle adopted by that company is to wait and see what the financial position is at the end of the year and they make a large contribution then to depreciation, depending on the financial position disclosed, but one of the things that influence them there is that they have also got to make provision for the payment of shareholders. They themselves have expressed on occasions that it is not really a satisfactory method of depreciation.

Another point he made was that this depreciation should be used in the business, that is if I have correctly taken his point, instead of being invested in war loan, or whatever it may be, it should be used in the business. I quite agree with him that in ordinary business you frequently use depreciation funds in this way. They can buy additional stock and then when the time comes for certain equipment to be replaced they will have sold the stock and probably made 10 per cent or 20 per cent profit on it instead of earning 2½ per cent or 3 per cent by investing it. The railways are in a very different position in that

respect. I cannot buy two or three engines on spec. and say I hope I will earn 10 per cent on them and sell them at the time I want to buy 40 miles of track, because I cannot sell them, there is nobody to sell them to. Therefore I think if you try to do that you will quickly come to commercial disaster. Therefore I argue to that extent a railway and transport undertaking is in a slightly different position from a business which is selling goods and has means of investing money in the business. I am convinced it is in the East African interests, and particularly of this present generation, that we should depreciate on the straight line method; that is, the day we buy a locomotive we start putting money into a fund in order that the day it becomes worn out we can easily find the money to replace it. There is one further point—

HIS EXCELLENCY: Order! Order! I do not know if the hon. member has much more to say.

MR. ROBINS: Two minutes, sir.

HIS EXCELLENCY: Will you continue then; otherwise we will adjourn till to-morrow.

MR. ROBINS: I would just mention one further point, that from the point of view of the efficiency of the Railway I believe that our method of putting aside money for depreciation is quite good because the working costs of one year are then comparable to the working costs of another year. That is all I have to say. I hope I have adequately answered the questions put to me. (Applause.)

MR. VINCENT: I take it the views expressed by the speaker were personal views and not the views of the Government?

HIS EXCELLENCY: Yes.

The question was put and carried.

ADJOURNMENT

Council adjourned till 10 a.m. on Thursday, 9th December, 1943.

Thursday, 9th December, 1943

Council assembled at the Memorial Hall, Nairobi, at 10 a.m. on Thursday, 9th December, 1943, His Excellency the Governor (Sir Henry Moore, G.C.M.G.) presiding.

His Excellency opened the Council with prayer.

MINUTES

The minutes of the meeting of 8th December, 1943, were confirmed.

PAPERS LAID

BY MR. RENNIE:

Kenya European Civil Service Committee Report.

ORAL ANSWERS TO QUESTIONS

No. 89—INCOME AND EXCESS PROFITS TAXES

MR. COULDREY:

Will Government state the approximate amount of—

(a) Income Tax

(b) Excess Profits Tax

assessed on Europeans and Indians respectively for the year of assessment 1942 and, if possible, 1943; and, further, will Government state the approximate amount paid by limited liability companies, the majority of the shares of which are held respectively by members of the European and Asiatic communities?

MR. TROUGHTON: (a) The amount of income tax assessed up to the middle of November, 1943, in respect of the years of assessment 1942 and 1943 is as follows:—

1942—European individuals, approximately £396,000.

Asian individuals, approximately £86,000.

1943—European individuals, approximately £302,000.

Asian individuals, approximately £31,000.

The assessment of income tax for the two years in question is not complete. The figures given are gross figures, prior to the deduction of tax at source.

(b) The amount of Excess Profits Tax assessed up to the end of October, 1943, is approximately:—

European individuals £133,000

Asian individuals £75,000

As regards the second part of the question, the approximate amount of income tax assessed on companies up to the same date is as follows:—

1942—

European controlled limited companies £372,000 (of which approximately £250,000 is in respect of companies in which the control or main shareholding is overseas).

Asian controlled limited companies £19,000.

1943—

European controlled limited companies £159,000 (of which approximately £78,000 is in respect of companies in which the control or main shareholding is overseas).

Asian controlled limited companies £8,000.

while the amount of Excess Profits Tax similarly assessed up to the end of October, 1943, is approximately:—

European controlled limited companies £1,189,000

Asian controlled limited companies £34,000

2. The figures which I have given are approximate only. They have been extracted hurriedly, and their accuracy cannot be guaranteed. They relate to East African income tax, and do not show the amounts due to Kenya revenue. Statistics regarding the latter are not at present available.

KENYA AND UGANDA RAILWAYS AND HARBOURS

SUPPLEMENTARY ESTIMATES

MR. ROBINS: Your Excellency, I beg to move that the Second Supplementary Estimates, 1942, Kenya and Uganda Railways and Harbours, be adopted.

This is a purely formal motion as the second supplementary estimates simply represent accountancy adjustments.

MR. HARRAGIN seconded.

LORD FRANCIS SCOTT: Sir, is it not rather late in the day, in the middle of December, to discuss supplementary estimates for 1942?

HIS EXCELLENCY: I do not know whether the hon. General Manager would like to reply to that before I put the question.

MR. ROBINS: Yes, sir. The reply is that it is rather late in the day, but the circumstances are due entirely to the war. The fact is that we have to wait for the accounts from the Crown Agents for the Colonies, and with the delay in mails it is some time before those accounts come in. That is the reason why the second supplementary estimates for 1942 are so late this year.

The question was put and carried.

MR. ROBINS: Your Excellency, I beg to move that the First Supplementary Estimates, 1943, Kenya and Uganda Railways and Harbours, be adopted.

In view of the discussion which took place yesterday in connexion with the Estimates for 1944 I do not think there is anything that I can add. The only point of interest in connexion with these supplementary estimates is the very great increase in passenger revenue, which I mentioned yesterday in the course of my speech.

MR. HARRAGIN seconded.

The question was put and carried.

SCHEDULE OF ADDITIONAL PROVISION No. 3 of 1943

MR. RENNIE: Your Excellency, I beg to move that the Standing Finance Committee report on Schedule of Additional Provision No. 3 of 1943 be adopted.

This schedule refers to the third quarter of this year, from the 1st of July to the 30th of September. The Standing Finance Committee examined this schedule with their usual care, and recommend that the expenditure mentioned in the schedule be approved. Details of the main items of expenditure are given on the first page of the schedule and full particulars of the various items are given in the following pages. I do not think, therefore, that I need go into any detail.

MR. TROUGHTON seconded.

The question was put and carried.

THE INCREASE OF RENT AND OF MORTGAGE INTEREST (RESTRICTIONS) (AMENDMENT) BILL

SELECT COMMITTEE REPORT

MR. HARRAGIN: Your Excellency, I beg to move that the select committee

report on the Increase of Rent and Mortgage Interest (Restrictions) (Amendment) Bill be adopted.

The select committee met on several occasions and took evidence from a great number of witnesses. Personally, I regretted that the grievances represented to us were chiefly from landlords, and as a result we did not have as many of the tenant grievances as one might have expected. However, it did become clear to us that a great deal of the interest in the present Bill was due to (a) misunderstanding on the part of the tenants with regard to their rights, and (b) to misunderstanding of the Board, or the boards I should say, with regard to their powers. The boards rather looked on themselves, quite naturally, not in any way as a legal entity but rather as administering some sort of grandfatherly legislation, with which I have great sympathy, and I should like to say this, that although one has heard them criticized very severely both in this Council and out of it with regard to the procedure they adopted, from all the evidence before us we can say this without any hesitation—at least I can; I do not know the views of other members on this point—that the board, or boards, took enormous trouble. For instance, one legitimate grievance that both landlords and tenants had with regard to the boards was that the parties did not appear before them to argue the rights and wrong of the case, whether the rent should go up or down, as the case may be. One might from that have gained the impression that the board just sat down and said "Old Jones, a tenant, is a good fellow so we'll put the rent down", or "Smith, a landlord, is a good fellow and therefore we'll put the tenant's rent up". That is far from being the case. In fact, the boards take enormous trouble. They, at their own volition, and whenever any of these matters came up for their decision, in order to avoid a lot of discussion and argument and expense, have sent off one of their members (I am thinking particularly of the Nairobi Board now) who happens to know a very great deal about properties in this area, and he himself investigated, with another member, each case that came up, and although they altered rents without allowing both parties to have their say before them, I do think that we are to an extent indebted to them for the

[Mr. Harragin]

enormous amount of trouble they took. I am quite prepared to say that, in spite of all we have heard, I do not think when these cases are re-opened and both parties are able to appear to state their case, as they will be in future, as you will see if this is adopted, there will be such great alterations in the original assessments.

Another point, and it is a real point of grievance, that the landlord had was, I think, due to the fact that the landlords themselves did not realize what assistance they could get from the board. For instance, the landlords complained very bitterly that, whereas they were tied down by the Rent Restriction Ordinance to, whatever it was, say Sh. 100, rent a month for a building, the tenant could promptly sub-let one or two rooms in that building and there was no control over him at all, and he could get Sh. 50 a month from four or five different sub-tenants, with the result that the only person who was able to exploit the position and make money out of it was not the landlord who had had the foresight to put up the building, but the tenant who happened to be in occupation at the present time or when the Ordinance came into force. Of course, the fact of the matter is that if those matters had been brought before the board and if the board had been asked, or even if it had been mentioned to them or suggested, the board had power to call the tenant up in exactly the same way as the landlord and have fixed the rates which he would be permitted to charge for his sub-tenant. The last point that was abundantly clear to us was that no matter what laws you may pass, so long as there is this deficit in the number of residences and rooms and houses that are required in places such as Nairobi, tenants and landlords will unite to defeat the law, so that it really does not matter in some cases what is put into the law.

The first amendment that we recommend is to be found in clause 2 of the report, and gives the board power to re-open any assessments they made in the past. We want to make it abundantly clear that, even if they made mistakes in the past with regard to their assessments and have not allowed both parties to appear before them and argue their case, they of their own volition, without calling on either side to pay the Sh. 20

deposit, may re-open the case and deal with it in the manner they are now perfectly willing to do. The second amendment is in clause 3 of the report, and I must refer you back for a moment to the original bill. The bill itself suggests that, in lieu of the 10 per cent which appears in the law at the moment which the landlord is able under certain circumstances to charge by way of rent to his tenants, it should be reduced to 8 per cent.

That was one way that we thought of for overcoming these extraordinarily high rises that have been taking place in the last year, but when we went into it we thought that it would cause great hardship to landlords in certain cases if we just tied them down to 8 per cent. In certain parts of the country, for instance at the coast, it was pointed out that repairs to houses have to be carried out very much more frequently than in other places. We all know the extent to which material and artisan labour has gone up in recent years and it would be, we thought, unfair to tie the landlord down to 8 per cent, so what we have done in this report is this. We have given the board power, if the landlord is capable of making out a case, to raise the rent to 10 per cent. You will remember the difficulty raised originally was that the board thought that any landlord could demand 10 per cent. We have therefore made it perfectly clear in this amendment that it is up to the board to determine the amount, not exceeding 10 per cent. I do not think that we can be fairer to both sides than by leaving it to the board to decide on these exceptional cases, when the landlord will be able to make out a case to go up to 10 per cent.

Clause 4 gives the Governor in Council power to regulate the proceedings of the board with regard to the hearing of these appeals. It is true that in the past the board was expected to manage its own affairs and conduct its proceedings as it thought fit, but in view of what has happened it is perhaps wise to insert the clause which you see before you, which will give you, sir, power in Council to make general rules providing for such things as I have indicated, that before an assessment is altered both sides will be heard, and matters of that description. We also retain in the Supreme Court powers to make rules with regard to appeals from the board which come up on points of law to the magistrate or the

[Mr. Harragin] Supreme Court. Clause 5 is formal and lays down that the sections mentioned should not apply to business premises. As the law stands at present you can, sir, by proclamation declare that business premises are brought within the same provisions of the law as ordinary dwelling-houses. On the face of it, as you will see in the next section, there are certain sections of the Ordinance which clearly only apply to dwelling-houses.

Clause 6 deals with the original clause 4 that appeared in the Bill, and it was meant originally to deal with tenants who were able to let their houses when they went on leave and without which they would never have been able to get possession of them again. It had the effect, however, of preventing people from going on leave at all or, if they did go on leave, having to pay for their house while they were away because they dare not let it, and when I say leave it also refers naturally to a man who for some reason is transferred, say, from Nairobi to Mombasa for business reasons, again knowing he will be back in a few months. He also is in a position that he dare not let his house. We have now rather expanded the original clause 4 in the Bill that was referred to us, and we have made it clear that if you wish to rent your house under the circumstances I have indicated, you must first get the consent of the landlord and also of the board. That is to prevent undesirable customs creeping in and to enable the board to keep its finger on the pulse of what is happening. But we have said also, in order to avoid trouble, that where the landlord in the opinion of the board unreasonably withholds his consent to the letting, the board is empowered to give that authority. Sub-clauses (3) and (4) deal with the landlord who pointed out that it was grossly unfair that, whereas the tenant could take leave and go to South Africa, or wherever it was, for six months, if he himself happened to be living in a house of his own and he went down there, he did not obtain similar protection. Of course that was not the intention of the law, and sub-clauses (3) and (4) cover that particular point. Clause 7 excludes from the provisions of sub-clause (6) business premises. Clearly, when you are talking about people going on leave and renting a dwelling-house similar circumstances

do not apply with regard to renting a shop or premises.

MR. TROUGHTON seconded.

MR. NICOL: Your Excellency, I was a member of this select committee, and we considered the point which was brought to our notice that affects clause 6 (4). It was suggested that as the board had discretion to put up rents to 10 per cent if they considered it justified, it was unnecessary to retain the minimum figure of 7 per cent, the argument being that if the landlord was only getting 6.99 per cent on the ascertained market value he could have his rent put up to 8, 9 or 10 per cent, whereas a man drawing 7.01 per cent was debarred from getting increased rent. I did suggest that that portion of the clause should be altered to read that "where the rent payable in respect of any tenancy of any dwelling-house is held by the board as being economic" and so on. The committee gave a lot of consideration to that particular point, and it was eventually decided to leave the 7 per cent in, because if we did not the board would be inundated with an enormous amount of additional work, and as they do it voluntarily they would have to resign. In any case, it is just as well there is a minimum figure, and for that reason 7 per cent was left in.

MR. COOKE: Your Excellency, listening to the hon. and learned Attorney General, it occurred to me that what he said was really a tacit admission that the members of these boards are really a lot of ninnies who could not interpret a perfectly plain section of the Ordinance, and what guarantee have we now that they will be any more intelligent in the interpretation than they put on the original section, which seemed to me so plain that anyone who ran could read it? But the real criticism of mine is clause 2, which surely infringes the well known principle of law that there must be an end to litigation. It seems to me there is nothing to prevent disgruntled tenants or landlords to return time after time to worry the board to reconsider their decisions, and I am rather surprised that the hon. and learned Attorney General, if I am correct about this well known principle of law, should have supported this. I will ask him if he will explain that point to me as it is rather obscure.

MR. SHAMSUD-DEEN: Your Excellency, I had an opportunity of giving evidence

[Mr. Shamsud-Deen]

before the committee and, strictly speaking, I should have stated all my points, but on the morning I appeared there was such a large number of witnesses waiting outside that I felt after I had taken an hour that I did not think it fair to take up any more points. But there is one that I should like to mention this morning. I wish to associate myself with the hon. and learned Attorney General in his appreciation of the work done by the board, but I think the difficulty has arisen that there was no experienced lawyer or legislator or someone who could interpret the section of the Ordinance as it should have been interpreted, because after all, as the last speaker has said, the main reason for this amending bill is that the board did not interpret a particular section according to the intention of the legislature. It was a very simple matter. The law provided that the board had power to increase rent to not exceeding 10 per cent, but if all the boards took that as meaning there was no midway course, that it should be 7 or 10, that was unfortunately a very obvious mistake which they made. Perhaps it is a good thing the Bill has come before Council, because a lot of other points have been dealt with, and but for this misunderstanding we should not have had an opportunity of amending the Ordinance.

I know a select committee sat on this Bill and did some excellent work and they have removed most of the flaws that existed in the original Ordinance, but there are one or two that I should like to mention. It is not quite clear that the powers given the board under clause 2 will also have retrospective effect. It does say the board may of its own volition reopen cases, but when the board has to deal with some very contentious lawyers it may be argued that they will have this power only from the time of the passage of this Bill, but not in regard to cases already dealt with. As a matter of fact, the whole trouble arose through the board not summoning both parties, and although their valuation was excellent and could not be challenged, owing to the mistaken idea that they could go to 10 per cent judgment was given in a number of cases where neither party had an opportunity of being heard. I should like that point cleared up by an alteration of the wording if possible. The

second point mentioned by the hon. mover was that in many cases by collusion between landlord and tenant they continued to stultify the real intention of this law, by the tenant being a willing party to paying the landlord increased rent. That is merely another form of black-marketing in rents of houses. I submit that the same principle which has been followed in connexion with the ordinary black-marketing should also be followed in this case, that the board should have some sort of staff or inspector who should see that a tenant is not perforce obliged to become a victim of the landlord, and where a contravention of this Ordinance has taken place, even though a tenant may not come forward, the landlord should be prosecuted. As regards a sub-tenant making a profit out of present circumstances, it should not really be the business of the landlord, who may be jealous of his tenant being able to make money whereas he cannot do so himself; it should be a matter for the tenant and sub-tenant. If the sub-tenant is victimized it is up to him to go to the board, and even if he does not under the circumstances I have mentioned it should be up to the board to see that tenants do not take undue advantage of the position.

There is only one more point that I would mention, and that is one the hon. Member for the Coast referred to, the 7 per cent minimum, to which the board should not be absolutely hide-bound, because in several cases where the landlord drew 7 per cent from the beginning of the war one objection of the tenant has been that the landlord does not take an interest in repairs or the maintenance of the house and allows it to become so dilapidated. Where that is one of the methods of persecution, the municipal or health authorities should condemn a house as unfit for human habitation, and if on that plea he can have his tenants ejected which he cannot otherwise do, in such cases I think powers should be given the board to reduce the rent where a landlord has deliberately allowed the house to be dilapidated to such an extent to less than 7 per cent, because after all it is one of the duties of a landlord to take reasonable care for the upkeep and maintenance of a house. I merely mention these points for the consideration of the hon. mover.

MR. HARRAGIN: Your Excellency, to deal with the last point first, that is with regard to this 7 per cent. I think the answer to the hon. member is this, that with regard to repairs it is a matter of agreement between landlord and tenant, and if the landlord is under an obligation to repair the house it is up to the tenant to use his legal rights and see it is done, but I do not think the matter of percentage comes in at all. If a landlord does not repair the house and there is an agreement that he is bound to, the tenant should seek redress in the usual place, the court. It is interesting to note how this 7 per cent came to be put in the Ordinance. If hon. members will throw their minds back to when this Ordinance was introduced, at the beginning of 1940, the position was this, that whereas we would have liked to have pegged rents to what they were on 3rd September, 1939, and said "This shall be the standard rent above which you may not go", it was pointed out that a certain number of landlords through kindness or whatever reason it might be had rented to a poor relation or friends a house at a peppercorn rent, and it would have been grossly unfair to peg his rent at this figure for all time, where a man was entitled in the ordinary way to £15 a month for his house, but where he had rented to a friend who was hard up for £5 a month on 3rd September, 1939, he should not be tied to that sum until the Ordinance came to an end. After a great deal of discussion it was decided that we should fix a definition of a peppercorn rent at less than 5 per cent. That 5 per cent went on for two years, and it again came to the select committee, and strong representations were made to us to the effect that 5 per cent was too low, that it was again unfair that because a man was renting his house at 5.1 per cent to a friend of his he would be tied to that amount for all time. After a great deal of evidence had been taken on the subject, we recommended to this Council that it should be raised to 7 per cent. It is interesting to note that in England to-day it is 3 per cent still, but I have not particularly looked up that point recently, but it was 3 per cent at one time, so that I think, as the hon. Member for Mombasa has explained, we have got to lay down what a peppercorn rent is to be considered for the purposes

of the Ordinance. After a great deal of thought and consideration we fixed it at 7 per cent. I know perfectly well that anyone can raise a hard luck story, that because a man is getting 6.99 per cent he is able to have it raised to 10 per cent if the board agrees, but that if it is 7.1 per cent he is pegged at 7.1 per cent. That is fair criticism, but it cannot just be avoided.

The next point made by the last speaker was as regards the retrospective effect of clause 2, and I may say that the committee deliberately agreed to this wording, because it was not thought fair that where, for example, a landlord has obeyed the law and gone to the board and the board has said "You can charge £x", six months later, because of an alteration in the law, let us say the tenant who has been paying this 10 per cent, perhaps under protest, is permitted to go to the court and say "I have overpaid this man by whatever the amount may be". I do not think it fair to suggest that where a man has legitimately gone to the board and got his 10 per cent the board shall say they have made a mistake and the landlord must pay the money back. All we can do is to rectify the position now and say that in future a tenant can have his case reopened before the board and there have the correct amount assessed. I do not think anyone would agree to make that clause retrospective. The next point made was with regard to black-marketing, and of course the hon. member is perfectly right. If we could prove a case of black-marketing with regard to house rent it should be treated exactly the same way as other black-marketing, but as the hon. member well knows it will be most difficult. It could only happen by collusion between the two people, and I think we would be legislating for extremely few. One point I do not think the hon. member is quite clear on. That is with regard to a sub-tenant not being able to complain to the board. It is perfectly plain now that the board of its own volition or anyone interested can place a complaint before the board, who will thereupon review all rents paid in respect of the building in question. A point was made by the hon. Member for the Coast, who was rather scathing at the expense of these poor boards, and

[Mr. Harragin] suggested they were ninnies. The fact is that the law is not always easy to interpret—

MR. COOKE: I did not make any suggestion, but the hon. gentleman did by implication, that they were ninnies.

MR. HARRAGIN: As I was saying, it is not always easy to interpret this section. I entirely agree with the hon. member that the meaning was quite clear as to what was intended by the old Ordinance, and it is true to say of the boards that when eventually—and I say eventually advisedly—they did get advice from my office on the subject they took it, and recently they have not been interpreting the law as they did originally. I think the hon. member made a very good point when he said one of the objects of every law should be that litigation should come to an end some time. He is right in that statement, but the fact is that we are in a difficulty that we have to overcome, and it is only permissive on the part of the board when it says the board may at any time reopen a case. I do not think for a minute that when they have dealt with a particular case that they will allow a landlord or tenant to come back to the charge repeatedly, and I may mention that it does cost them £1 a time when they do come: the board may reopen a case at no cost to anyone, but when a landlord or tenant does he has to pay a deposit of £1, which he does not always forfeit, but gets it back in the event of winning his case.

I do not really think that in this particular case we need be worried about innumerable applications being made. As the hon. member is probably well aware, there are many regulations at the moment (I am thinking particularly of the Reserved Occupations Regulations) where people have the right to appeal to a board over which I preside. Actually, in the regulations nothing is laid down whereby they cannot come back every two weeks. We sit once a fortnight as a rule, but I can assure you that where anyone has attempted it he does not waste our time very long, except to this extent, that when a man walks in we say "We decided your case two months ago, good morning". I think we can rely on the board adopting a similar procedure here.

The question was put and carried.

THE LOCAL GOVERNMENT (RATING) (NAIROBI MUNICIPAL COUNCIL VALUATION ROLL VALIDATION) BILL

SELECT COMMITTEE REPORT

MR. HARRAGIN: Your Excellency, I beg to move that the select committee report on the Local Government (Rating) (Nairobi Municipal Council Valuation Roll Validation) Bill be adopted.

I do not think that any bill which has been referred to a select committee of this Council has been so misunderstood as the one hon. members are now being asked to consider. Everyone appeared to assume that because this Council was being asked to validate an error in procedure that had been made by the Municipal Council of Nairobi, we were thereby validating all the valuations—which, I might say, the evidence before us led us to believe were in some cases extraordinary valuations, but which I trust the valuer will in due course be able to justify. That is not the case. What has happened, as was explained by the hon. Commissioner for Lands and Settlement on the second reading, is that none of the persons affected and who appeared before us to give evidence appeared to have read, that all we were doing was, although the Municipal Council did make an error in sending out the demand notes on a valuation roll roll not signed by the chairman of the valuation court, to pass a law that those demand notes should be deemed to be in order. It was made clear in the Bill, although we have taken care to put it even more clearly in the select committee's report that we are now asking Council to adopt, that we in no way debarred anyone from going to the valuation court, nor are we suggesting that the valuations are all correct. All that we are saying is that this Bill will permit the municipal authority to collect its rates on the demand notes which have been sent out, which demand notes were based on Mr. Tannahill's valuation on a certain date given in the Bill, but that every single person aggrieved at any valuation shall have his usual right of going before the valuation court, and I do not think anything could be fairer than that. I would also like to refer to a point that many landlords made, and that was this, that it was grossly inequitable—and one gentleman alleged illegal—for the Municipal Council to have taken a valuation in the year 1943 because the

[Mr. Harragin] last valuation had been made in 1935, and the Ordinance presupposed a new valuation every five years, and therefore in the ordinary course of events a new valuation roll should have been prepared and presented and discussed before the valuation court in 1940. It is true, but they carefully forgot to mention that the law goes on to say that if for any reason a valuation roll cannot be presented in the fifth year you, sir, shall have power to extend the time from year to year, and the Municipal Council has perfectly legally and rightly obtained from year to year your permission for an extension of the period, with the result that it is a perfectly legal roll which is being presented now. It is extremely bad luck on some landlords if between the year 1940 and the year 1943 the valuation of their property has gone up as much as the new roll leads one to believe it has in certain cases, but it might well have been the other way. Good fortune has been on the side of the Municipality, but it might have been ill fortune. Lastly, I only wish to say that it appears to be much ado about nothing, because even if we reduced the valuations it would only mean that the Municipal Council would double the rates. Money has to be produced from somewhere, and the Municipal Council suggests that the fairest way is that the people who have the most valuable property should pay the most towards the rates, and that is all this Bill is doing.

Mr. TROUGHTON seconded.

The question was put and carried.

PENSION AND GRATUITY

C. H. JOHANNES

Mr. TROUGHTON: Your Excellency, I beg to move: That this Council approves the payment of a reduced pension at the rate of £11 16s. 8d. a year with effect from 13th March, 1944, and a gratuity of £39 9s. 2d. to Mr. C. H. Johannes in respect of his temporary service in the military establishment from 23rd August, 1917, to 15th June, 1920, both days inclusive.

This resolution follows common form. There are many precedents.

Mr. HARRAGIN seconded.

The question was put and carried.

THE NON-EUROPEAN OFFICERS' PENSIONS (AMENDMENT) BILL

SECOND READING

Mr. TROUGHTON: Your Excellency, I beg to move that the Non-European Officers Pensions (Amendment) Bill be read a second time.

A month or two ago this Council passed a bill to amend the European Officers Pensions Ordinance to deal with the specific case of an officer who was killed on duty in circumstances arising from the nature of his duty and without his own fault, and that provided in short that a small pension should be payable to the children of such officer rather than a gratuity, as had been the case heretofore. When that bill was being discussed I gave an undertaking, sir, that the Asian pensions law would be brought into line, and this bill gives effect to that undertaking. There is only one new point in it, and that is that the bill is retrospective to the 3rd September, 1939, under clause 2 of the Bill. That is to cover the case of certain Asian officers who have lost their lives during this war due to enemy action at sea.

Mr. HARRAGIN seconded.

The question was put and carried.

THE KING'S AFRICAN RIFLES (AMENDMENT) BILL

SECOND READING

Mr. BROWN: Your Excellency, I beg to move that the King's African Rifles (Amendment) Bill be read a second time.

This is a collection of amendments, some of which are designed to meet the present conditions under which units of the King's African Rifles are serving outside the Colony and overseas, and some of which are designed to remedy defects which the experience of the military authorities have found to be necessary. All of them come before Council at the incidences of the military authorities.

Clause 2 of the Bill is designed to remedy the present anomalous position of clerks. In section 2 of the principal Ordinance a clerk comes within the definition of "non-commissioned officer". That is technically incorrect because he is enlisted as a clerk, and difficulty arises in practice because, under a later section of the Ordinance, a non-commissioned

[Mr. Brown]

officer cannot be sentenced to imprisonment unless he is first reduced to the ranks and there is no rank to which a clerk can be reduced. Clause 3 substitutes the wording of sub-section (4) of section 18 of the Army Act for the existing sub-section dealing with stealing and similar offences. It effects two objects. Firstly, under our existing sub-section there is no provision for dealing with thefts from N.A.A.F.I., and secondly the existing wording "stealing from a comrade or an officer" is unsatisfactory and the wording of the Army Act—"stealing the property of any person subject to military law" is of wider meaning. Paragraph (a) of clause 4 makes it clear that a court martial can pass a purely compensatory sentence to make a man pay compensation for any damage which he may have caused in the way of smashing up a hut or cutting up his clothing. Paragraph (b) of this clause empowers a court martial to impose, in addition to a penal (as opposed to compensatory) sentence, a sentence of forfeiture of pay for a period not exceeding six weeks. Clause 5 follows section 56 of the Army Act, and empowers a court martial in dealing with a person who is charged with a certain offence to convict him of some other kindred offence, and is the same sort of provision as we have in our Criminal Procedure Code.

Clause 6 is designed to meet the position of persons who are serving a sentence of imprisonment outside the Colony. Our existing section 53, which provides for the execution of a sentence of imprisonment which has been imposed under this Ordinance, restricts the serving of this sentence to military or civil prisons inside the Colony. That is obviously useless under present conditions, and this clause extends the scope of that section to any military prison or detention barracks which have been established under section 133 of the Army Act, wherever that prison or those detention barracks may be. At present a number of followers are serving with military units who have not been enlisted. The object of clause 7 is to provide for the enlistment of such people if they so desire and to provide for the enlistment of persons who may in future become followers. This clause also

makes provision for the terms of enlistment to be for the duration of the war and one year thereafter or for such period as Your Excellency may fix. Coming to clause 8 of the Bill, doubts were entertained in some quarters as to whether, under section 103 of the principal Ordinance, soldiers and followers of the K.A.R. came for disciplinary purposes under the Army Act or under the Ordinance when on active service. Clause 8 makes it quite clear that they come under the Army Act for court martial purposes, subject to the modifications which are contained in this clause, and the modifications in effect substitute the punishments which exist under the Ordinance for the punishments which are laid down in the Army Act. This clause, of course, merely refers to courts martial and in no way affects the powers of commanding officers.

Clause 9 is an important clause, because it provides for transfer to any other military force lawfully established or serving in any East African territory, and safeguards the rights of any person so transferred to be regarded on his discharge as a member of the K.A.R. for the purposes of pay, good conduct pay and gratuities.

Mr. HARRAGIN seconded.

Mr. BEECHER: Your Excellency, I regret I have to announce my intention of opposing this Bill, and I do so as a protest against what appears to me, although I may be mistaken, to be a piece of discriminatory legislation with a racial bias, which is something which I consider to be unworthy. I am referring to clause 6 of the Bill, sub-section (b) and its third paragraph. It refers to the infliction of corporal punishment on certain types of person who are defined as Abyssinians, Somalis, Baluchis who have been unfortunate enough to be born in Africa, Malagasies, Comoro Islanders and natives. I fully realize that the question of corporal punishment is a singularly difficult one, and I trust that corporal punishment will be confined to certain types of offences and that public execution of that sentence will only take place in the rarest of circumstances, but I should like the hon. mover, if he will, to indicate to me what reasons exist for confining corporal punishment, as in my

[Mr. Beecher]

reading of it the sub-section appears to confine it, to the non-European and non-Asian personnel of the Army. There are such things as crimes of violence and acts of depravity for which corporal punishment is possibly the only form of sentence that can be suggested, but on the other hand I entirely fail to see why that should be confined to any one particular race. If, therefore, it be the case that the effect of this sub-clause is so to confine it and the African sees that sentences of corporal punishment are being carried out on his fellows, which for similar offences are not applied to Europeans or Asians, I suggest that we are storing up for ourselves deep-seated resentment which will bear bitter fruit in years to come.

Mr. HARRAGIN: Your Excellency, with regard to the point made by the hon. member as to beating, I presume he is aware that this is not an innovation in the law. We are only repeating what is in existence to-day, and not only, may I say, in Kenya—lest it be thought that Kenya is always harder on the native than any other colony—but it is true over the whole of Africa. Time was when commanding officers could award beatings for various offences laid down under the regulations, but that time has passed and now, as the hon. member is well aware, whipping can only be awarded in cold blood by a court martial, which takes place some time after the offence. The General Officer Commanding is watching the position with care and, quite apart from anything we may put into law, I know as a fact that he himself has limited its application to offences which he considers of a serious nature for the time being. It must not be thought that whipping is administered indiscriminately. This matter is carefully scrutinized by the General Officer Commanding himself, and it is also a fact that senior officers in the army will tell you that it is essential it should remain in the law because it is the one thing which brings home to some of the offenders the gravity of their crime. Whatever may be said for it in peacetime, I think it would be most inadvisable in the middle of a war to alter a law which was in force at the beginning of the war.

The question was put and carried.

THE MILITARY UNITS (AMENDMENT) BILL

SECOND READING

Mr. BROWN: Your Excellency, I beg to move that the Military Units (Amendment) Bill be read a second time.

This Bill is to some extent complementary to the bill which has just passed its second reading. Clause 2 defines "followers", although they are not mentioned in the principal Ordinance, but military units come under the Army Act for disciplinary purposes, and as the Army Act deals with followers, it is necessary to have some definition of them. Clause 4 of the principal Ordinance provides that the Governor may, on the direction of the Secretary of State, order that any unit which is stationed in the Colony shall be employed outside the Colony, and therefore it is necessary to provide by clause 3 of this Bill that the provisions of the principal Ordinance shall apply to the personnel of military units who are serving within or outside the Colony. It is also necessary in the case of military units serving outside the Colony to give to the Governor of the East African territory where they are serving the same powers to order a military unit to serve outside that territory, as is given to Your Excellency in this Colony to order a military unit to serve outside this Colony. Clause 5 is similar to terms of clause 8 of the bill which has just received its second reading, and makes it appear that the personnel of military units are subject to the Army Act subject to the modifications contained in this clause.

Mr. HARRAGIN seconded.

The question was put and carried.

THE TRESPASS BILL

SECOND READING

Mr. HARRAGIN: Your Excellency, I beg to move that the Trespass Bill be read a second time.

As hon. members are aware, at the last meeting of this Council the present Trespass Ordinance was sent to a select committee, and the Bill which is now before you is the result of their deliberations. Trespass laws are notoriously difficult all over the world, and the chief difficulty, I may say, with regard to our law as the select committee saw it

[Mr. Harragin]

lay in the fact that first, a policeman has no power of arrest and, secondly, that provided a European or an Asian when accused for trespassing is able to give his name and address, or in the case of a native is able to produce his *kipande*, no immediate action can be taken against him, and in the vast majority of cases that is the last heard of the matter. All the unfortunate owner or occupier can do is to report the matter to the police, and then the trespasser may or may not be found. In order to overcome that difficulty we have come out into the open in this Bill which is now before Council, and I should like to say at once that although it is a new bill, a vast number of its provisions are reproductions of the old law, and the only reason I have put it into this form is because it is easy of reference, and because the Trespass Ordinance is a very short one and the amendments would have been nearly as long. We have also modernized it slightly. The Trespass Ordinance dates back to 1924 and is inclined to be archaic. For instance, the first amendment that attracts notice is the definition of the word "fence" and the word "owner" in clause 2, which have been expanded to meet the existing position.

Clause 3 is practically the same as the existing clause, but to clause 4 I wish to call particular attention. This clause is entirely new, and is a copy really of the existing by-laws in the municipality with regard to natives in huts. As the law stands at present, there is nothing criminal in a native, or half a dozen natives, coming straight down an open drive in broad daylight and staying with your houseboy for three weeks or longer if he so desires. We know that in practice the owner, if he knew, would probably get rid of him as quickly as possible, but in the majority of cases he does not know anything about it, and even if he chased the boy away during the hours of daylight there is not the slightest doubt that he would be back again in the evening. On the face of it it may not be realized how serious that matter is. As you know, at the present time complaints are made not only in this Council but in the papers with regard to deserters. We are always hearing that there are so many thousands of deserters all over the country, that employers report their deserters to the Labour Department and

the Administration, and nothing is ever done about it. Government has caused most careful enquiries to be made, and the provincial commissioners are satisfied that in the vast majority of cases the deserters never return to the native reserves at all. The suggestion has been made in many quarters that while the scent is hot and the deserters are being chased on behalf of employers, they go a few farms away and settle down comfortably with their friends. We have therefore made it an offence in clause 4, as it is an offence in Nairobi, for natives to remain in huts without the consent of the owner or occupier. The proviso is deliberately put in in order, we hope, to avoid any chance of injustice. I will read it in full: "Provided that it shall be a good defence if such person proves that the consent of the owner was unreasonably refused or that he had reasonable grounds for not obtaining such consent". It is quite easy to visualize the position of a man visiting his brother on a farm and the occupier being away he therefore cannot get that permission, and it would be a gross injustice if he was arrested and punished under this Ordinance. One can imagine all sorts of legitimate reasons, and it will be up to the magistrates of the districts to see that that particular section of the Ordinance is reasonably construed.

Clause 5 is the old section rehashed, and clause 6 is one which provides for arrest by a police officer. Again we have been careful to try and avoid injustice, because we have made it clear lower down in the Bill that, where a police officer does arrest one whom he believes to be a trespasser, he shall not prosecute unless he gets the consent of the owner or occupier. It occurred to the committee that a man might appear to be a trespasser or might in fact be a trespasser, but there might be many reasons why the owner or occupier does not wish a prosecution to follow, and therefore we have laid down for the consideration of Council that it should be a *sine qua non* for a trespasser arrested by the police, if prosecuted, the consent of the owner or occupier shall be obtained. I do not think there is anything further that is new in this Bill. Clause 8 is the one to which I have just referred. Clause 7 is the same as the existing law which makes it an offence to give a false name or address. One may say, in summing up the amend-

[Mr. Harrigan] means, that the most important are (a) with regard to arrest by the police, and (b) with regard to being able to arrest any person whom there is reason to believe will not afterwards be found without undue delay and trouble or expense. As I have mentioned, provided a person was prepared to give a name and address, it had to be accepted and it could not be checked up, and the man might disappear altogether, or in the case of a *Kipande* it might be his uncle's. It will be noted that this Bill is entirely non-racial in every sense of the word and, in fact, the only racial distinction that exists in the old Ordinance, namely that a native should be able to produce his *Kipande*, has been cut out, and Europeans and Asians are in exactly the same position under this Bill as each other.

Mr. BROWN seconded.

Mr. BEECHER: Your Excellency, it will undoubtedly be inferred that I am in a militant mood this morning. I very much regret that once again I have to voice my disapproval of the measure before Council, and for the same reason. Although the hon. mover was at great pains as he closed his speech to point out what was pointed out to me yesterday in reply to a question of mine on this subject, namely that the Bill is entirely non-racial in application, he has been at great pains throughout his speech to indicate the exact nature of its racial application against houseboys and African defaulters and all the rest. In point of fact, the Bill quite definitely is of racial intent, and, again I may be subject to correction, my reading of it indicates that it is heavily weighted against the African. I dislike intensely using strong phrases and using them unadvisedly and lightly, but it seems to me sheer hypocrisy to pretend that this Bill is non-racial. The purpose which the hon. mover has sought to bring before us could have been much better achieved by dividing the Bill into two bills and being quite honest and frank about the intentions of those respective bills, on the one hand indicating quite clearly what method of redress was available to the European, or indeed to the Asian, in the case of native trespass, and on the other indicating quite clearly and quite frankly what formula of redress was

available to the African in the case of trespass on lands the use of which he enjoys. I should like, therefore, to take up the time of the Council just a little in examining clauses 4 and 6, assuming that they are non-racial in their intent.

Taking clause 6 first, I will ask whether it is possible for any hon. member to conceive of any African apprehending any European who trespasses on cultivated, enclosed, or private land or breaks through a fence. Can we honestly say he could do it? Can we honestly believe he would in all circumstances put his hand on his heart and give his name and address and be perfectly prepared to answer a summons, if that summons could be served against him? Can you envisage any African apprehending a European and taking him with all due speed before a magistrate or handing him over to a police officer? In any case, there is extreme difficulty experienced by Africans as complainants against Europeans not only in matters of trespass. The African has to all intents and purposes given up any attempt to get any redress whatsoever in case of trespass or stock trespass on his land. Not only so, but in almost every instance where attempts are made to get redress in other quarters by Africans as complainants against Europeans, the most extreme difficulty is experienced. Again, to take clause 4, it is impossible to conceive this as being non-racial in character. As the hon. mover was at pains to elaborate, it is designed in order to operate against the African. It gives European owners authority over the personal visitors of their employees for whom they provide housing. I submit those European employers would not and could not do this with European employees, their farm managers, and others, be those employees British or refugees. I also submit that European owners of property could not and would not do it with their Asian employees. It is patent that this is designed solely to operate against the African.

To look at it from another point of view. If this Bill is in effect as the hon. mover has suggested non-racial in its intention, is it possible for us to conceive any circumstances in which an African head of a village could apprehend, or cause to be apprehended, a European who was in premises in his homestead between the hours prescribed in this Bill?

[Mr. Beecher]

Possibly hon. members will suggest to me that in those circumstances, would a European be there? Distasteful though it may be to explain my point of view I feel I must. Anybody who in Nairobi in the hours of the evening or late evening, seeks to get a taxi to take him from one place to another, experiences great difficulty in doing so. In order to seek this taxi, he will have to go on one of the roads that lead radially outwards from Nairobi, and he would find that at varying distances out into the Kikuyu reserve these taxis are pulled up at the side of the road. The fares, Europeans—I would hesitate to give a more exact definition of the office that they fill—will be found inside in a girl's house in a native village. They are not there at the invitation of or with the consent of the head of that village, and I submit that in no circumstances could that man get any redress against the intruder, who is not there for any laudable purpose. It is with considerable grief to me to find that this Trespass Bill is of such obvious racial intent that I feel it my duty to oppose it.

Mr. COOKE: Your Excellency, I did not intend to speak on this Bill, but having heard what the hon. and reverend member has said it certainly causes me furiously to think. I am perfectly well aware that this new Bill only repeats a lot of the sections in the existing Trespass Ordinance, but I do not think we realize that since the original Ordinance a great deal of native land has become enclosed land, and I think that if this Bill is carried out vindictively or unreasonably by European landlords it may have a boomerang effect. For instance, trout fishing is a very popular pastime in this country, and rightly so, and I myself, I am afraid, frequently offend against clauses of this Bill in my pursuit of that pastime. (A member: Shame!) I think that may lead to a great deal of misunderstanding when to-day natives are enclosing their land, and my only reason for getting up is to make an appeal to Government to see that this Bill is not vexatiously used because, if it is, as I said before, it may have a serious boomerang effect on the Europeans who unwittingly commit trespass on native land.

LORD FRANCIS SCOTT: Sir, the objections raised by the hon. Member

representing Native Interests will no doubt be dealt with by the hon. mover from the legal point of view. There is one clause on which I wish to speak, and that is clause 4. I consider that that clause is very important, from the point of view of the native himself. Anybody who knows much about what happens on farms—I doubt whether the reverend gentleman does know much about farms—knows that most of the trouble is caused through the innate hospitality of the natives, who do not like to refuse any stranger who comes along and asks to be put up for the night. These undesirable people come and stay and are put up, and they steal the belongings of the natives on the farm, and get away with it, and there is no redress because they are very rarely caught. I personally think that clause is most desirable to safeguard the natives themselves. I do not agree that as it is framed this Bill is racial. It may apply more to natives than to others because they happen to be the people who offend more, but in the case mentioned by the hon. member there is provision for action to be taken against a European or Indian or anybody who trespasses on native land. The Bill does give that power, and if they cannot enforce it it is too bad but, as far as the Bill is concerned, there is nothing racial in it, and the application of it is there to be carried out according to the law.

Mrs. WATKINS: Your Excellency, there is one thing about boundary in clause 2 which I have been asked to submit should be inserted, and that is that the words "or road" should be taken as a boundary, because we very often have a high road going past our farms which forms a boundary and when people come off that high road and graze their cattle in the evening on our land they not only trespass and take the grazing but they also bring a considerable amount of disease on to our farms; so we do want "road" brought into the definition of boundary. Also I am not quite clear whether a river is a legal boundary, but I think both these things should be laid down as recognized boundaries, both river and road. A comma should be added between the words "land" and "in any hut" in line 15 of clause 4. These are two minor things, though I do do not think the question of the boundary is a very minor thing.

[Mrs. Watkins]

Why I feel that the hon. and reverend gentleman who has just spoken has not quite appreciated the situation is perhaps because most farms round the big towns are peculiarly liable to trespass. Last Sunday, 37 drunk askaris were molesting one of the daughters on our farm; they would not let her pass, and it was uncomfortable and disagreeable. There was a great deal of drinking. When we catch them, if we do, we cannot do anything about it because they say "he is just an askari, or anyone else, come to see a friend". I would invite the hon. and reverend gentleman to go round our squatters any night and if he does not find 10 strangers sleeping there without invitation I can promise I will pay him Sh. 1 for every stranger he does not find! (Laughter.) That puts the position clearly. It means that if any boy is wanted in Nairobi he comes to Wispers Farm or Karura Farm or somewhere else and we can do nothing about it. They can get drunk and steal our boys' food and our boys' clothes, and although there may be a few exceptional and very distressing cases to which the reverend gentleman has referred, I still think they are very few, and very exceptional, and if the native is to us a real menace to our stock sometimes, and a real menace to the native womenfolk who are living and trying to live respectably on our farms, sometimes they become a menace to our own white households, and I am quite certain none of these things is desirable. I would also stress that we also found several times in the last year people who have escaped from the isolation hospital, who came out because they did not want to stop there, came on to our farm. They had been there a week before they were discovered, and all you can do when you discover them is to say "kwaheri", and you cannot even say "kwaheri" effectively because they simply go back to the same hut a few hours later and sleep there again. So I am very glad to see the Trespass Ordinance coming in and I welcome it, and natives should also be able to use it against white people.

Mr. COULDREY: Your Excellency, I had not intended to speak on this Bill because I was one of the members of the select committee which assisted in drafting it, had not the hon. member stated that it was heavily weighted against the

native. It is not part of my duty to defend Government, I know, but I do submit that in a country where there are 34 millions of natives as against 100,000 other people, the application of the Bill must be very heavily weighted against the African. I would feel somewhat aggrieved about this did I not know that the select committee which considered this Bill very very thoroughly threshed out this question of trespass between 6 p.m. and 6 a.m. in clause 4. I personally would not agree to it had I not received the evidence of the hon. Chief Native Commissioner, the provincial commissioner who sat on that committee, and the rest of my colleagues that it would in effect be in the interests of the natives themselves for the reasons the noble lord stated just now. There is no doubt that natives do have visitors whom they do not wish themselves to receive, but with their tribal customs and laws and great sense of hospitality they do receive them, and I believe it is subject to abuse. As regards it being racial in its application, I do not for one moment put my hand on my heart as he challenges me to do believing that it is racial. He talked about Europeans going into enclosed areas. Where I live in Nakuru it is an offence against the municipal by-laws for any European to be within the native location between the hours of 6 p.m. and 6 a.m. It is an offence which has been committed, and although it was committed by military personnel it was brought to the notice of the authorities and they dealt with it. I am chairman of that Municipality, and I believe this law has done away with the undesirable practices which the hon. member hinted at. There is nothing racial in this, and if he wants us to say it with our hands on our hearts I say it with my hand on my heart! One other matter, the definition in clause 2 of fence satisfies me, but it has been brought to my notice whether you can include a ditch as a boundary. I should like the opinion of the hon. and learned mover on this, whether it does or not, because if it does not and it is a fact as I am assured that certain farms have defined boundaries by ditches, it should be included.

Mr. VINCENT: Your Excellency, one interesting point has emerged from the debate, and it is this. The hon. and reverend gentleman stated, I think, that

[Mr. Vincent]

it was very difficult for a native to lay a complaint and obtain justice against a European. In my experience of 33 years of this country, I can assure him of cases which have come to my knowledge that the Government takes very great care to see that complaints laid by natives are most carefully followed through; on the other hand, Europeans are always complaining that they very rarely get a conviction against a native against whom they have taken a case.

Mr. PAROO: Your Excellency, it may be true that the wording of the Bill does not indicate any racial discrimination, but we know it and it is a fact that several bills and ordinances like this, although the wording may not be discriminating, in reality, in practice, and in administration, do affect one or two races only. I think what the hon. gentleman intended to say was that we must not be hypocrites and say that this has no racial intention or discrimination, but we must admit that in practice it is going to protect one community against particularly the African community.

Mr. HOSKING: Your Excellency, I regret to find myself at variance with the hon. and reverend member who, like myself, protects native interests. I signed the report with a clear conscience. I think I would have signed it with an equally clear conscience had the Bill been racial in character as he maintains it is, and applied to natives only because, as has been stated by the noble lord the hon. Member for Rift Valley, it is our duty on many occasions to protect the native from his own virtues, and one of the greatest virtues of the native is his hospitality, which he exercises in season and out of season. Stock theft is one of the prevailing crimes in this country. It is not directed only against European stock as we know, even in the settled areas, but also against stock belonging to native squatters on European farms. The stock thief of necessity sends out scouting parties; it is an ancient system which is always remarkably good, and if it was only to apply to the activities of those intrepid and skilful gentlemen I should welcome this Bill. In a time of scarcity of food, in a time of scarcity of labour, which is likely to continue, unless God sees fit to send us more rain, we cannot allow these natives to continue

wandering from home to home, dodging both their duties to the Colony and to the Empire and living on their friends and relations.

I cannot understand my hon. and reverend friend's contention that it is in fact racial; it is deliberately non-racial. Take the instance he himself cited about the people who go out in taxis and enter native huts, presumably for immoral purposes. The environs of Nairobi are now policed by the Kenya Police with European staff, and I will make it my duty to request the Commissioner of Police to see that European patrols do go in those areas so that the native can take advantage of this law, which is largely for his own benefit. Why the hon. member should wish to have natives excluded from the beneficent sections of this Ordinance absolutely amazes me. I can support this Bill with a clear conscience and I think that he can too.

Mr. MONTGOMERY: Your Excellency, I was unavoidably prevented from being here at the beginning of this debate and only came in just in time to hear the concluding remarks of the hon. and reverend member. May I say that I entirely disagree with him, as far as I heard him, and I wish to support this Bill wholeheartedly.

Mr. HARRAGIN: Your Excellency, I feel there is little for me to say because in fact the chief criticism has come from the hon. and reverend gentleman, and the hon. Member for Nyanza has of course answered it. The answer is that every single bill that you bring into a country like this, with three million odd natives and 100,000 non-natives, must be weighted against the natives to exactly that extent. It is very easy to speak in generalities, and I was very grateful to the hon. gentleman for giving what he thought was going to be a specific example of how unfair this Bill would be, because he said he could not imagine the owner of a house in Pumwani being able to arrest a European—I do not think he even said Pumwani—one of those huts in the environments of Nairobi.

Mr. BEECHER: On a point of explanation, I said the Kikuyu Reserve.

Mr. HARRAGIN: Well, in the Kikuyu Reserve; it matters not where, wherever some European happens to find himself.

[Mr. Harragin]

May I suggest that if, in fact, that European had forced his way in there it is only right and proper, as this Bill says, that he should be arrested? If, on the other hand, he was there at the invitation of the occupier, which I understood to be the position envisaged by the hon. and reverend gentleman, then of course he could not be arrested, be he black, white or brown, and I suggest to the speaker that the people to whom he refers are there by invitation of the occupier, and if the owner of that house or hut, whatever it may be, disapproves of the conduct of his occupier, the remedy is in his own hands and he should have her removed.

It is true that I do not visualize Africans arresting Europeans who trespass on their enclosed land. When I say that, it is also true of any other offence that a European might happen to commit, that it would be extremely rare except in the case of a policeman that you would find Africans using the powers they have under the law. Therefore that does not damn this Bill. Because it so happens that owing to the state of civilization to which the African people have at present risen it is unlikely that they would arrest a non-European, it does not necessarily mean that the law which gives them the right to do it is bad. I submit with all seriousness that if a European did trespass on the enclosed land of an African, the African would be perfectly entitled to arrest him and we would like him to be arrested. If in fact he is afraid to do it that is just unfortunate, but the time will soon come, I can assure you, when that will not be so. I think you will find in a very few years the African will learn his rights under this Ordinance as well as under many others.

A point was made with regard to the definition in clause 2 of the word "enclosed land", in which it was asked whether a ditch was included. Of course it is not included, but it could be. As a matter of fact I believe it will happen in the majority of cases. You will see in the definition of the word "fence" that it includes any hedge, wall or other erection by which the boundaries of any land can be known or recognized, and if you had thrown up the earth at the side of a ditch so that it was perfectly clear

that in fact it was meant to indicate that it was private land, that would probably cover the point, but I have no objection to putting that word in to make it clear in the definition when we go into committee. The other point is more difficult and that is with regard to the word "road". One hon. member mentioned that it would be useful if, in addition to the other words there, we used the word "road", and then she proceeded to give the very example which makes it difficult for me to agree to putting it in, namely that you have assumed a man driving his *ng'ombes* along a road which has, we will say, a ditch on the side of it and wandering off that road. There is no fence to keep the *ng'ombes* out and one of the animals happens to go on to this person's land, and immediately a criminal offence would have been committed. Therefore I think we must stick to this definition which makes it clear that you must have some erection which is going, as far as we can, to indicate that this is private land and not public land through which the man may be driving his *ng'ombes* at the time.

MRS. WATKINS: On a point of explanation, is ditch going to be allowed?

MR. HARRAGIN: The answer is in the affirmative.

There is only one other point I should like to make and that is to express my entire agreement with the hon. Member for the Coast with regard to this Ordinance not being carried out vexatiously. He has made a very good point because in this Ordinance a great deal will be left to the magistrate, even more than in the majority of ordinances, and I refer of course to clause 4 of which we have heard so much, and particularly to the proviso. I referred to it in my opening remarks, when I said that the provisions of that section did not apply provided the so-called trespasser was able to prove he had reasonable grounds for not obtaining the consent of the owner and also that it had been unreasonably refused. If a magistrate were to be vexatious or to my mind unreasonable about it it is true that section, like many others in the law, could be abused, but I think hon. members will agree with me that in the Court of Appeal it is unlikely from experience in the past that they would allow it to be used vexatiously in

[Mr. Harragin]

any way whatsoever. You can leave it to their discretion to see that it is not vexatiously used.

I think a good point was made in clause 4 with regard to the insertion of a comma in the first line of the section. Actually I do not agree that that is the correct place to put it, but what I do suggest is that it will make it clearer and will meet, I think, the hon. member's point, if we put those five words in line 1 of clause 4 after the word "compound" and it will read as follows: "Any person who is in any hut, enclosed premises, yard or compound on any privately owned land", etc. I think that would make it clearer and would be a great improvement on the existing draft.

The question was put and carried.

THE HOUSING BILL

SECOND READING

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

The enactment of this bill will, in my view, be a noteworthy landmark in the social progress of this Colony. Before explaining the principles and details of the bill, I would like briefly to refer to the reasons for it and the background from which it emerges. With the development of commercial and industrial activities in the townships of this Colony there have come about aggregations of large numbers of Africans within the township boundaries. These aggregations have created problems social, hygienic and economic, which are becoming acute and increasingly demanding early solution. The solution of these problems demands the formulation of policies comprehensive and generous in outline, governing the question of housing and the whole range of native welfare, not only in the interests of the Africans concerned but also in the interests of the whole community, among whom those Africans dwell. It is true that a very wide range of social services is required, but I submit that housing is the backbone of the framework upon which those policies will have to hang. The present situation is one that should be the cause of very serious concern to every section of the community. Take the Nairobi Municipality as an example. There has been no

exact census of the African population, but it is believed that there are 53,000 Africans living in Nairobi. There is housing accommodation which those Africans can legally occupy for, not more than about 35,000. In Mombasa the conditions are little, if any, better, and in Mombasa there are other conditions peculiar to the island which cause very serious hardship to the native population. In other municipalities in the Colony the problem exists in less degree. We sometimes look forward to the day when we shall have an urban population of Africans with some kind of civic pride, but I imagine it must be very difficult to cultivate civic pride if one happens to be living in Kariakor or Pumwani. If any hon. members are inclined to doubt that statement may I invite them to visit those places, if they have not done so before, particularly at night—in company perhaps with the Municipal Native Affairs Officer—and they will then see for themselves the conditions under which many thousands of the Africans of this town are compelled to live.

It is very difficult to over-emphasize the evil effects on the whole community of bad housing. By bad housing I include grossly overcrowded, insanitary or dilapidated housing. Take one aspect of it alone, the incidence and spread of infectious and communicable disease are fostered by these conditions. We call these places "plague spots", and they are literally so. One might instance the outbreak of plague that occurred in this town in 1941 and 1942 and which traversed a large part of the Municipality. It is very remarkable that the incidence of plague was almost non-existent in such a place as Shauri Moyo and the railway landies where the buildings are solidly constructed and rat-proof. The disease was initiated and flourished in the congested and insanitary areas, of which Pumwani is the prime example. Look at it from the economic aspect only for a moment; that is the very lowest point of view one can take. That outbreak of plague cost the Government and this town in control measures £5,000 at least in hard cash, to say nothing of the economic loss suffered by the natives themselves and by employers, the cost of hospitalization and dislocation of business and the immeasurable cost in human mortality.

[Mr. Mortimer]

Other diseases of considerable social importance also flourish in such surroundings, as it has become necessary to establish and maintain quite large organizations for dealing with those diseases and their consequences, and yet we allow the root cause to remain untouched. Slums are expensive luxuries; they are luxuries which only the very wealthiest communities can afford to maintain, and we in this Colony cannot afford to maintain our slums, from the economic point of view only. But there is another side to this question and what I conceive is an even more important side. Just about 100 years ago Disraeli in the British House of Commons when supporting the great Public Health Acts of that period, used these words: "I ventured to say a short time ago that the health of the people was the greatest subject for a statesman. It is a large subject; it has many branches; it involves the state of the dwellings of the people, the moral consequences of which are not less considerable than the political". We have learned by bitter experience how true this is. Of all the consequences of bad housing the moral and mental consequences are perhaps the worst. Slums and slum-mindedness bring not only disease but they sap the mental and moral fibre; they result in delinquency, in profligacy of all kinds, in prostitution, in thieving and in many other social ills which are a real menace to our civilization. It will become a reproach to us if we allow such evil conditions to continue unchecked.

In order to remedy the present conditions a very large quantity of new housing is required. In addition to that, there are slums which ought no longer to be allowed to continue, but it is no use pulling slums down merely and leaving a blank sheet; we must be ready to erect new buildings to take the place of those slums and to provide for the accommodation of the slum dwellers. Private enterprise cannot meet that need; it is a problem for local authorities, for our municipal councils and boards. It is a very welcome sign of the times that there is a very real interest and concern on the part of all local authorities in this Colony on this question of African housing, and not only on the part of local authorities but the general public are

awakening to a sense of their responsibilities under the mandate of trusteeship to which alone we owe our presence in this Colony. The Chamber of Commerce are taking a very active interest in this subject, and I know, of course, that hon. members in this Council need no words of mine to awaken their sympathies on this subject. Active steps are being taken in Nairobi to remedy existing conditions, but there will still remain much to be done, even when the measures at present in contemplation have been carried out. In Mombasa, too, steps are being taken, but not nearly so active and energetic as I would wish. It is not only unjust but economically unsound to leave the solution of this problem entirely to the rate-payers of individual municipalities. It is a problem in the solution of which the taxpayers must be prepared to take an active share if necessary. All over the world it has been found that the poorer classes of the community are unable to pay an economic rent for reasonable housing which would meet the requirements of the public health laws of the local authorities. Subsidization in one form or another has had to be adopted in practically all civilized communities. It is not always easy to devise the right method of subsidization without unduly relieving the employer of his legal and moral obligations to his employee. Sub-economic housing is not the ideal method, but it may be forced upon us by economic circumstances.

So far I have spoken only of African housing, but lest any hon. member imagine that there is any racial discrimination in this measure I should like to emphasize that Asian housing, too, demands little less urgent consideration of municipal authorities and Government, and it may be that housing for the European lower paid employees will also have to come within the scope of this enabling measure. There are existing legal powers which enable local authorities to initiate housing schemes and borrow money for carrying them out, but they do not go nearly far enough. They are permissive only, and there is nothing in these legal measures to impel local authorities to carry out their obligations; there is nothing in those powers to require the taxpayer through Government to take his share in the burden of the

[Mr. Mortimer]

cost. In short, there is neither policy nor plan under existing legislation. What we want to do under this bill is to provide a policy and to give reasonable ground for the provision of detailed plans. It is very gratifying to know, as Your Excellency indicated to this Council in your opening remarks, that the Secretary of State is very keenly concerned in this matter of housing in our municipalities, here and that he has agreed to provide very generous assistance from the Colonial Development and Welfare Vote by way of free grants to meet the sub-economic aspects of housing schemes if such are required.

I turn now to the bill, having outlined the background against which it was produced. This bill has been discussed in close detail with all the local authorities and has been welcomed by them with enthusiasm. It will provide the basis of a sound housing policy, the carrying out of which must have a very high priority after the war and even during the war. There are three major features for which this bill will provide. The first of these is the establishment of a central housing board consisting of specially qualified people whose duty it will be first of all to inspire local authorities to produce adequate housing schemes for their areas, to examine such schemes as may be produced, and to assist in the preparation of schemes by technical and other advice wherever it may be required. The next major feature is the establishment of a housing loans fund, from which loans or grants may be advanced to local authorities to carry out approved schemes. That housing loans fund will be established and replenished from time to time by moneys voted by this Council, by loans raised in other ways by local authorities, or by special grants from the Colonial Development and Welfare Vote. Repayments will go back into the fund and will be available for re-lending from time to time for approved schemes. There is nothing that causes the enthusiasm of local authorities to waver and disappear so much as having to wait a long time for permission to raise loans once they have produced their approved scheme, and the enactment of the present measure will, I hope, remove that serious disability which exists under the present law. Another major feature of the scheme is that provision will be made for the taxpayers

through Government to share the burden of sub-economic housing, if such should prove necessary. The proportions in which that share will be borne by rate-payers and taxpayers will be determined in each individual case.

I would like now, briefly, to ask hon. members to glance at the details of the bill. First of all, I wish to refer to the definition in clause 2 of local authority. It will be observed that this includes not only municipal authorities but also any other person or body of persons approved by the Governor and declared to be a local authority. This will enable district councils in due course to take advantage of the provisions of this bill. It will enable any other authorities that may be set up who are approved by the Governor from time to time to become local authorities and to borrow money for their own housing schemes. Under clause 3 the powers of local authorities are laid down, giving power to raise loans or grants for the purpose of carrying out the objects of the measure. Clause 4 is especially important, wherein the establishment of the housing loans fund is provided for. That fund, as I have explained, will be replenished from time to time, by votes of this Council, by loans or grants from the Colonial Development and Welfare Vote. In (2) provision is made for the Governor to advance loans at lower rates of interest than might normally be expected in order to meet sub-economic aspects of any housing scheme, and in (4) provision is also made for Government if it so desires in individual cases to share any loss incurred by any local authority in carrying out a scheme that has been approved. In clause 5 it is laid down that loans under the bill shall be for a term not exceeding 40 years. Clause 6 provides for a local authority to utilize the money granted from the loan fund for the purpose of carrying out approved housing schemes. In clause 7 there is an important provision which enables a local authority to advance money to someone else to carry out an approved scheme or to build an approved house. This will work somewhat on the lines of a building society, and will permit poorer members of a community to borrow on good security at comparatively low rates. Loans made in this way are not to exceed 20 years repayment.

[Mr. Mortimer]

In clause 9 provision is made for the remedies Government will have against a local authority in the event of a default, and in clause 10 are laid down the remedies which a local authority will have against any borrower from them in the event of his defaulting. The next major provision is clause 12, which provides for the setting up of the central housing board, which is to consist of not more than seven members; and will embrace at least two technical members, an architect and an engineer. The members of the board will hold office for two years or for such longer period as the Governor in Council may decide. The duties of the board are laid down, and cover the ground which I have already indicated. In clause 13 special stress is laid on the necessity for providing for native hostels where such are found to be desirable in the area embraced by a local authority. In clause 14 the housing board is enjoined not only to deal with schemes put before it, but to review the needs of various areas, and if a local authority is not carrying out its job provision is made for it to call upon the authority to produce a scheme. In clause 15 provision is made for what is to happen in the event of a local authority failing to do its job; that is, the Government may step in and carry out the work for the local authority and make demands on the funds of the authority to recover the cost. Finally, there is the usual power to make regulations and to lay down adequate penalties for offences that may take place under the provisions of the law.

This, then, is the foundation of a housing policy upon which all classes of the community may combine to erect something really worth while. It will have a far-reaching effect upon public health and social amelioration. State medical services and other social improvements will lose half their value if they are not coupled with adequate and proper housing, and if conditions of environment are not dealt with on sound lines. In conclusion, I would emphasize that the battle of health can only be won on the field of environment. With confidence, then, I submit this bill to the sympathetic consideration of the Council.

MR. TROUGHTON seconded.

MR. BEECHER: Your Excellency, I have been somewhat of a nuisance to the Council this morning, and it would only be gracious on my part (and I must do it) to say that I most heartily welcome this bill. It was a pleasure to hear the hon. mover move the second reading, and I agree with him most wholeheartedly in all he said. I further agree that in this instance there is no racial discrimination about the bill whatsoever, but I feel I must say that in this case it is right to suggest it is heavily weighted in the African's favour! (Laughter.) I am therefore very grateful on behalf of the African for the appearance of this bill. I am further grateful to you, sir, for the reference you made in your Communication from the Chair in opening this session of Legislative Council, and on behalf of the Africans grateful to the home Government for the generous assistance it is giving to housing in general, in which the African will so largely share.

MRS. WATKINS: Your Excellency, I welcome this bill. It is a particular interest of mine and I do want to make one or two points about it. The first is that the hon. Commissioner for Local Government refers to a generous and comprehensive scheme. Well, Your Excellency, it seems to me if you want that you do not want it entirely within the municipalities, but you will have to go and make your sites for your native villages outside. I am talking now of garden cities. I believe that is a real necessity, and I do not believe that by confining municipal housing to municipalities one is really meeting the whole of this big question. I know I shall be told by the White Highlands Board that you cannot have yet another revision of the boundaries of the white highlands and therefore you could not have a native village in the white highlands outside a municipality. I would suggest it might be competent in that case to get round that by hiring land to a municipality, not to natives, for the use of the natives employed in the municipality. It must be tackled in some way, because I feel very strongly that the native has got to become urbanized, or a certain proportion of them, to a certain degree. But where the hon. Commissioner for Lands and Settlement requires houses I require

[Mrs. Watkins]

homes for the natives. I do not consider that some of the houses now being put up are homes; I consider they are rather better barracks than they had before, but they are still barracks more or less. Until we get away from that conception, and until we get the wider vision and the generosity which he suggests is required in our planning for natives, even to infringing upon the white highlands to that certain degree, I do not think we shall get very far. The matter should receive urgent consideration. Shauri Moyo was referred to as a very healthy spot, or anyway not a plague-ridden spot, but if our imagination is going to stop at Shauri Moyo, God help us. It is one of the most depressing spots, mentally and morally, I can possibly conceive.

Another point I want to make is this. He says that private enterprise cannot be counted upon to help in these matters. I suggest to Your Excellency that private enterprise is not encouraged. I suggest to Your Excellency and to this Council that if firms in this town, and Government departments perhaps also, were asked whether they would like an opportunity to be allowed to put up for their own employees really nice little streets of houses, quite a lot of firms in this town would welcome the opportunity. That opportunity, as far as I know, speaking without the book, has not been offered them. Neither has the interest taken been duly encouraged. We have in this country, in this town, as you all probably know, a woman architect; she is not in on these schemes, she is not being used, and she is keen. It is unsuitable perhaps to refer to her aptitude and possibilities for public works, but I think the people of this town should be much more encouraged by Government to come in; they should be encouraged to give voluntary help; firms should be encouraged to put up houses—groups of houses—anything you like, and I think that is a very important point because there is nothing like the competitive spirit as between firms and between departments perhaps, to try and give their natives better housing than anyone else—getting a show place for your natives. That is the way we shall get good native homes. I do not believe one or two rooms constitute a home unless it is for

a very small family. In all these things my sex has not been brought into it half enough. I do suggest in all seriousness that women have more to do and more to say and have more knowledge of homes than any man; whatever his technical qualifications. I think we should be encouraged to come in and help. It is particularly our line, yet we are cold-shouldered out of the whole thing unless we are impertinent enough to push our way in. I think that is an obvious mistake. I am quite sure the hon. Commissioner for Local Government really agrees with me and I sincerely hope he will say so.

Another thing that has been puzzling me and has a good deal to do with our problems is the enormous cost of small houses here. I have talked to the Southern Rhodesian expert—I think his name is Mr. Jennings. He has pamphlets on the subject and we should pay attention to his experience from other parts of Africa, because they too are dealing with it all the time. When we talk to the South African people we find their houses cost per unit very much less than ours do. I am not competent to discuss why, but I do suggest that there is something pretty wrong about it somewhere. I believe a three-roomed house, according to Mr. Jennings, costs £152 in Rhodesia, and I do not know what it costs here because I have not yet attended the Housing Committee, a meeting of which is to take place tomorrow afternoon, but I believe they are going to cost considerably more, and in spending our loan I do suggest we should watch that very carefully because we want such a quantity of housing. We want good sites for the new houses, we want a kind of garden city, and we want a good town plan; and all these items are going to cost money, so we do not want to waste money by making nine-inch walls where six-inch would do, and all these items which other countries can do more cheaply. I suggest we should keep in contact with these other countries and make this question an African one; not merely a Kenya or East African one. I believe we could get help from all over the continent for this.

When the Housing Board is nominated or elected, I do suggest that those women who are qualified to take their place on

[Mrs. Watkins] it—architects and welfare workers, if there are any—should be considered and should be encouraged to take an interest. Again I stress that firms should be encouraged to have their own housing schemes, to put up the housing at their own expense, and then give them a prize for the best housing unit; encourage them in every way; make this our business. It does not belong to the Public Works Department or the Commissioner of Local Government; it is ours—we citizens of this town and this country—and we want to be welcomed into it.

MR. PATEL: Your Excellency, I beg to welcome and support most heartily the bill before Council. In my opinion this Council has not been called upon to consider a more important bill for many years. The hon. mover has so ably put forward the most important objects and has explained the provisions of the bill that I do not think anything need be added to it, but I hope that in the administration of this bill the people who will be charged with carrying it out will be as enthusiastic, or more enthusiastic even than the framers of this bill. There is no doubt that there is a serious shortage of housing in this country and a very great effort will be needed to remove the shortage after the war, and it is absolutely necessary that local authorities should show not only enthusiasm but keen interest in persuading private people to fall in line with schemes and to work out schemes.

MR. AMIN: I rise to support the bill and wish to add one aspect of the problem for the consideration of Council. I think the bill will indicate at least to the public, or the world at large, that after so many years we are doing something in this Colony to remove some of the difficulties which we have created. I refer to the condition of the homes in which the various African tribes were living in this Colony when the foreigners came here. In the agricultural surroundings in which they were living, although they might not have had everything which we would desire them to have, they at least had healthy surroundings. They did not suffer from congestion in a residential area; they had free air, fresh air. We have brought them, without any desire to harm them, into

industrial centres, cities, and subjected them to circumstances beyond their control. I am quite sure that whatever we do in cities like Nairobi or Mombasa or Kisumu, it will be many years before we can give Africans proper housing. There are many aspects of the problem of African housing which will require to be considered by the Housing Board that will be appointed. In my submission the Board will have to keep in mind the necessity of providing adequate facilities for playing grounds, open spaces and even meeting halls or theatres. They will have to provide the social amenities that the Africans enjoy in their own surroundings in a different way. They have their own social life, their own cultural ways of meeting together in the evenings, and we should provide facilities in these new housing schemes where they may have it again on a larger scale and on a more cultural level.

The point has been made that Asian housing also requires assistance. I entirely agree with the suggestion. There is at present a very great shortage of Asian housing, and only a few hours back we considered in another bill the difficulties of tenants and sub-tenants in the cities. Housing expansion on a large scale will be required, and I am quite sure the Asian community, starting from the bottom with the small income up to the high level of merchants or business men, are anxious to do what they can in extending the housing available for the Asian community as well as others. I am quite sure if schemes are prepared whereby the public can take their full share in the expansion of housing, the Asian community will not lag behind but will come forward to the best possible advantage of the local authorities, inasmuch as the local authorities will also obtain assistance from Government and from loan funds.

There is one particular point which is not serious as far as building is concerned, but it occurred to me as a passing thought. For several years in this Colony I notice that the word "native" is receiving more attention than it has for a long time. We have all learned the habit of using the word "African" for the purpose of referring to the various tribes resident here. It may be that the public is willing to receive the suggestion,

[Mr. Amin] and perhaps it may be better if the law in future could find out some method of referring to African races without calling them natives, because I know quite a lot of people are sure that the African does not like to be referred to as a native. If there is any method by which the law could help the public to form the habit this may be a good opportunity because it is going to affect all races, and the Africans most of all. That is all I have to say.

MR. MORTIMER: Your Excellency, I will refer first to the remarks made by the hon. member Mr. Amin, and will assure him that in the preparation of schemes the local authorities and the central housing board will have very closely in mind the necessity for providing amenities such as playing grounds, social centres, shops and other requirements. The hon. member will no doubt notice that under the definition of "scheme" all these things are included. I would also like to welcome his offer of Asian support and assistance in the carrying out of the provisions of this measure. The important points mentioned by the hon. Member for Kiambu meet almost entirely with my agreement. She mentioned the necessity for garden villages outside the confines of municipalities. Provision is made for that under the bill in clause 6, sub-clause (1) (a) (ii), where a local authority is empowered, with the approval of the Governor in Council, to acquire land on which to construct approved dwellings or to carry out approved schemes outside its area of jurisdiction. I agree entirely with the remarks of the hon. member about Shauri Moyo. I would not have mentioned Shauri Moyo except that it is at any rate solidly constructed. I would not refer to it in any other way, save as an example of how not to do it.

The hon. member referred to the utilization of private enterprise. When I referred to private enterprise in the course of my opening remarks it was only with reference to building activities. I said that private enterprise could not be expected to carry out schemes that are required because no private or speculative builder could expect from African housing schemes an adequate return for his capital. I did not refer to the utilization of the efforts of public-spirited

people who give their time and effort and energy to the carrying out of individual schemes. I should like to say how very much I welcome those offers, and they have in the past been utilized. On the existing housing committee in Nairobi which Your Excellency has set up unofficial members have given the greatest possible assistance.

MRS. WATKINS: On a point of personal explanation, what I mean is that firms should be allowed to put up housing for their own natives.

MR. MORTIMER: Yes, Your Excellency, that is another point to which I want to refer. The lady architect mentioned by the hon. member has been harnessed for service, and has been invited to comment upon the housing scheme which is now before the Government housing committee, and her comments have been of real value and have been incorporated in the final scheme. I share the view of the hon. member that in the central housing board at any rate one woman member should be included, if not more.

The hon. member referred to the cost of our housing schemes. I, too, feel that this matter of costs must be very closely examined. We have had from Mr. Jennings details of the Rhodesian schemes, and while Rhodesia has not very much to teach us in the matter of construction or design, yet there is something to be learned from them in the matter of costs, if Mr. Jennings' figures which he gave us when he was here are correct. I am not sure that they are, and I asked him to amplify his statements, but no reply has yet been received. That will be a matter for the central housing board to examine closely. On the question of private firms building quarters for their employees, there is much to be said on both sides and it will be a matter for the central housing board to consider. Against the proposal there is this to be said, that it is of great advantage that the local authority should have the fullest possible control over any native housing scheme established within its area. If private firms put up their own housing, difficulties of control arise which might be a serious menace if the control is not adequate. I would like to express my appreciation of the warm welcome the bill has received.

The question was put and carried.

BILLS

THIRD READINGS

MR. HARRAGIN: Your Excellency, I would ask leave to move the third reading of two bills before we adjourn. My reason for asking is the Nairobi Municipality are anxious to get their Valuation Roll Validation Bill through, and the Rent Board is most anxious to have the amendments to the Increase of Rent Ordinance dealt with as soon as possible. In the interests of Government, too, it is just as well that the Government Printer should be able to get ahead with the preparation of some bills now instead of having at the end of Council some twenty of them given to him.

- HIS EXCELLENCY: We have adopted the select committee reports on these bills and it is merely a matter of reading them the third time.

MR. HARRAGIN moved that the Increase of Rent and of Mortgage Interest (Restrictions) (Amendment) Bill and the Local Government (Rating) (Nairobi Municipal Council Valuation Roll Validation) Bill 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 10 a.m. on Monday, 13th December, 1943.

Monday, 13th December, 1943

Council assembled in the Memorial Hall, Nairobi, at 10 a.m. on Monday, 13th December, 1943, His Excellency the Governor (Sir Henry Moore, G.C.M.G.) presiding.

His Excellency opened the Council with prayer.

MINUTES

The minutes of the meeting of 9th December, 1943, were confirmed.

PAPERS LAID

By MR. RENNIE:

Report of Land and Water Conservation Committee for the period June, 1941, to 30th September, 1943.

ORAL ANSWERS TO QUESTIONS

No. 97—SISAL PRICES

MR. NICOL:

Will Government state the alongside ship price being paid by the Allies for (a) sisal produced in Tanganyika Territory, Kenya and Uganda, (b) sisal produced by British controlled plantations and others in Portuguese East Africa, (c) sisal produced in Madagascar? If, as is generally believed, there is material discrimination against the planters in Tanganyika Territory, Kenya and Uganda, what is the justification for the special war tax on the producers of a priority war need?

MR. TROUGHTON: (a) The f.o.r. place of shipment prices paid for sisal produced in Tanganyika Territory, Kenya and Uganda are as follows:—

No. 1 prime	..	Sh. 480 per ton
1	..	Sh. 470 " "
A	..	Sh. 460 " "
2. Prime	..	Sh. 460 " "
2	..	Sh. 450 " "
Long 3	..	Sh. 440 " "
3	..	Sh. 430 " "
Rejects	..	Sh. 390 " "
Tow 1	..	Sh. 335 " "
Tow 2	..	Sh. 295 " "

In addition, the following sums are paid:—

Port charges, i.e. from f.o.r. to f.o.b.,
Sh. 12 a ton

Agents' commission, Sh. 10 a ton.

Sisal levy, Sh. 3/50 a ton.

(Mr. Troughton)

(b) and (c) The alongside ship prices paid for sisal produced by British-controlled plantations and others in Portuguese East Africa and for sisal produced in Madagascar are not matters within the special cognizance of the Government of Kenya.

In Tanganyika Territory, Kenya and Uganda, as in the case of other Empire territories, the price to the producers of sisal and other commodities is based on the cost of production plus a reasonable profit, and negotiations for an upward revision of the price of sisal are now in progress. In so far as the Government is aware, there is no discrimination against sisal producers in Tanganyika Territory, Kenya and Uganda. The Government is not aware of any special war tax levied on the producers of a priority war need.

LORD FRANCIS SCOTT: Arising out of that answer, will Government make it their business to find out what prices are paid for Portuguese East Africa and Madagascar sisal and inform the public?

MR. TROUGHTON: Inquiries are being made.

SUSPENSION OF STANDING RULES AND ORDERS

With the consent of His Excellency, under Standing Rule and Order No. 108, Mr. Harragin moved that Standing Rules and Orders be suspended to permit the Pyrethrum (Amendment) Bill to be passed through all its stages at this sitting.

MR. BROWN seconded.

The question was put and carried, and Standing Rules and Orders were suspended.

THE PYRETHRUM (AMENDMENT) BILL

FIRST READING

On the motion of Mr. Harragin, the Pyrethrum (Amendment) Bill was read a first time.

SECOND READING

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

I should perhaps indicate briefly why this amendment to the principal Ordinance is necessary. The reason why this Bill has been placed before Council is

to implement the agreement which has recently been concluded with the United Kingdom Ministry of Supply for the purchase of the East African pyrethrum crop from the 1st January, 1944, to the end of December, 1947. Under the agreement the Ministry has guaranteed to purchase pyrethrum produced from an East African acreage not exceeding 50,000 acres as at the end of this year, and in that connexion I would mention that negotiations are at present in train with the Ministry with a view to obtaining an extension of the planting period, namely the 31st December, 1943, and also, if possible, to obtain an extension of the permitted maximum acreage. However, as the matter stands at present, we are in the position that steps have to be taken to limit the area of pyrethrum as at the 31st December, 1943, to a figure of 50,000 acres for the three East African territories.

Under the principal Ordinance, section 8, there is provision for the licensing of growers, and under the existing procedure growers are required to be licensed, and those who wish to plant or maintain pyrethrum apply for a licence, which is issued under the authority of the Director of Agriculture who, if necessary, consults the Pyrethrum Board. Also at present pyrethrum has been declared a crop under the Increased Production of Crops Ordinance, 1942, and a farmer who wishes to obtain any benefits that may accrue under the provisions of that Ordinance makes application to the Board and receives a planting order. There is, however, no link at present between the acreage which a farmer may plant under the terms of his licence and the orders which may be issued to him under the provisions of the Increased Production of Crops Ordinance. In consequence of this agreement it will be appreciated that it is necessary to forge such a link and to ensure two things, namely that the maximum acreage which may be permitted at any one time is not exceeded and, secondly, to ensure that that maximum acreage is kept under crop. I have mentioned the figure of 50,000 acres as being the present limit. A return was recently obtained by the Agricultural Production and Settlement Board of details of the existing acreage under pyrethrum in Kenya, and the figures show that at the 30th October of this year 41,800 acres approximately

[Mr. Killick]

were under pyrethrum, and growers expected that they would be able to extend their acreage by the end of December up to a figure of 46,100 acres. The present Bill is designed to give effect to what I have mentioned, namely to ensure, firstly, that growers are licensed, and, secondly, to ensure that the maximum acreage under pyrethrum is planted and maintained and that that acreage is not exceeded.

Turning to the Bill itself, clause 2 provides that no person shall plant pyrethrum unless he is licensed, and sub-clause (2) provides that the area which a farmer shall be entitled to plant or maintain under the terms of his licence shall be the acreage specified in orders to be issued by the Chairman of the Agricultural Production and Settlement Board. Clause 3 specifies the licensing authority, the Commissioner of Inland Revenue, who is the present licensing authority and who is empowered to issue licences with the authority of the Chairman of the Board. The officer authorizing previously under the principal Ordinance was the Director of Agriculture. Clause 4 sets out the form of licence, and it will be noted that a farmer is licensed to plant pyrethrum on a specified farm.

I would now refer to clause 7 (1). It will be noted that any person who desires to plant pyrethrum shall make application in the form provided to the Chairman of the Agricultural Production and Settlement Board, and in the committee stage I propose to move an amendment to clause 7 (1) to provide that the Chairman of the Board shall have power to authorize the issue of a licence or to refuse the application. This, I think hon. members will agree, is an omission which should be rectified since if the Chairman of the Board does not propose to issue a planting order there is no reason why the grower should get a licence. Clause 7 (2) empowers the Chairman of the Agricultural Production and Settlement Board to issue licences to growers who have submitted the return which was called for this year, and it will be noted that in respect of 1944 growers will not be requested to submit application forms. Again, in the committee stage I will move an amendment proposing the deletion of the words "and shall" which appear in line 2 of clause 7, sub-clause (2). The reason for this is that some of

the return forms received by the Chairman of the Agricultural Production and Settlement Board showed only a proposal to plant in 1944, and while it is the intention of the Chairman of the Board to licence all growers who have pyrethrum planted as at the end of the year and who are licensed for the current year, it may not be possible to issue to everybody who requires it planting orders for planting any further acreages in 1944. In the committee stage, too, I should like to move a further amendment to give the Chairman, Agricultural Production and Settlement Board, power to delegate his authority under the Bill to any person or persons whom he may name. Without that delegation of authority it would mean the Chairman himself would have to sign a considerable number—something like 900 authorizations for licences, and a similar number of planting orders.

In conclusion, I would mention that the Bill has been drawn up after consultation with the Pyrethrum Board and with the Chairman of the Agricultural Production and Settlement Board and is designed, as I indicated previously, to implement the agreement which has been concluded with the Ministry of Supply.

MR. HARRAGIN seconded.

MR. COULDREY: Your Excellency, I wish to support this motion. As Chairman of the Pyrethrum Board of Kenya I can say this motion has the full approval of my Board and it is done very much at their request, and the essential amendments which the hon. mover indicated he intended to move at the committee stage are also entirely in the interests of pyrethrum growers and have the approval of the Pyrethrum Board.

The question was put and carried.

BILLS

IN COMMITTEE

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

- The Pyrethrum (Amendment) Bill.
- The Probation of Offenders Bill.
- The 1942 Supplementary Appropriation Bill.
- The Collective Punishment (Amendment) Bill.

- The Local Government (District Councils) (Amendment) Bill.
- The Tea (Amendment) Bill.
- The Legislative Council (Amendment) Bill.
- The Local Government (Municipalities) (Amendment) Bill.
- The Compulsory National Service Bill.
- The Non-European Officers Pensions (Amendment) Bill.
- The King's African Rifles (Amendment) Bill.
- The Military Units (Amendment) Bill.
- The Trespass Bill.
- The Housing Bill.

MR. BROWN seconded.

The question was put and carried. Council went into committee.

Pyrethrum (Amendment) Bill.

Clause 7.

MR. KILLICK moved that clause 7 be amended (a) by substituting a full stop for the colon which occurs in line 5 of sub-clause (1) thereof and by adding thereto immediately after the full stop: "Upon receipt of an application for a licence the Chairman of the Agricultural Production and Settlement Board may at his discretion authorize the issue of a licence or refuse the application"; (b) by deleting from line 2 of sub-clause (2) the words "and shall".

The question was put and carried.

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

Clause 8.

MR. KILLICK moved that the following be inserted as clause 8: "Delegation. 8. The Chairman of the Agricultural Production and Settlement Board may by writing under his hand delegate all or any of his powers or functions under this Ordinance to any person or body of persons", and that clauses 8, 9, 10 of the Bill be renumbered 9, 10 and 11 respectively.

The question was put and carried.

Local Government (Municipalities) (Amendment) Bill.

Clause 2.

MR. MORTIMER moved that clause 2 be amended by deleting therefrom the proposed sub-section (33A) in paragraph (ii) thereof and by substituting therefor:

"(33A) To establish, erect, equip, maintain, and carry on depots for the inspection, treatment, distribution, purchase and sale of milk or milk products, and to distribute, buy and sell milk or milk products".

The question was put and carried.

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

Clause 3.

MR. MORTIMER moved that clause 3 be amended by adding thereto, after the word "milk" in the last line of paragraph (iii), the words "or milk products".

The question was put and carried.

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

The Compulsory National Service Bill.

Clause 2.

MR. HARRAGIN moved that clause 2 (b) be amended by substituting for the word "sixty" on line 3 the words "forty-five".

The question was put and carried.

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

Clause 5.

MR. HARRAGIN moved that clause 5 be amended by deleting the words "or a Man Power Committee".

The question was put and carried.

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

Clause 7.

MR. VINCENT moved that clause 7 be amended by the substitution of the words "an armed" for the word "a" on line 2.

MR. HARRAGIN: Your Excellency, at first sight one would think this amendment could be accepted, but there are difficulties in the way. If we limit the powers of the Governor in this way it will mean that no force such as the A.R.P., for example, could be raised in this country unless they were to be armed, which we know the A.R.P. would not be. I understand that the object of the amendment is that it should be the special police force, who will be Class C of the K.D.F., who should be armed. It is the intention of the Government that they shall be armed, otherwise they would be useless in suppressing local disorders, and I suggest to the hon. member that it would

(Mr. Harragin) be a great pity to fetter Your Excellency's powers so that we always had to arm any force that might in future be raised.

MR. VINCENT: If it is the intention that the force in question shall be armed and it is going to be difficult if my amendment is agreed to, I will withdraw it on that undertaking being given.

HIS EXCELLENCY: That undertaking is given.

The amendment was by leave withdrawn.

Schedule.

MR. HARRAGIN moved that the schedule be amended by the deletion of the words in line 2, page 5, "(Whether on the un-employed list or otherwise)".

The question was put and carried.

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

King's African Rifles (Amendment) Bill.

Clause 3.

MR. BROWN moved that clause 3 be amended by the substitution of the word "Institutes" for the word "Institute".

The question was put and carried.

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

Trespass Bill.

Clause 2.

MR. HARRAGIN moved that the definition of "fence" in clause 2 be amended by the insertion of the words "clearly defined ditch" between the words "any" and "hedge".

The question was put and carried.

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

Clause 4.

MR. HARRAGIN moved that clause 4 be amended by the deletion from line 1 of the words "on any privately owned land" and their insertion on line 2 between the words "compound" and "between".

The question was put and carried.

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

On the motion of Mr. Harragin the following Bills were reported to Council by His Excellency with amendments:—
The Pyrethrum (Amendment) Bill, the Local Government (Municipalities) (Amendment) Bill, the Compulsory National Service Bill, the King's African

Rifles (Amendment) Bill, and the Tresspass Bill, and the remainder of the Bills without amendment.

THIRD READINGS

MR. HARRAGIN moved that each of the fourteen Bills be now read the third time and passed.

MR. BROWN seconded.

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

DRAFT ESTIMATES, 1944

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 1944 be adopted.

This report is not so long as some of those whose adoption I have moved in recent years, but I think that hon. members will agree it is none the worse for that. It represents the result of very careful examination of the draft estimates and it has the virtue of being a unanimous report. It does not purport to cover all the points that were discussed by the Committee in the course of their examination of the draft estimates; that, sir, would take a very long report indeed.

Hon. members will see from paragraph 3 of the report that as a result of their examination the Committee have recommended that the gross revenue estimates be increased by a sum of £198,999 and the gross expenditure estimates by a sum of £204,893. If these recommendations are approved, the result will be that the surplus which appeared in the draft estimates, a surplus of £6,308, will be reduced to a sum of £414. Hon. members will therefore realize that the budget in the form in which it comes back from the Standing Finance Committee is very closely balanced indeed.

Turning to the revenue figures, the Committee gave very careful consideration to the draft estimates and, as hon. members will see from paragraph 4 of the report, the Committee have recommended a certain number of variations under Revenue Head 1. Having regard to the fact that there is a tendency for all imported articles to increase in price at the present time, the Committee formed the opinion that several of the

(Mr. Rennie) customs items might well be increased. The total increases recommended by the Committee amount to £71,000. On the other hand, after their examination of some of the other customs and excise items, the Committee came to the conclusion that some of these should, on grounds of safety, be reduced. These reductions total £60,000 and the net result of the Committee's proposals is that a sum of £11,000 should be added to the customs and excise revenue estimates. In considering these estimates the Committee had very careful regard to the revised estimates for 1943. They were informed that the revised estimate might safely be put at a figure of £1,600,000 and, as hon. members will see, the revised estimates for 1944, as they came back from the Standing Finance Committee, amount to £1,511,000, some £89,000 less than the revised figure for this year.

Paragraph 5 of the report refers to a matter to which, the hon. Acting Financial Secretary referred earlier in this session, namely the question of the sugar consumption tax. It is hoped that a sum of £32,500 will be obtained from that tax, but hon. members will realize that most of that will be paid out to the sugar companies, and that an increase of £20,000 has been made on the other side of the accounts under Revenue Head 40—War Expenditure (Civil), item 31. Subsidy to the Sugar Industry. The next paragraph to which I would refer is paragraph 14, which deals with the Wartime Contingency Fund. The Committee felt that the expenditure which is referred to in paragraph 77 of the report, namely the expenditure dealing with the demobilization and reabsorption of service personnel, might properly be met by charging it against the Wartime Contingency Fund. The recommendation in paragraph 14 of the report is intended to achieve that purpose by bringing into revenue £100,000 from that fund, which at present stands at £300,000, as hon. members will recall. I will deal later on with paragraph 77, which contains the Committee's proposals for the provision of money for that most important item, demobilization and re-absorption of service personnel.

As regards Head 13, paragraphs 15, 16 and 17 of the report mention various items of expenditure that are contem-

plated in connexion with development. As hon. members are aware, several of the applications which have been made for financial assistance under the Colonial Development and Welfare Act have been approved, and the Committee have made suggestions in paragraphs 15, 16 and 17 for the provision of money to carry out such works as are possible next year. All hon. members are aware of the importance of the proposed realignment of the Mombasa-Tanga road. Not only will that proposal considerably improve communications between Tanganyika and Kenya, but it will also open up for agricultural purposes what is hoped to be a very useful area of land. In paragraph 16 reference is made to the Tana River survey. I should like to make it clear that that expenditure is only the beginning of what may be very heavy expenditure indeed. This first survey is the first part of the investigation that has to be carried out. If the survey shows that the scheme is practicable it will then be necessary to have more detailed surveys, but what the final expenditure involved will be it is quite impossible at the present time to state. However, sir, as you made clear in your despatch on colonial development, the possibility of making further applications to the Secretary of State for assistance from the Colonial Development and Welfare Vote has been kept carefully in mind.

Paragraph 17 refers to a subject which has appeared in the previous report of the Standing Finance Committee, namely the Thomson's Falls Agricultural Station and the Uaso Nyiro Irrigation Substation. It is essential that the Department of Agriculture should be in a position to offer advice to farmers as regards the farming practices and farming system they should adopt in any particular area, but the department is not in a position at present to offer as useful advice as it would like as regards the Thomson's Falls-Rumuruti area, and also on the question of dry land farming and irrigation in the Naro Moru-Timau area. If this project is got well under way in the course of the next 18 months, as is hoped, the department will be in a much better position to advise farmers in those areas as regards the farming practice they should adopt.

These, sir, are the only items which I would refer on the revenue side. As I stated earlier, the recommendations made

[Mr. Rennie]
by the Committee represent an increase of £198,999.

Turning to the expenditure items, I would first refer to paragraph 24, rural industries. The Committee have not yet been in a position to go into the question of rural industries as thoroughly as they would have liked. This provision of £3,000 represents a continuation of the present work on the development of hand-spinning and weaving in the Colony. There are proposals for a considerable expansion of this activity and that matter will come up before the Standing Finance Committee, it is hoped, early in the new year. More funds will undoubtedly be necessary, and consideration will have to be given to the question whether a committee should be appointed to deal with rural industries generally. That is a most important subject which deserves very full investigation, and it is hoped that we shall be in a position to do so early in 1944.

The next head to which I would refer is Head X, Education, paragraph 27. Hon. members are aware that a committee with the terms of reference mentioned in that paragraph was appointed in 1942, but owing to pressure of more urgent work was not able to conduct the investigation for which it had been appointed. In the Standing Finance Committee we are very conscious that there is a need to investigate the question of education fees, as is mentioned in the report. There is a tendency for the cost of education generally constantly to rise, but there has been no adjustment so far in respect of either boarding fees or tuition fees. There are several other urgent items which the Standing Finance Committee consider should be dealt with at an early date. Some of those are mentioned towards the end of the paragraph, namely the new proposed grant-in-aid rules for Asian and African schools, and the Committee feel that if it is not possible for the Education Committee appointed in 1942 to take up its duties at an early stage, some other body might investigate the more urgent problems. The Standing Finance Committee naturally hopes that the Education Committee will be in a position to get down to work very soon and that, if it is not able to take on the whole task, it might perhaps appoint a sub-committee to deal with these more urgent items. The

Government is equally anxious that this work should be undertaken and it hopes that at least these more urgent problems to which I have alluded will be investigated early in 1944.

Under Head XVII, Labour Department, a note has been inserted regarding the Committee's discussion on the question of the organization and development of trade unions on sound lines, and the Committee have there recommended that early consideration should be given to the appointment of an officer to the staff of the Labour Department who has received practical experience of trade union organizations and their operation. I am aware that a number of people think the time has now come when such an officer should be appointed. I am also aware that other people hold somewhat different views, and I should welcome an expression of the views of hon. members in this Council on the subject in the course of the debate.

Under the Medical head, hon. members will have seen from the report that provision has been inserted for various matters that were discussed during the debate on the budget. Paragraph 39, for example, refers to the necessity for appointing female medical nurses and male medical nurses at Mathari; in paragraph 41 we see a reflection of the intention to recruit more nursing sisters from the United Kingdom; and when I come to Public Works Extraordinary Head I will mention the proposal to provide some £9,000 for an improvement of the accommodation at Mathari Mental Hospital. The next head to which I will refer is Head 24A. Paragraph 46 may appear perhaps a little cryptic to those hon. members who do not know the back history of this proposal to pay compensation to the Railway in respect of Railway houses demolished in the City Square. The position is that when it was decided to develop the City Square along certain lines, there were already within this line certain Railway houses, and an agreement was arrived at under which the Railway would receive compensation from Government for such houses as were demolished from time to time. The Standing Finance Committee considered that, in view of the probability that we shall have a reasonably large surplus at the end of this year, we should wipe out that debt to the Railway and make full payment this year. If the full payment,

[Mr. Rennie]
which amounts to £16,000, is made this year, there will be no need for the sum of £5,000 to be provided in next year's estimates.

Under Head 27, Police, members will see that the Acting Commissioner of Police, in view of the recent crimes in Mombasa, has considered it necessary to increase the police force there. In addition to the increase which is mentioned in paragraph 47, the Committee were assured that very special steps were being taken to prevent crime in Mombasa, and I trust that those steps are already having good effect. The next head to which I will refer is Head 39, Public Works Extraordinary, paragraph 56. This concerns a matter to which the hon. Acting Financial Secretary referred in his budget speech. The point is that in view of the urgent need for extensions to certain native hospitals, extensions which are referred to in paragraph 58 of the report, and in view of the need for improvements at Mathari, the hon. Director of Public Works had to give consideration to the amount of work his department could carry out in 1944. As is mentioned in the report, it appears that the sums that have been provided in the draft estimates in respect not only of the Indian Girls' School, Nairobi, but also the new primary school, are in fact larger than the department will probably be able to spend next year, in view of the fact that the preparation of the plans and other preliminary work will take up a large portion of the first half of the year. The hon. Director of Public Works also made suggestions, which are referred to towards the end of the paragraph, for reducing the expenditure on certain other items. These reductions have been suggested because, since the draft estimates were prepared, better progress has been made on certain works than had been foreseen, and the revotes which appear in the draft estimates can be reduced by the amounts shown in this paragraph.

In paragraph 58 reference is made to the various extensions that are required very urgently at certain native hospitals. I should like to make it clear that these extensions are very far from being all the extensions that are required at native hospitals. The hon. Director of Medical Services some time ago put in a much more comprehensive list than this, but having regard to the position of staff,

labour and materials the list was scrutinized with a view to reducing it to manageable proportions, and it is hoped that the hon. Director of Public Works will be able to carry out the work mentioned in paragraph 58 next year. Paragraph 59 refers to the extensions to the Mathari Mental Hospital, and as I stated earlier in the budget debate, if this sum is not adequate to improve the accommodation there as we all consider it should be improved, the hon. Director of Public Works knows well that he has only to come along with a request for more money and the most sympathetic consideration will be given to it by the Standing Finance Committee. Paragraph 63 under the same head of estimates deals with a most important centre, namely the rehabilitation centre. Mention is made in that paragraph that a sum of £1,900 remains unspent of the provision sanctioned in respect of 1943, and the proposal is that this sum should be provided as a revote. That, however, is not all the expenditure that will be incurred in respect of this centre, I hope, in 1944. The position is that there are some 40 beds, that they are being increased to 60, and that in connexion with the rehabilitation proposals that are contemplated in connexion with the demobilization and reabsorption of Service personnel as many beds again will probably be necessary. Any expenditure that will be required additional to that mentioned in paragraph 63 will be charged against the £100,000 recommended under paragraph 77.

Under the roads proposal referred to in paragraph 70, I would mention that this is a continuation of the policy that has been going on for the past two years. The Central Roads and Traffic Board has on numerous occasions during those years examined proposals for the improvement of produce carrying roads. Up to date some £30,000 have been spent on these roads and, as hon. members will have seen, £7,000 has already been provided in the draft estimates, and with this addition that is proposed in paragraph 70 the sum will be brought up to roughly £10,000. That, I think, is most important work. It is being unobtrusively done at the present time outside the main trunk road programme. I now turn to paragraph 77 under Head 40, War Expenditure Civil. Since the draft estimates were prepared, the report of the Post-War

[Mr. Rennie] Employment Committee has been published, and hon. members are aware of the recommendations that have been made in that report. The Standing Finance Committee considered that it was essential that adequate provision should be made in the 1944 estimates for such recommendations of the Committee as might be accepted by the Government, and, as is made clear in the second last line of the paragraph, the committee had in mind that this sum of £100,000 may have to be increased very considerably, and they recommend, as the report states, "in the first instance, a sum of £100,000 should be inserted in the 1944 estimates". I think all hon. members are aware that an officer has been specially detailed for the study of the problem of demobilization and reabsorption of Service personnel. A second officer will shortly be appointed to the same task, and arrangements are at present being made which will ensure that before any Service personnel are demobilized they will be interviewed by a civil officer who will advise and assist them, and in that way facilitate their return to civil life. Proposals are also being considered at the present time to ensure that such financial assistance as is necessary for a limited period will be given to Service personnel who require it. That is only the beginning of the problem. It is a most important problem, and in some ways a very urgent problem, and paragraph 77 reflects the Standing Finance Committee's anxiety to see that early steps are taken to ensure that the problem is adequately dealt with. The Government shares the committee's anxiety in this matter, and will see that very urgent attention is given to the report of the Post-War Employment Committee.

I would refer to paragraph 79, and state that the estimates will be amended as suggested, and that the footnote on the lines suggested in the last two paragraphs will be made in future draft estimates. Finally, in respect of paragraph 80, I think I should express the appreciation of the Standing Finance Committee of the very good work that has been done by its secretary, Mr. Armitage, not only, as the paragraph states, in respect of the draft estimates for 1944 but during the last three or four years when he has been secretary to the Standing Finance Committee. (Hear.

hear.) Only those who are closely associated with the work of that Committee, and especially with the preparation of the draft estimates, realize the amount of work that has to be done by the secretary, and on the Committee we all consider that we are deeply indebted to Mr. Armitage for the good work he has done in the past three or four years. In conclusion, I would express appreciation of the work done by the Government Printer and his staff. As usual, the Government Printer produced the goods. He has to work at times under very hurried conditions, but we always find the same high standard of workmanship coming out of his Press.

MR. TROUGHTON seconded.

MR. COOKE: Your Excellency, I have a few points to make. First of all, the hon. mover dealt this morning with the Mombasa-Tanga road. The original idea was that the road should take off at Diani and tap a certain part of the Digo country behind, but I understand that intention has been changed, and I would like the hon. Director of Public Works to inform us whether it is the intention to take off now from Msambweni to Lunga-Lunga, which is a road which has been very well reported on by anybody who has used it. I should like to congratulate Government on the special allowances mentioned in paragraph 15, but I would suggest that there should be other places where a special allowance should be paid. Kisumu, for instance, strikes me as being one. I know in Tanganyika there are four posts which carry special allowances, and it seems a little bit incongruous that there are only two in Kenya.

With regard to famine relief, paragraph 20, I have a certain amount to say. I know this is only a token vote. Now with regard to Machakos, which has been mentioned, it seems to me there is a grave discrepancy with regard to when this matter of famine relief was reported to the Government. My hon. friend the Chief Native Commissioner read out letters which had been published in the *Kenya Weekly News* and he read out the reply from the District Commissioner, but since then—that is this week—the *Kenya Weekly News* has published a reply to the District Commissioner's reply, which shows that there is a grave discrepancy. I am one of those who believe in putting heads on chargers. I

[Mr. Cooke] differ in that respect almost alone from my hon. friend the Member for Nyanza, who did not demand any heads on chargers when he introduced the motion about the food commission, but if I have to choose between those great statesmen, my hon. friend and Mr. Winston Churchill, I must follow Mr. Winston Churchill, who used to say that the "value of recrimination is that it ensures effective action in the future". It seems to me that if we let these things always go by default we shall have famine piling up in one district after another. I hope I am not out of order in bringing to your notice that yesterday, when I was in the vicinity of the Bamboo Forest, I saw in the vicinity of the large Italian camp, which I think houses about 600 Italians, Italians returning from the native market. They were all very well fed Italians and they were carrying huge loads of native produce for their own consumption, which included potatoes, European and sweet, green maize and various other things. I had in my car at the time one of the native game scouts who lives in the vicinity and I asked how the Italians got the money to buy this food, and he said, "It is too simple; they just sell Government clothes and buy this food". The point I want to make, if in actuality there is this very big food shortage, is that it is entirely wrong that these well fed Italian prisoners should be allowed to purchase native foodstuffs, foodstuffs which, I do emphatically contend, should go to the Machakos Reserve.

In regard to trade unions which my hon. friend referred to and on which he has asked for comments, as a member of the Committee—the Post-War Employment of Africans Committee—which recommended that an officer should be brought out, I should like to give my strong support. I differ from my colleagues in one respect with regard to this officer when I signed the report because I felt, and feel still, that it would probably be preferable to send a man home from here who knows something about African psychology and who knows the language, to be trained in trade union methods, rather than to send a man out from England who would have to learn a lot about Africans before he could do any good. There must, I am certain, be young men in the Railway or

the Post Office, who have had experience of these unions in England and I suggest it might be a good alternative to send them to England to train in up-to-date trade union methods and, then return here. I would make one point. It is a point I always emphasize if I am speaking of Africans and I emphasized it at the Rotary Club where I gave a talk a short time ago, and that is that the African will never progress unless he develops a sense of contract and unless he has character, and I hope if any trade union official comes here he makes that one of the first planks in his platform. The reason I support a trade union official coming here is that I know it is inevitable; you cannot stop the flood, but you can guide it, and if they can get a good man, as they did in South Africa—Mr. Ballenger—he might be able to guide these young trade unions on the right lines.

With regard to my old hardy annual, the Police, I am a little bit sore this morning because I share with my hon. friend the Provincial Commissioner for the Coast the distinction of having had a burglary, because my car was broken into on Saturday night and it was done in bright moonlight; a window was forced under the eyes of a police askari, outside the front door of Nairobi Club. I say under his eyes because he certainly should have been on duty if he were not. The point I want to make is this, I do not think the proposal to increase the number of police is a solution at all; certainly *pari passu* with an increase in numbers there must be increased efficiency. In the police it is quality, not quantity, that counts. Now I am going to say something very serious, and I am not alluding to this particular askari at all, but it is my opinion and the opinion of a number of police officers, that there is a certain amount of connivance on the part of African police at certain things which go on. I know when I was in Tanganyika, where I was a magistrate on the bench, I was convinced that African detectives and African askaris were taking bribes, and I think there is a great danger in this country that that is happening. I come back to my old point, that unless you have proper morale in the police this kind of thing is bound to happen. You will not have proper morale unless your inspectors of police are adequately remunerated—(hear, hear)—and at the

[Mr. Cooke]

present moment these men are not adequately remunerated, I reminded Your Excellency when I spoke last of the London Police, the finest body of police in the world, whose morale at one time was completely undermined. A commission sat about 20 years ago and found they were corrupt, that they were taking bribes and so on, and there had to be a complete reconstruction of the force. I do suggest, Your Excellency, we must begin at that end instead of increasing the number of police.

I would also refer to the question of police askaris on duty at military camps. I notice two or three camps, for instance the McKinnon Road air force camp and the camp near Your Excellency's Government House, have a number of police askaris on duty. I would suggest that that duty should be undertaken by the K.A.R. I do not see why the Kenya police should be used to guard military camps. On this matter of the thefts that have been going on, I hope I am not out of order—I will not be long—it may be a matter of little moment to gentlemen on the other side who in a few years may be earning a well earned pension in the salubrious climate of Bournemouth or somewhere like that, but it is a matter of grave concern to people in this country who have made it their home because there is a progressive increase in crime which, if we do not stop the flood now, will become all the more difficult to stop later on. In that respect I would suggest we might make use of educated Africans in the special police in the towns. I am sure a great many would respond. I think they would certainly be a great help to the European special police in routine duties in urban districts.

There is just one more point, Your Excellency, about demobilization plans. I am very glad to hear that Government is thinking well into the future about this, but I am a little bit uneasy about this tendency to appoint people now without looking round for the best man, because we emphasized in our report that we must have a very exceptional man for these duties. There is always a tendency in this country to think that the Administration—I was an Administrative officer myself once, so perhaps I should not say so—are the repository of all the wisdom of this Colony, and if anyone has to be got for any particular job they go to the

Administration. It does not quite fit in with Government's policy that they cannot retire Administrative officers because they have so few; yet whenever a job becomes vacant they put an Administrative officer into it! I think, and we emphasized this in our report, that Government should look outside the Administration for men for these posts, and I think it would be deplorable if, when we want a man of absolutely outstanding quality to deal with post-war settlement, we are again going to choose somebody locally because he happens to be a man who is perhaps not fit for promotion to be a head of a department or to be a Provincial Commissioner. I hope Government will give this matter, as we have emphasized in our report, most serious consideration.

MR. BEECHER: Your Excellency, it may appear somewhat indecorous on my part if I say how much I welcome the changes made in the draft estimates by the Standing Finance Committee, in view of the fact that I myself am a member of that Committee. But I do want to say so, because it does seem to me that the changes have tended to put African welfare into a much fairer perspective than it seemed to me to be in when the draft estimates were presented to this Council. I should also like to take this opportunity if I may, of commenting very briefly on one or two particular items.

Reference has already been made to famine relief, and I do feel the token nature of the vote of £50,000 needs considerable emphasis. It is only of a token nature. May I take this opportunity of thanking Your Excellency for the timely warning about the very serious deterioration in the food situation which was contained in your Communication from the Chair, in which you very rightly called attention to the gravity of the situation, and in which you also mentioned the appointment of very able men, Mr. Wyn Harris and Mr. Killick, to undertake special duties in connexion with the situation which has now arisen. It is an indication of Government's determination in this instance not to view the situation with complacency. Turning to the question of rural industries, the sum is only £3,000 in the provision made by the Standing Finance Committee. It is a small sum, and the statement made by the hon. Chief Secretary is a welcome one, namely that Government is deter-

[Mr. Beecher]

mined to explore very fully this question of rural industries and to see they are established on right and permanent lines. But I would like to emphasize that they are rural industries. Whereas I realize that some form of organized industry must be provided for dwellers in towns, I should like to make it quite clear that this project can only secure any measure of permanence if centres are established, and established very rapidly in the rural districts, so that rural industries are established effectively among rural people, and the sooner this business gets out of Nairobi and the work which has already started in the districts is reinforced and centres established the better it will be for the rural industries.

I should like now to turn to education. It was only possible to make very small adjustments in the education budget when the matter was before the Standing Finance Committee. The reason for this will be obvious. Educational planning to be in any way effective must be based and determined on a long range policy, and changes in the policy as reflected by the estimates cannot be made in the course of a couple of hours. I do, however, wish very strongly to underline the words of the hon. mover when he referred to paragraph 27 of the committee's report. It calls for an early, if not immediate, implementation of the plan to investigate educational expenditure on behalf of all races. It calls particular attention to the fact that there are some so-called new grant-in-aid rules for Asian and African education. In point of fact, those new rules are now somewhat shop-soiled, and their early implementation is a matter of considerable importance. The rules will undoubtedly have to be approved; we shall see the need for the implementation of the new grant-in-aid rules so far as African education is concerned when later this week, as presumably we shall, we turn to the Provident Fund Bill. I trust the hon. Director of Education will forgive me if I go back to the budget debate and my remarks I made then, and his reply. One of these days I propose to write an essay on the ease of being misunderstood, unintentionally or otherwise! (Laughter.) I tried on that occasion to make it quite clear that I was not begrudging the other races a single cent

of money that was being added to their educational provision. I still maintain that that was the point, and I wish to emphasize it again. I would like to go on and say that the sole purpose of my comparison of the educational votes as distributed among the various races was an attempt to show that, whereas provision had been made for a considerable increase—and that rightly so, let me repeat and that rightly so—in the education of European and Asian communities, my examination of the budget for African education indicated that to all intents and purposes African education in 1944 is to be almost exactly where it was in 1943. I have no grouse whatever about the development of Asian- or European education.

The hon. Director in his reply took me seriously to task, and in so doing seemed to me to make somewhat of an indulgence in personalities, and that, on my reading of it, is contrary to Standing Rule and Order No. 43(x)(d). He seemed, if I remember aright, to indicate that I was pleased to avail myself of the educational facilities which Government provides for European education in order to have my own family educated. That is partly true, and I should like if I may to take up the time of the Council in developing the implications of it. It is true that two of my boys are at a Government school. I pay the full fees Government ask me for those services, and I am pleased to take the opportunity of paying testimony to the most excellent work the headmaster of Nairobi school and his staff are doing for the education of European boys in and around Nairobi. But my point in taking this up is that whereas I, a taxpayer, can have my children educated (and, if I need, by applying to the Education Department can have that education free) the African on the other hand, as a taxpayer, has most inadequate primary and elementary education provided for him in proportion to the size of the population, and therefore the hon. Director of Education was most unfortunate in calling attention to the fact that I, as a taxpayer, had educational facilities provided for me, because my reply to him is that the African, as a taxpayer, for the most part has not educational facilities provided for him. I want to warn the hon. member, I do not want in any way to menace him, but I do suggest that unless he sets

(Mr. Beecher)

up immediately some form of investigation into the ways and means of a continuance and furtherance of the provision of elementary and primary education for the African much more commensurate with the needs of the present situation, he will see in the very near future the establishment in this country of a large number of independent schools on an entirely non-co-operative basis. The African at this stage is demanding education in a very largely increased measure, and it would to my mind seem singularly deplorable if we allowed the present challenge to pass unheeded and were to see the establishment of this large number of independent schools which will inevitably result as a neglect of this situation.

I will now turn to the question of the demobilization and rehabilitation of Service personnel. It was singularly pleasant to be able to partake in an absolutely unanimous discussion and to subscribe to a unanimous finding on the subject of the provision of adequate finance for the demobilization and rehabilitation of Service personnel. There is medical rehabilitation on the one hand and social rehabilitation on the other. Concerning the first, there is obvious need for immediate action and for decentralization, so that those who have been maimed in the course of this war may be brought nearer to the communities from which they came. It seems to me to be eminently desirable that they should be stirred by the sight of the price of their own safety into some more sympathetic interest and activity on behalf of these unfortunate people. I trust, too, that consideration will be given possibly on an inter-territorial basis to certain outstanding things, certainly to infectious diseases such as tuberculosis and leprosy and, in addition, mental cases. On the other hand, whereas medical rehabilitation appears to all to be an obvious immediate need, social rehabilitation, as far as the African is concerned, at first sight is considerably less obtrusive and therefore may easily be neglected. It is impossible to quote figures exactly in the Council at this stage, but I gather that a very considerable number of African Service personnel has already been discharged, some possibly because they have proved themselves totally unfit for military service,

others for other reasons, and it does seem that in view of the fact that demobilization has already begun, even if it be on a small scale is immaterial, there is immediate need for the appointment of the personnel to which reference has already been made. It is no reflection on those officers already engaged in this task to suggest that we must have a very big man appointed for carrying out this most important task. We must be prepared to pay highly for him, very highly, and to look very widely abroad in order to be quite sure that we have got the right man. Further, one must have local liaison officers appointed as soon as possible, because the Director of Post-War Reconstruction or whatever his title may happen to be is going to be unable to carry into effect his plans merely by sitting in an office in Nairobi. There will have to be local liaison officers throughout those districts which have supplied men for the forces. These men cannot just start and do their job without some preliminary training. I believe suitable men are already in many instances engaged in military service at the present time. I feel that we should press for their early release from the army in order that they may be trained as workers for the basic plan we are going to put into operation as soon as the spate is upon us; the trickle has already started, and we do not know how soon the spate may begin.

None the less, in spite of any implied criticisms in these remarks, it is with considerable pleasure that I support the motion before Council.

MR. PAROO: Your Excellency, I must say that I have been most disappointed to see the report of the Standing Finance Committee. Although the report is signed unanimously by the members, including one of my colleagues, an Indian member, I do realize that he was on that Committee a solitary person, perhaps not finding support from the remaining seven members to his suggestions, and it often happens when there is only one Indian member on such a committee that he has either to dissent and put in a dissenting note on each item or perhaps disgustedly remain quiet and sign the report. It appears that the hon. member in question has probably taken this latter course. Last month, at the time of the debate on the draft

(Mr. Paroo)

estimates, the Indian members asked for reasonable increases in various services, and for that purpose very lengthy speeches were made putting up their case. It has been worked out that it costs this Council nearly £1 per minute if anyone speaks on any motion regarding the estimates or a bill, and so it would appear that the Indians have merely wasted their breath and perhaps a large sum of public money in making long speeches. Looking at the Committee's report, I find that not a single suggestion made by the Indian members seems to have received any consideration or attention. The Indian members asked for an increase in the expenditure on three services, mainly—medical, education, and agricultural settlement of Indians. The only item which I see which has been provided so far as Indians are concerned is £1,500 for the quarters of Government Asian staff in Nakuru, but there is not a single item which has received any attention in spite of the remarks made last month by the Indian members.

Referring to the Medical Department, the hon. Director of Medical Services did agree that the conditions of the medical facilities for Indians in this country were deplorable, and the only solution would come at a later date when the group hospitals were put up. These group hospitals have been promised so long that the feeling among the Indians today is that in this generation they will get no better facilities or peaceful surroundings in which to die happy. I see under paragraph 58 that certain native hospitals have been granted a few pounds for extensions, but similar extensions pending the group hospitals are necessary for hospitals in Nairobi and Mombasa where Indians are given accommodation. The accommodation in the hospital at Mombasa is such that the rooms are overcrowded, and a few pounds more would have been well worth while pending the erection of a group hospital. Regarding education, it was pointed out by Indian members representing the three constituencies that there are several grant-in-aid schools which were waiting aid for the education of the children. I suggested three schools in my constituency, at Voi, Mwatani, and Malindi, the hon. Member, Mr. Amin, suggested the names of schools in his constituency, and the hon. Member, Mr.

Kasim did too. Under paragraph 27 it seems that the Standing Finance Committee has tried to shelve this question again for a later period by suggesting that the committee which was appointed last year to investigate education costs should be reconvened and the more urgent problems such as the proposed grant-in-aid rules for Asians and Africans be dealt with next year. I support the proposal that this committee should get to work immediately, but pending that I should like to have seen more aid to these schools during 1944. Perhaps its report may not be ready for a few months, and the schools will again be without this aid in 1944. The third point, about the agricultural settlement of Indians, I must say that I regret very much to see not even a single cent has been provided. It was suggested by my colleague, although I do not agree with him, that a token vote might have been put in for 1944 for the preliminary preparations, which might have given some confidence to the Indian community that something is being done, but I see not a cent for it. It seems that the hon. Commissioner for Lands and Settlement has a prejudiced imagination that there is no demand from the Indian community for this settlement. I made the point very plain the last time, and will again guarantee, that I am prepared to find for him about two dozen persons to take up this work. I understand that the European agricultural training school started with this figure, which I will guarantee if a school for Indians is started in this country.

Referring to paragraph 47, the police vote, I am glad to see that after all some steps are being taken to provide a little more security for the inhabitants of Mombasa by increasing the force by three sergeants and 30 constables, all of them Africans. I suggest that if a few more Indian inspectors were given, perhaps they would have been more suitable to guard the Old Town in Mombasa which is chiefly inhabited by Indians. Referring to paragraph 53, Veterinary Services, I am glad to see that after all some wise counsel has prevailed in the Government department whereby the services of an Indian veterinary officer have been appreciated by giving him the title of officer after 35 years faithful service in this county. Probably it will be a great consolation to him to be called

[Mr. Paroo] "officer" in the Kenya Government service before he retires, although in respect of remuneration his salary has remained stationary for many years. In connexion with this gentleman, who is referred to under item 53 of Head 38, I should like to suggest a comparison of salary with item 76 of the same head for European Veterinary officers. They start with £600 per annum to £840, in some cases £1,000, whereas the Indian veterinary officer with a very long service of 35 years remains at £420. This is one of the reasons which would explain the disparity in income tax receipts, the figures of which were quoted here a few days ago. There is hardly any Indian Government officer who can pay income tax because of the low salary he is getting, and this should not be forgotten. An Indian officer with a wife, and dependents, and with his social customs and generally several children, these utilize all the deductions given under the Income Tax Ordinance.

Under paragraph 72 I am glad to see something being done for the realignment of the Mombasa-Tanga road, and I hope it will be done during 1944 and not shelved again for the distant future. Under paragraph 76, subsidy to the sugar industry, I should like to point out that this subsidy should not be paid to any factories which are inefficient. When the sugar tax was introduced it was not mentioned how the subsidy would be paid, but it should not be paid merely to those who have made a loss and not to those who have not made a loss and are running their factories efficiently; it should be paid equally to all factories in this country. In the debate on the draft estimates last month, the hon. Acting Financial Secretary gave me the somewhat undue credit of being one of the few members who had suggested reductions in the expenditure. I was one of two who suggested a reduction in expenditure, and that was under the Frigg Control vote. I clarified that point by stating that I did not suggest abolishing the department, I merely said it was a sheer waste to allow £26,500 for that department. Today I want to suggest one more reduction in the expenditure side, and this reduction will represent quite a substantial sum for the surplus which we are going to have next year. According to the Standing Finance

Committee's recommendation we are going to have £414 surplus balance in 1944. I am going to suggest a further reduction of £120 under Head 40.....

MAJOR CAVENDISH-BENTINCK: Has the hon. member given notice under Rule 52 of this amendment, sir?

HIS EXCELLENCY: Has the Clerk received any notice?

CLERK: No, sir.

HIS EXCELLENCY: He has not received notice.

MAJOR CAVENDISH-BENTINCK: Then I claim the hon. member is out of order.

HIS EXCELLENCY: The hon. member is in order in drawing attention to the fact that he is not in favour of a particular expenditure on this department, but he cannot move an amendment to that effect because the necessary notice has not been given.

MR. PAROO: I submit to your ruling, sir, but I was just discussing a reference to this matter in debate last month, but I will refrain according to your ruling from making any more remarks on that item.

MR. SHAMSUD-DEEN: Your Excellency, even if the hon. member does not move an amendment cannot he comment on any particular item, because that applies to everybody?

HIS EXCELLENCY: What we are dealing with is the report of the Standing Finance Committee, and if there is an item mentioned in the report to which the hon. member can attach his observations he will be in order in making them.

MR. PAROO: I was not moving an amendment, but I thought that perhaps the members of the Standing Finance Committee might have known that the Indian deputy executive officer of the Mombasa Commodity Distribution Board was promised an increment of £10 a month, which works out at £120 per annum, this promised increment has been withheld, and therefore the vote of £26,500 for this Control might be reduced by £120. I will not refer to that again, as it does not come under the Committee's recommendations.

Before I sit down, I welcome the suggestion made in paragraph 15 for the abolition of estate duties after the war. Perhaps I may not find agreement from

[Mr. Paroo] my Indian colleagues, but I do feel that this tax is not suitable for a young colony like Kenya. I should like to query the recommendations, on which I am not quite clear, in paragraph 13, about reimbursements by the Uganda Government on account of the Imports Control Office. I wish to know how this £4,300 is allocated, on what basis it is to be reimbursed. The second point is under paragraph 52, the Stoneham Museum at Kitale, whether the £100 grant is to be made to a privately owned museum which is the property of one individual and how the museum is helpful to the Colony. As I have said in the beginning, the Standing Finance Committee having given no consideration to the remarks of the Indian members, I wish to oppose as a protest the adoption of the motion.

MR. VINCENT: Your Excellency, I would first of all like to congratulate the hon. member, Mr. Paroo, in solving the income tax mystery. As a member of the Standing Finance Committee, I must state that his feeling that the representations made by his colleague, the hon. member, Mr. Shamsud-Deen, are unwarrantably swamped is quite untrue; we found Mr. Shamsud-Deen a very fine advocate of the cause of the Asiatic community, and because his representations are not necessarily reflected in the report before us is because we cannot always have our own way when we want it, whether it be the Asiatic or the European community.

In the remarks made by the hon. member in regard to the Education Committee, he suggested that perhaps a sub-committee should be appointed to deal with matters which have arisen which need immediate action. I find that the appointment of a committee which does not sit has no better effect than a committee that has sat, issued a report and no action has been taken on that report, except that the setting up of a committee with specific terms of reference which does not meet only clouds the issue, and does seem to me to cause a great deal of delay—an unwarrantable delay—in matters of urgency, and while I agree that the appointment of a sub-committee of the Education Committee may relieve the situation to an extent, yet I feel that that might cause even further delay by the sub-committee of the Education Committee having to refer back to the Education Committee, which apparently

never sits, so that we shall just be in the same position as we were in before. I know the reason why the Education Committee has been unable to sit, and I therefore propose most seriously to Government that when matters, especially matters affecting finance and revenue, arise for consideration, that the particular points should be deleted from the terms of reference of the committee which has been set up and made a matter of *ad hoc* action on the part of a small committee.

Trade unionism, sir, I support, as this Council knows, but there are two viewpoints. I consider it would be against the interests of every community to import a man with a big blare of trumpets to press for setting up a huge trade union organization in this country; the time is not yet ripe, but I do submit that to have a man on the staff of the Commissioner of Labour who can guide the present organizations in the right way and gradually build up one of the most important strata of our community is a good thing, but it depends so much on the man and on his experience and on his narrowness or breadth of vision. I feel we have got to approach this with very great caution. It has got to come, proper representation of labour must come, therefore it is the duty of Government to see that it is adequately handled, and handled with intelligence and consideration.

With regard to my pet subject—paragraph 79, I think it is of the report—I am very pleased that despite apparent opposition in this Council from the official side, Government have so readily and graciously agreed to my request in respect of contingent liabilities. Although I think that none of us are really blind to the present position, we feel that these headings (a), (b), (c) and (d) do to an extent clarify the position, but we know of the enormous contingent commitments which are in the offing, both regarding the rehabilitation schemes and also through the dire necessity for the importation of foodstuffs, and I am glad that Government, after a little time, did appreciate the fact that I was really wanting to clarify our alleged surplus balance in order to give as true a position as possible. I am also very glad to see that they are going to have it in the draft estimates each year, so that I shall not have to get up and say next year what I said last year and again this year.

(Mr. Vincent)

I am sure those members on the other side of Council who could have retired must have got a great deal of satisfaction out of the speech made by my hon. friend the Acting Financial Secretary, when he announced the fact, which I did not realize at the time, that by not retiring they had enabled this country to balance its budget this year! (Laughter.) I am certain, sir, that this is probably the first budget in the world which has been balanced by this admirable means, and I am certain that, although he charged me with not being graceful because I criticized His Majesty's Government, he will realize that I am graceful in the case of my appreciation, for instance, of the Railway estimates, and I can assure him that if there is anything to be thankful for I will continue to be graceful in my thanks.

MRS. WATKINS: Your Excellency, I only have three short points to make. The first is that I should like also to welcome the additions that have been put in by the Standing Finance Committee. I am very glad to be able to do that without being indecorous for once, for one of the main points I am glad to see included is the Kiambu hospital. The matter had become so urgent that we were suggesting Italian prisoners and various folk among ourselves trying to tackle it. I think it was the dreadful threat of that possibility that probably led to the Kiambu hospital being somewhere at the top of the list. Anyway, we were very successful and we are very glad it has happened. Mathari, Your Excellency, I think Council knows how near the heart that is and how glad I am of the assurance that the £9,000 is by no means the limit. I am very glad of that recognition.

There is one point under the agricultural vote that I should like to draw your attention to, and that is that food-cum-fodder inspectors are required very strongly by our constituency. I am very much hoping the hon. Director of Agriculture will assure me he has assigned those duties to someone in the department. Since I brought the matter up in this Council various animals in the constituency have, I believe, met a dire end on account of foodstuffs being in the wrong bags—poison bait bags. That is only hearsay evidence, but I believe it to be true. Since I spoke in this Council

on the subject I have been down to the millers—the most reputable here in Nairobi—and saw poured on to a table the contents of a bag, and the manager said, "Look at that, that is the sort of thing that leads to general strikes". He said that stuff like that was never produced at his mill. I said, "Why cannot we get what you mill here?" and he said, "You cannot because the military take all the guaranteed stuff and the farmer has to take the rest". If that is true, I do submit that inspection is absolutely urgent, because the natives are quite helpless and the animals are quite helpless; they have take whatever is in the bag, be it mtama or earth for pigs, posho or cassava or anything else for the natives. Strike after strike has been caused and the position is rather serious. I very much hope we shall get some assurance from the hon. Director of Agriculture that something is going to be done. I very much support also the plea the hon. and reverend gentleman made for the rural education of the African, and should like to associate at least one farming community with that plea. We know it to be necessary.

And now about rehabilitation. In our constituency we have felt very strongly that every firm and every farm should be expected to take one maimed man by way of paying back the debt, that each maimed man should have three chances of seeking employment and should not be confined to staying on for ever at any particular farm, and thereafter should take his chance. But we do believe, as the hon. and reverend gentleman said, he should go back among his own people within or outside the reserve in order to remind them, and us, of the price of our own safety, and however much you vote in money it does not really quite compete with what you can give in kind, in education, in jobs and so forth. There has already been a roster started of farms and firms willing to undertake this responsibility, not only in our constituency of course, but right through the country. I believe they should receive Government encouragement and be regarded as a necessary part of the rehabilitation scheme. I think those are the three points I want to make—unless the last one seems beside the point. I say it should be taken into consideration, because the provision for the training of these men otherwise may not meet fully

(Mrs. Watkins)

with the appointments they may best be able to get afterwards. Therefore I think it should be taken into very strong consideration and a roster should immediately be compiled.

LORD FRANCIS SCOTT: Sir, I have very few points to speak on. First of all, I should like to say I am glad to see that the Standing Finance Committee have not forgotten what some of us have been pressing for for many years, that is the abolition of estate duty after the war as being inapplicable to such a young territory. The next point I would like to welcome is the fact that it has now been possible to supply pipes to make the Naivasha water supply complete. I have asked for a great many years to get this achieved, and it is rather ironical, or typical, perhaps, that the day I was able to inform the Naivasha Farmers' Association that I had been able to get this done they asked me to resign from Legislative Council as not being a very good member. (Laughter.) With regard to the remarks of the hon. Member for the Coast about the officer appointed for demobilization and re-absorption of Service personnel, while I entirely agree with him that it does not necessarily follow that an administrative officer is the best person for all this sort of thing, I do think that the officer selected is a most exceptionally good choice. I have had a good deal to do with that officer. He has great clarity of mind, a great deal of drive, and I feel we are very lucky to have such an officer in charge of the operations. If it is the officer I am thinking of, it is Mr. Hyde-Clarke. (Hear, hear.) On page 10 I see the very admirable recommendation that £2,200 is to be provided for constructing roads in certain areas for transport to deal with locusts. I do hope arrangements will be made for the locusts to come into the places to which these roads will be built, because it would be a pity if they went somewhere else. (Laughter.)

What I am sorry to see is not in this report is that there is no provision for any further branch of the Department of Agriculture to deal with grasslands. I have talked about this before and will again. I am sorry to see that, in spite of the support which I had from both Directors concerned, in spite of the support I got from the chairman of the

Standing Finance Committee in his report on soil conservation—where he says his committee has also asked for the intensification of pasture research—I notice there is nothing in these estimates, and I do most sincerely and strongly press Government that they will not let this matter stand; we must get on with it. What is the good of all this terracing and all that sort of thing if we are not getting something put back into the land, and good grass is what is wanted? We have to have in our farming system leys farming with proper grass leys laid down, and until we get some real assistance from Government to help farmers in this respect we are not going to do what everybody agrees is essential. I do press strongly that during this year steps will be taken to improve that branch of agriculture, and I do hope you will follow the advice I gave when we discussed the draft estimates, and get a first class man sent up by Dr. Pole Evans to advise us and control that branch of the Department of Agriculture.

MR. SHAMSUD-DEEN: Your Excellency, I am glad the hon. member, Mr. Paroo, has mentioned the point that certain matters which were raised by Indian members in this Council have not been taken up by the Standing Finance Committee. I do not resent the remark at all, but welcome the opportunity to be able to say something on the subject. I think the hon. member for the Coast or Mombasa said that the organization or constitution of the present Standing Finance Committee should be revised, and I have found by experience that the time has come when something definite should be done. This committee sat, I think, for a fortnight. I am not clear whether discussions in this committee are of a confidential nature or not or whether a member has the right to publish or speak publicly on discussions that have taken place in the committee. But it would be physically impossible for the members to acquaint this Council with all the details of the discussions that have taken place during the fortnight's sittings of the committee. In this Council the speeches are recorded by the Press and also by Hansard, but that is not the case with the Standing Finance Committee. I can assure my hon. friend Mr. Paroo, that I left no stone unturned to make the necessary representations to the committee on any point affecting the Indian side of it, and

[Mr. Shamsud-Deen] If I have failed I shall be quite prepared at any time to vacate the seat and let him have a try. (Laughter.)

MR. PAROO: I said the difficulty of the Indian member was such that he cannot get anything although he may have tried his best.

MR. SHAMSUD-DEEN: I was coming to that. The position of a solitary member can only be realized by a certain amount of imagination by those gentlemen who happen to be in the majority. The majority are always said to have a tyrannical attitude, but I think also that the majority more often than not have an attitude of taking undue advantage of the wretched member who happens to be in the minority. I find that my position on this committee is that of a fly in the ointment. But I would mention that the fault is not entirely that of Government. When the Standing Finance Committee was constituted the then Governor, Sir Joseph Byrne, was quite prepared to give the Indian community two members at least, but it was owing, shall I say, to the foolishness of our members that this was reduced to one. In any case, I submit that if I have anything further to do with public life I shall never consent to become the solitary member of any community on any occasion at all, because his plight is a most unenviable one. He has no seconder or supporter, and the plight of that member can only be realized by someone, say by the hon. member, Mr. Paroo, if he can realize a committee of about eight Indians with one solitary Kikuyu sitting on it, and judge how his applications could have any effect! To elaborate one little thing, I submitted a skeleton form of the manner in which I thought the budget of this colony should be prepared, I daresay it was not a practical suggestion, but I think the least I could have expected was some mention made of it or attached to the report to give other members an idea whether it was a ridiculous one or whether there was anything in it. I myself have had an awkward scene where Europeans were in the minority, and I always quarrelled with my Indian friends for taking up an attitude ridiculing the minority, as was done in this Council in the case of income tax. It has been made a sorry joke that Indians pay a small amount of income tax compared with Europeans. I beg to submit that

income tax is not a voluntary contribution. I can well understand and strongly support and appreciate similar remarks made about the voluntary contributions of the Indian community to the Red Cross or other funds, where I admit their share is not an honourable one, but it is a reflection on the Income Tax Commissioner, as what is really insinuated is that the Indian community do not pay their income tax fully, and that it is the fault of the department. It shows that the functions of the Standing Finance Committee

HIS EXCELLENCY: Order, order! We are dealing with the report of the Standing Finance Committee, not with its composition. The hon. member has given his views on that already, and I would ask him now to keep to the terms of the motion before Council.

MR. SHAMSUD-DEEN: I was trying to point out defects as to how this report appeared and how the time of this Council is wasted, if the members of the committee were to answer all the questions raised. Therefore I submit that there should be a larger committee or a select committee of the whole Council to deal with the budget.

HIS EXCELLENCY: Order, order! I have asked the hon. member to confine himself to the terms of the motion—he is continuing to discuss the composition of the Standing Finance Committee.

MR. SHAMSUD-DEEN: Very well, sir. May I come to this point? Are the members of this Council when discussing the Standing Finance Committee report out of order as Your Excellency thought or some members thought when the hon. member Mr. Paroo, was speaking and commenting on a particular item? He did not propose an amendment, and I am sure he has the right to comment on a particular item which appears in the report, or even if it does not. I submit that every member has the right to speak on any item that does not appear in the report, and ask for an explanation why it has not been done. That, I am sure, is quite in order.

The debate was adjourned.

ADJOURNMENT

Council adjourned till 10 a.m. on Tuesday, 14th December, 1943.

Tuesday, 14th December, 1943

Council assembled in the Memorial Hall, Nairobi, at 10 a.m. on Tuesday, 14th December, 1943, His Excellency the Governor (Sir Henry Moore, G.C.M.G.) presiding.

His Excellency opened the Council with prayer.

ADMINISTRATION OF OATH

The Oath of Allegiance was administered to E. E. Lord, Esq., Acting Commissioner of Customs.

MINUTES

The minutes of the meeting of 13th December, 1943, were confirmed.

ORAL ANSWERS TO QUESTIONS

No. 93—IMMIGRATION FIGURES

MRS. WATKINS:

Will Government inform Council how many persons, by races, have entered and left Kenya during the first nine months of 1943?

MR. RENNIE: From the 1st of January to the 30th of September, 1943, the following persons were recorded by the Immigration Authorities as having entered and left the Colony:—

Europeans: 2,951 entered the Colony and 1,583 left.

Indians: 3,961 entered the Colony and 2,184 left.

Goans: 284 entered the Colony and 98 left.

Arabs: 1,230 entered the Colony and 456 left.

Others: 204 entered the Colony and 41 left.

No. 98—POST-WAR EMPLOYMENT COMMITTEE

LORD FRANCIS SCOTT:

Will Government state whether the Post-War Employment Committee received any memoranda or evidence from the Kenya British Legion?

MR. MORTIMER: Yes, sir; the Committee received from the British Legion not only a memorandum but also most valuable assistance throughout its work. The memorandum was circulated to members of the Committee, and the omission of reference to it in Appendix I

of the Report, which is regretted, is due to the fact that it was not received until early in July, 1943, after the preliminary draft of the Report and Appendix I had been prepared.

No. 99—CHIEF NATIVE COMMISSIONER MR. COOKE:

Will Government state the principles upon which the selection of a Chief Native Commissioner are based? What briefly are the duties and functions of that officer? Has he direct access to the Governor?

MR. RENNIE: The post of Chief Native Commissioner is one of the super-scale scheduled posts in the Colonial Administrative Service and the appointment to the post is made by the Secretary of State for the Colonies, after careful consideration of the qualifications, experience and ability of suitable candidates. It is clearly desirable that, if possible, the officer selected should normally be drawn from the ranks of those who have had previous experience of native administration in East Africa.

The Chief Native Commissioner is the Governor's chief adviser on matters connected with native policy and administration. He is an official member of Executive Council and of certain other statutory bodies. He has direct access to the Governor.

No. 103—POST-WAR TRANSPORT

MR. COULDREY:

In view of the importance of formulating a comprehensive post-war transport policy in East Africa, embracing all forms of transport, is the Government of Kenya prepared to approach the other East African Governments with a view to obtaining a review of the development of all forms of transport in East Africa.

MR. RENNIE: Yes, sir; the Government will take the necessary steps.

MR. COULDREY: Arising out of that reply, will Government give an assurance that when they have taken these necessary steps and approached the Governments of the other territories, they will notify this Council of the result?

MR. RENNIE: Yes.

NO. 104—CHEAP TRANSPORT FACILITIES

MR. VINCENT:

In view of the increasing importance in the post-war period of affording adequate and cheap transport facilities to all districts, will Government make a statement of policy on the subject?

MR. RENNIE: The Government is fully alive to the importance of providing the cheapest transport facilities possible, and as a matter of general policy considers that where the conditions of any particular district warrant it, the Railway should be given the first option of providing such services on the above basis, whether by rail or road on such terms as may be mutually agreed upon between the Government of Kenya and the Railway Administration.

DRAFT ESTIMATES, 1944

STANDING FINANCE COMMITTEE REPORT

The debate was continued.

MR. COULDREY: Your Excellency, the first comment which I wish to make on the Report of the Standing Finance Committee concerns Head No. II on the revenue side, and likewise Head XIV on the expenditure side, and with your permission, sir, for convenience sake, I will lump those two together; both, as you see, deal with licences, duties, taxes, etc. It is perfectly obvious that when the Standing Finance Committee reviewed the revenue to come in from taxation, and similarly the expenditure which would have to be spent on the Inland Revenue Department, they were not aware of the really astounding reply given by the hon. Acting Financial Secretary last week in this Council to a question asked by me about the incidence of income tax and the proportions which were paid respectively by the Asiatic and the European communities. Had they been aware of that reply, I am perfectly convinced that they would have added on the one side a material sum to the revenue, and on the other side they would have added a material sum to expenditure on the Inland Revenue Department in order to obtain that added revenue. Those figures which I have called really astounding have shown two things. Firstly, they have shown what a huge contribution the Europeans of this Colony make to direct taxation and thus

to the revenues of this Colony, a sum of money entirely out of proportion to their numbers, and possibly out of proportion to their real wealth. Whatever anybody may say about the European population, the figures disclosed by my hon. friend have proved for all time—for all time—and to all people that whatever else the Europeans in this Colony may do, they do contribute a very material sum indeed to the revenue of the Colony. (Hear, hear.)

It also, sir, shows something else. It shows that the Indian community contribute, comparatively speaking, a ludicrously insignificant sum to the direct taxation of this Colony. Naturally one asks why this should be. The Indian community have all prospered very considerably by this war. As a matter of fact, as a generalization, the country has itself prospered by the war, and very naturally the Indian community have enjoyed their full share of that prosperity—if not more than their full share. That is rendered possible by the fact that the Indian community, unlike the European community, have not, in the same proportion as members of that community, left their businesses to join the fighting forces and have been able to remain behind. Their clerks have not been conscripted in the same way that European girl clerks, for instance, have been conscripted, and the Indian community has therefore been able, to use a colloquialism, to cash in on the war to a far greater extent than any other community. As a matter of fact, it is common knowledge that it is to-day a very prosperous community. Everybody is aware of the fact that, in great contradiction to what was the case a few years ago, the Indians are very freely indulging in investing their money in this country. They are, as is well known, buying up real estate in towns, often at almost inflated prices as if money did not matter. There is no doubt at all, and I do not believe anybody has any real doubt, that the Indian community is in a very prosperous state. Why, then, is it that their contributions in the form of direct taxation, in the form of income tax and excess profits tax, are so relatively speaking ludicrously insignificant?

Very luckily, an Indian member—the hon. member Mr. Shamsud-Deen, whom I regret is not here—has himself supplied

[Mr. Couldrey] the answer. In one of his typically able speeches he said that nobody paid income tax voluntarily, and that the reflection for this disgraceful state of affairs was a reflection on the Inland Revenue Department. I entirely agree with him; he is absolutely and completely correct; it is a reflection on the Inland Revenue Department. The inference that he obviously meant to make was that the Inland Revenue Department has failed, and failed to a very alarming extent, to obtain from the Indians the amount of taxation which they should justly be made to pay. It would be pure hypocrisy on my part—hypocrisy of which I submit I am not capable—to pretend that income tax evasion is a monopoly of the Indian community; obviously it is not. In Great Britain itself, in all the dominions, in any part of the British Empire where there is income tax there have always been cases of income tax evasion by people of all races. Anybody who has ever lived in England must recall to mind the many prosecutions that have been held for this very offence, and so I am not pretending to say that it is only the Indian community that go in for income tax evasion. But following the line of argument raised by my hon. friend Mr. Shamsud-Deen that it is a reflection on the Inland Revenue Department because they failed to do their duty and collect all the taxation, I say, with full knowledge of what I am saying, that the evasion of income tax and excess profits tax by the Asiatic community has reached a scale which can be defined under no other term but a scandal. I refer to the Indians' prosperity and I refer to the income tax evasion.

There are other evidences of this besides that voiced by the hon. member Mr. Shamsud-Deen. Everybody knows—and it would be sheer hypocrisy to pretend they did not—that black marketing in this country has existed on a grave and alarming scale. Operating in a black market has two effects. Firstly, the seller and operator receives an undue and illegal profit, and it is also absolutely obvious that that profit does not pay income tax. No man is going to operate in a black market and make illegal profits and then divulge the results of his illegal transactions to the Income Tax assessor. There is no doubt, and the number of prosecutions bear this out,

that the Indian community, or a portion thereof, have indulged in this black marketing and have made illegal profits and have not revealed these profits for the purpose of taxation. What is to be done about this? If you will admit—and I think you have to admit—that this state of affairs is a reflection on the Income Tax Department, what is to be done? Right here I should like to say—and I do not believe anybody on either side of the Council would disagree with me—that the Commissioner of Income Tax is a man of outstanding ability with very great experience. If I had to differentiate or to make an odious comparison, I would say in my opinion he is one of the ablest men in the employ of the Government. But undoubtedly he and his department are overworked and over-strained to a most alarming degree, and the right thing for this Government to do is, under the expenditure side, to add a number of trained and expert staff to that department which will relieve to a great extent this over-strain and over-work, and will enable that very able and very conscientious and very experienced officer to perform his duty properly and to collect the revenue which is due to the Government from all communities in this country.

I am not going to risk being ruled out of order by proposing an amendment, but I am going to ask the hon. Chief Secretary or somebody in Government in his reply to give this Council a categorical assurance that as soon as Government can, at the very earliest opportunity, they will engage more competent expert staff for this Inland Revenue Department—this department of Income Tax—so as to enable the Income Tax Department to remedy a state of affairs which I repeat in my opinion is nothing short of a public scandal. I am informed—although I have not had an opportunity of verifying this—that two officers with exceptional experience in dealing with Indian accounts are already in that department and the cost to this country of those officers is £600 a head. But two are not enough; there should be six or even ten; what does it matter if it costs another £3,500 or another £6,000 on the expenditure side? These officers will, in fact they are competent, earn many times in revenue their salaries by collecting this income tax which obviously at the moment is available.

[Mr. Couldrey]

I ask that Government will give me this categorical assurance because, failing that, I shall have to take what would to me be the most distasteful step of tabling a motion asking for an inquiry into the Income Tax Department, into the administration of it, with special reference to the figures as disclosed by the hon. Acting Financial Secretary. I do not want to do that; I shall be very loath to do that for two reasons. Firstly, if Government accepted my motion, it would add a strain to an already overstrained department, and secondly, I believe it would be difficult to talk to a motion of that nature without giving an impression, even if it was a wrong impression, that I and my colleagues were anxious to raise racial prejudices and feelings. We do not want to do that, but we cannot, and I submit Government cannot, allow the state of affairs as revealed by the answer of the hon. Acting Financial Secretary to remain unchallenged without an attempt to remedy it. That is all I wish to say on that particular heading.

I want briefly to refer to Head X on the expenditure side—Education, paragraph 27. I have no doubt whatsoever that the hon. Chief Secretary gave the Standing Finance Committee all the information they wanted as to the reason why this committee which they had appointed had not met, but we who are not on that Standing Finance Committee of course have no idea at all why Government appointed a committee and then that committee did not meet, and, sir, this may appear a trivial thing, but it is raising a big question of principle. I think it was Sir Robert Peel who was credited with saying "When in difficulty or doubt appoint a Royal Commission", and it appears here as if this Government is taking the line "when in difficulty or doubt appoint a committee" which, in fact, does not meet. I am not suggesting that the Government deliberately, when they are put into a corner or a difficult place, adopts the procedure of appointing a committee and then tells that committee it need not meet, but if the country at large believes, as it does believe, that the appointment of these committees is oftentimes merely throwing dust into the eyes of the public, then it is the Government's own fault and the fault of nobody else but the Govern-

ment. This is not the only committee that does not meet. Recently, when agitation about the labour troubles was nearly as great as they are to-day, the Government appointed a Labour Advisory Committee. That committee has never met. Can you wonder if the country at large believes that this appointment of committees is so much eyewash? That is all I am going to say under that head.

Now I wish to refer to Head No. IIIA and Head XIV on the expenditure side. Head No. IIIA refers to famine relief, for which a token figure has been inserted of £50,000, and Head No. XIV refers under War Expenditure (Civil) to the reduction in the cost of foodstuffs, for which another token figure has been inserted. Now, I am fully aware that these are merely token figures, that they can be enlarged or decreased at will, but I am going to submit to you, sir, that as they now stand they are totally inadequate. You, sir, in your address from the chair, drew attention to the very grave food crisis through which this country is passing. You stated, sir, that the only view we could take of that crisis was a pessimistic one. With every respect I submit you were entirely right. If we are going to take a pessimistic view of this food crisis, unless Government is going to adopt a policy of passing the buck and going in for inflation on a wholehearted scale, then the sum of £50,000 for famine relief and the sum granted under this reduction of foodstuffs vote are both grossly inadequate. What is the good of indulging in that most futile of all pastimes—pulling our own legs? What is the good of producing these reports showing we are going to have a surplus when, if the worst comes to the worst, Government is as fully aware as I am that these votes will have to be increased so enormously that it will blow the whole framework of these estimates sky high? It is a possibility of which we cannot avoid contemplation, that the cost of feeding this country and the cost of reducing the price of imported foodstuffs may be so great that it will not only do away with any possible surplus contained in these estimates, but will make a very big inroad into the Colony's surplus balances.

In this respect, and it is entirely relevant to this question of famine relief and the reduction of the cost of food-

[Mr. Couldrey]

I would like to ask Government, and I trust they will deal frankly with me, what steps they intend to take as a result of the report of the Food Commission. That report was, God knows, colourless and non-committal enough in all conscience, but it did disclose some definite findings, and I submit those definite findings unless they are acted upon must have an immediate effect on the revenue of this country. The findings specially found in paragraph 205 of the report do say, and there is precious little, they do categorically say that there is a lack of confidence in the Food Controls in general and with the Maize Control in particular. When a community or a country is in a jamb and it is necessary to pay Controls to get them out of that jamb, one of the essentials, the one essential, is that there should be confidence in those Controllers. I am going to ask Government if they will, if a Government speaker will, tell us or, if I may use a colloquialism come clean, and say what action they intend to take on that report, because if they intend to adopt the attitude which is sometimes called the Government attitude and do nothing, then there is no other alternative for us on this side of Council but to table a motion, a motion which we have already considered at great length, asking that they shall take some action. It may not be out of order here if I read the terms of this motion, which I trust will not have to be tabled: "That, in the light of the Communication from the Chair made on the 8th of December, and in view of the facts disclosed in the Food Shortage Commission of Inquiry Report—and especially the findings under paragraph 205 of that Report—a complete reorganization, and review of the personnel, of the Maize and Produce Controls is urgently required". What I have just said about the result of this Food Commission Report—I am authorized to say that in this respect I am speaking on behalf and with the full consent and concurrence of my ten European elected colleagues—the whole country is definitely concerned about this lack of confidence in what, after all, is a Government department. I do submit and I trust that Government will give this most serious consideration, so that if we are going to pull together

to work out of the jamb which we are in it is essential, it is absolutely essential, that they shall take every step they can to restore that confidence (hear, hear) even if it means, as I am afraid it must mean, a review of the personnel of the Controls and the removal from office of certain members thereof. I am not going to speak to the motion, and I hope it will not be necessary to do so, but I must give you notice, sir, that we on this side of Council feel that Government must take these steps which I have advised them they should take.

I am now going to follow the example of my hon. friend the noble lord, when he drew attention to something that was not in this report but which in his opinion should have been, and again under Head 3A I wish to draw attention to the fact that the Standing Finance Committee have omitted to put in that report, although they were asked to do so, a sum of money, a small sum, which would enable Government some time in 1944 to review the possibility of raising an internal loan for our own development purposes. When I spoke in the budget debate the hon. Acting Financial Secretary gave me two reasons why he thought it would be unsuitable to raise a loan during next year, most extraordinary reasons. First of all, he said it is perfectly obvious that this is a 2½ per cent war. Of course it is, and of course money is cheap, but I believe we should take advantage of that fact that money is cheap and raise this loan. But he obviously deduces from the fact that it is a 2½ per cent war the astounding idea that it is going to be a 2½ per cent peace. I submit that in all the laws of probability he is entirely wrong. However, let us apply the *reductio ad absurdum* principle to this argument. Imagine, if you can strain your imagination so far, that he is right and I am wrong. (Laughter.) What will be the result? Until 1946 we may have to raise money at 3 per cent and re-invest it at 1½ or 2 per cent, which will be a loss on the 5 or 3 million loan you choose to raise of 1 or possibly 1½ per cent. But if you return to the obvious and agree that I am right and he is wrong, there is a strong possibility that we shall have to borrow money at a higher rate of interest not for two years but 20 or even possibly 30 years, so I submit that this is the

[Mr. Couldrey] right time to raise this loan. This report of the Standing Finance Committee does not deal only with a month, it deals with a year, and again I would ask Government that they would, some time in the year, consider taking advice from other people, if Government will take advice from other people, and seek to find out whether it would be in fact justifiable to raise an internal loan now. The hon. Acting Financial Secretary also told me that very old platitude that every penny we raise should go to the war effort. One Right Hon. Secretary of State for the Colonies, under whom we are administered—I really cannot remember which, but I think Lord Moyne—sent out a despatch to the effect that if the colonies really wanted to help Great Britain they would look after their own yards, and how can a man in the position of the hon. Acting Financial Secretary, how can he say it is wrong to raise money for our own development purposes and at the same time grab with both hands money raised by the British taxpayers and sent to this Colony under the guise of a colonial development and welfare fund? It is entirely inconsistent. That is all I wish to say under that Head, and in fact you will be glad to hear that I have not much more to say.

I cannot for the moment put my hand on a recommendation that a sum of money under the Medical Department vote should be made available to carry out experiments in order to reduce the effects of the simuliun fly. I am advised by people on the spot that the money allocated is entirely inadequate, for if the experiments are successful they should be carried out over a much wider area. I tell you that with diffidence; because I know nothing about it, but it occurs under paragraph 42. If the experiments are to be given a successful trial they should not be condemned for lack of money. That is all I have to say, sir.

Mr. Nicol: Your Excellency, I have only two points. The first one is paragraph 32, Head F, Labour Department. The hon. mover asked for our views on the subject of trade unionism, and my personal view is that it is essential that we should get somebody from home who has been brought up with the trade union movement to start trade unions off on the right foot in this country. If we

do not do that, and if trade unions are allowed to start off on their own, there is very grave danger that they may go off on the wrong lines. Not only has the employer certain duties towards his employee, but the employee has definite duties towards his employer, and that is a matter where trade unions would have considerable guidance from an expert from home. I think it is entirely wrong to send somebody home from here for a course of six months or a year of trade unionism at home; it is far more important that a person should be brought out from home with experience, as was done in the case of Jamaica, which proved a very great success. I now turn to paragraph 80, and as an unofficial member of the Standing Finance Committee I should like to associate myself and my colleagues with the remarks of the hon. mover in the praise which he gave to the secretary, Mr. Armitage. (Hear, hear.) His work is most onerous, and I am very glad that I do not have to do that work myself.

MR. AMIN: Your Excellency, I will start with the head dealing with Colonial Development and Welfare Vote. (A member: Could the hon. member speak up as we cannot hear him?)

His EXCELLENCY: Would the hon. member raise his voice as I find it difficult to hear him?

MR. AMIN: I will be able to raise my voice to the proper loudness, I am quite sure, when I touch on some of the serious subjects which some hon. members have raised in regard to the revenue paid by the Asian community and that paid by the Europeans. I will do my best to be as loud as possible, but I would point out that my seat is perhaps the farthest from the centre of the hall; that is not my fault!

Regarding the Welfare vote, in my submission the education of all communities in Kenya should benefit in some way or other after the war from this vote. I do not know whether the basis on which that money is available covers a point like this, but I am quite sure that, in view of the fact that the Africans for a very long time will not be able to pay for their own education, a welfare vote of this kind should be utilized for the purpose of increasing in every way the elementary education of the Africans, as well as the

[Mr. Amin] higher and technical education of all communities in this Colony. More than that on this head I will not say. I will now come to the expenditure Head No. 10, Education, on page 4 of the report. I will deal with some aspects of the grant-in-aid system, and some of the recommendations or suggestions made in this paragraph 27. At the time the amounts of the grants-in-aid were last fixed for the various communities here, the situation was different from now, especially on the matter of the principles on which we have agreed that the education of the various races in the Colony has to be conducted. At the time, I think, when the grants-in-aid were fixed at a certain level, we did not anticipate the principle of compulsory education up to a certain age. We have now, especially in the big cities like Mombasa, Nairobi and Kisumu, even in respect of the Asian community we have accepted the principle of compulsory education, but this Government have not changed their quota of contributions towards the expenses of the grant-in-aid schools. Once having accepted the principle of compulsory education, Government cannot avoid the responsibility of paying for it or contributing a substantial share of the expenses until such time as the whole of the expense can be met out of the revenues of the country. This principle should also apply in respect of African education. The principle of compulsory education has not yet been accepted for them, but Africans have been educating their children out of their own funds and at their own expense. There are several independent schools run by the African race, for which I am quite sure the grants-in-aid given in the past will not be adequate because of the principle on which those grants-in-aid are given. Up to now it is permissible that education should be given. In future, the principle of compulsion in respect of Europeans and Asians already accepted will in some way have to be extended to the African race also.

In that regard, the committee that will be appointed will have to consider the question of the amount of the grants-in-aid to be given the various schools in the Colony. I consider that the schools which have been run for many years in the past by the Indian communities in several small centres are now ready for

taking over by Government or for additional grants-in-aid. At the time I last mentioned this matter in the debate on the budget, I gathered the hon. Director of Education perhaps did not hear me properly, and so did not reply as he might have done. I would say this. I did not suggest that all the schools that are run in all parts of the country by the Indian community should be taken over by Government. I stated that there are certain rules on which Government have accepted the principle that they will take over schools, and that those schools which satisfy the rules and regulations of the department should be taken over as early as possible on application being made by the people concerned. I mentioned one particular school at Nyeri: it has a building of its own, the number of pupils is beyond the minimum required, and it has the necessary equipment. So far as the grants-in-aid question is concerned, I will not deal with the matter further, but go on to another subject.

That is on page 5, expenditure Head No. 17, concerning trade unions. Several shades of opinion have been expressed in this Council as to the type of person who shall be enlisted for service in this connexion, and the place from where he ought to be obtained, and there is a definite recommendation in this paragraph referring to the matter, that the gentleman will or should be attached to the Labour Department. I would like to say this. We have in this country people of many different races in many different walks of life, and in all those walks of life, for good or otherwise, racialism in one form or another has prevailed. In the western as well as the eastern world, in any progressive country one finds only one group of people, one section of a community, which has remained free from racialism of every kind and succeeded in the advocacy of the principles of equality and opportunity for all, and that is the working class. So far as Great Britain is concerned, I would like to pay tribute to the genuine trade unionism which has been capable of rising above racialism of every form, and it is from these people who have been trained properly in Great Britain that I would urge that a person should be found for the establishment, organization, and extension of the trade union movement in this Colony. I would not approve of

[Mr. Amin] anybody coming from South Africa, I would oppose any person with a South African bias coming to this Colony for any work connected with the trade union movement, and I would oppose any Indian being brought in from India in connexion with the work because I know he will not have the necessary co-operation either from Government or from certain classes of people of the Colony. Therefore, the best thing to do is to obtain a properly qualified person from Great Britain who knows his work and is capable of rising above local prejudices. There is another aspect which I would mention, that the gentleman should not be attached to the present Labour Department, which has already been described as a department which recruits or assists the recruiting of labour. It has up to now not done any work which can be described as work connected with the trade union movement, and therefore we should not hamper the man's progress when he comes into the Colony by putting him into a group of people who are by custom and habit or long residence in this country accustomed to work in a particular way and are not capable of appreciating the difficulties or assisting to bring into this Colony a movement which can be as healthy as the trade union movement which fortunately obtains in Great Britain. I would suggest that the gentleman who comes, whatever the rules or regulations which might be made, should be given the freedom and choice of his subordinates in his future work.

I would now deal with expenditure Head 40, the paragraph dealing with demobilization and re-absorption of Service personnel, paragraph 77. In this connexion I would like to refer to a subject with which I dealt in the debate on the draft estimates, and I will read from the report of the committee appointed to advise on the steps to be taken with the preparation of schemes for the vocational training of Asian men and women now serving in the Forces or doing other war work. I will read from page 5, paragraph 13 (c), the Police Department: "In his evidence the Commissioner of Police informed us that though the force now employs a considerable number of Asian inspectors, it has been the policy for some time past to fill the vacancies in the Inspectorate by the promotion of African

other ranks. This policy, he said, would be followed until the number of Asian inspectors is reduced to the number required for the efficient policing of the Asian community and such other special duties as may be required. In these circumstances it is unlikely that there will be any appointment of Asian sub-inspectors for many years to come and the matter of training does not, therefore, in his opinion arise. While we appreciate that as better educated Africans are becoming available they should be given posts of increasing responsibility not only in the Police Force but in other Government services, we consider it strange that the policy enunciated above envisages that Asians will be employed only for the efficient policing of the Asian community and specialist duties. Their suitability for police work has been generally recognized and we consider that special consideration should be given to Asians on demobilization who have the necessary qualifications for, and desire to, join the Police Force". These things I lightly touched on in the previous debate, but I find that the Government, perhaps not understanding the seriousness of my complaint, could not reply to the point or did not think it necessary to give me any reply. It is a matter which is serious. The committee itself felt that the Commissioner of Police was wrong in his policy. This is what I want to ask Government. Is this opinion expressed by the Commissioner of Police the opinion of Government or its policy, or is it not? If it is not, I would urge on Government to say something about it which conforms with the opinion of the members of the committee whose report I have just read.

From this subject I would like to refer to some of the remarks made by the hon. Member for Nyanza. It is rather a subject which I would have left my colleague the hon. member Mr. Patel to deal with, but there are some aspects of it which I must touch on. It is, perhaps, unwise of the Indian members that they should jump into the fray on a matter which is really not before Council, the matter of the revenue by way of income tax and excess profits tax which the Asian community have been paying in comparison to that paid by the Europeans.

MR. HARRAGIN: Would the hon. member raise his voice?

HIS EXCELLENCY: Would the hon. member raise his voice, as I am finding a great deal of difficulty myself in hearing what he says?

MR. AMIN: In regard to this subject, I should like to say this. There are various avenues of employment in this Colony which are closed to the Asian. I will take first the wages or salaries paid to Asian Government servants. There are at present about 400 Asian clerks at the top of the first grade who for more than 10 years have had no increment of any kind, and there is the highest grade, or special grade where they can have a higher salary, but of course there are bars, which are almost insurmountable. The war bonus which is going to be given to the Asian clerical staff will not benefit the senior Asian clerks on the first grade. There are 400, as I have said, at the top of their scale, and have been there for 10 years. They have demanded remedies from Government, but nothing has been done for them. The war bonus they get is not more than a few cents for some of them, in spite of the fact that they might be married and have many children. The most junior grade European clerk starts with a higher salary than the senior Asian at the top of the first grade. This is one way of realizing why the income tax paid by the Asian community is less, or comparatively very small, with the income tax paid by the European community. There is another aspect to it. In this Council when the question was being replied to, several hon. members laughed loudly, they enjoyed the reply. I felt that that laughter sounded like the laughter of people who played with loaded dice. We have in this Colony racial prejudice against the Indian community in every walk of life.

At the beginning of this war we had the Indian community through their accredited representatives offering Asian man power for all military work in any shape or form. And what happened? It was not as if they were told, "You will get less salary and therefore you are not wanted, or perhaps you will not care for the work as the terms of service will be so unfair compared to the terms of service of the European man power", but other arguments were used by the then Governor of the Colony. These are the arguments, this is the summary prepared

by the chairman of the Nairobi Asian Man Power Committee, Mr. Biss, of statements made by the then Governor, Sir Robert Brooke-Popham, at the interview he gave to Mr. Biss. This summary is contained in the minutes of the meeting dated 31st July, 1939, and circularized to members of the Nairobi Asian Man Power Committee on 27th September, 1939. It reads: "(1) Modern warfare was not a question of mere numbers of men, but principally of weapons. More men were required nowadays to equal and maintain forces in the field than ever before and the maintenance of production and manufacturing was just as essential to the defence of the country as firing a rifle. (2) In general, therefore, Indians could render service best by carrying on steadily the normal life of the community, particularly by keeping up supplies and trading. (The chairman read a letter dated 28-7-39 from the Shell Company of East Africa showing that this was a view held not only by Government but by an important section of the commercial community.) It must not be forgotten that it was illogical and a waste of man power to take a skilled man away from work at which he would be difficult to replace, and which few others were qualified to perform) and put him into the fighting line in a position which could possibly be filled by thousands who did not possess his qualifications. (3) Modern weapons, military organization and methods are so different from those of even a few years ago that all energies must be devoted to the training of units for which there is a definite place in the existing defence scheme: it is essential that any unit to which weapons are allotted or on which money is spent should have a definite function to fulfil and be necessary for the defence of the Colony."

Those are the words of the Governor of the Colony. I presume everyone is entitled to presume that that was the policy of the Government at the time. If the people of my community could not take their full share in the firing line it is not their fault. The policy was against their taking that share, and when the question of their prosperity is now brought up for the purpose of suggesting that the Commissioner of Income Tax has failed in his duty to squeeze out all that was possible from the prosperous sections of the Indian community, there

[Mr. Amin] is one thing I would say. It is this. No responsible person of the Indian community has ever stated that the Commissioner of Income Tax should not collect the tax due from them. The Commissioner, to my knowledge, has taken every step to obtain all income tax possible, either by the European or Indian community, but when the question of what they could pay and willingly pay comes in, this is what I would like to add. All the limited liability companies of this Colony are registered companies, and if the share capital of the companies mainly controlled by the European community were taken as a basis of comparison with the share capital of the companies mainly controlled by the Indian community, it will be easy to find whether or not the Indian community is paying its due share. There is another aspect. There have been several sections of the retail trade of the Indian community which have been going out of business for more than a year now. When I spoke on the question of the re-absorption of people who will be freed by the military at the end of the war, I also had in mind the feeling that the present distribution of interests in the various parts of the Colony are ousting the retail trading section of the Indian community from business. I will give a small example. A retail trader in a small centre, a trading centre, depends mostly on his custom with African purchasers, and the African purchaser from reserve or settled area mainly purchases goods of everyday necessity, and sugar forms the main item for which the African comes to the shop. It was an admission by one of the heads of departments, I think the Provincial Commissioner of the Central Province, that it is true that in a certain area the retail trade of sugar has been taken away from the retail traders in certain centres in that province. The centres about which I complained are not the only centres which have suffered from this. Other centres have, and we complain because we do feel the time is ripe to urge on Government the necessity of taking some steps to consider the possibility of finding some employment for the people who will perhaps be starving in a few months time, unless their opportunity to earn a livelihood in the usual trade they have been carrying on is maintained in some

form or other. If that is not possible, something else may have to be done, but I am quite sure Government and the people realize that unemployment of the Asian community is not the aim of the distribution systems recently introduced.

Many people have suggested—not loudly, but I heard it—that black marketing was the function of the Indian traders, but I am prepared to prove that black marketing is not a racial crime. Black marketing is most flourishing in London; it is flourishing in New York; it has nothing to do particularly with the Indian trader or the Indian business man, but as I said, the game of racialism in this Colony is being played with loaded dice. The Government is headed by people belonging to a particular race; the departments are headed by people belonging to a particular race; committees to investigate the crimes of various races are headed by people belonging to a particular race. The people who are playing this game I have described should be very careful in accusing people of other races, who have so many difficulties and who have so few of the opportunities to rise to the political, cultural or economic level of the race which so dominates the country.

MR. PATEL: Your Excellency, I am glad that the hon. Member for Nyanza has given me an opportunity to make a few remarks on the question of income tax. Though it is difficult offhand to speak in defence of a question like this, I suppose it will be quite clear when one impartially examines the whole question that there is a great deal of misunderstanding in the minds of various people, particularly the non-official European members. I am quite certain that there are defaulters in the payment of income tax, as we find in all countries of the world that there are defaulters who evade the payment of income tax and indulge in black marketing. You find it in countries like England and the United States of America where Indians do not reside. I think it is the duty of the Inland Revenue Department to try and see that evasion is prevented as much as possible, but I do not think any Inland Revenue Department in any part of the world has succeeded in preventing evasion entirely by some persons who are inclined to take advantage of any loopholes they may find. But when a statement is made that the Indian community has become

[Mr. Patel] very prosperous during the war and that the income tax paid is ridiculously low. I think any members who make a statement like that do not realize the correct position that we in this country, as regards sources of production and the control thereof, the sources of income and the control thereof, and so on, are, by administrative machinery or by legislation, prevented—in fact all the non-European communities are prevented—from having equal opportunities as regards developing the resources of this country. I believe if one examined certain facts giving a correct idea about the relative position of various communities, one might understand the real position. If you take the importation of goods, the bulk of the importation is done by European firms; if you take the export of produce from this country, the major portion is exported by European firms; farming is done by the European community; the gold industry is in the hands of European companies and firms; the sisal and tea industries and all large factories are mostly controlled by European companies and firms, and I am quite certain if you take into consideration the capital of firms and companies controlled and managed by the European or the Indian community, the capital invested by the European community either from local sources or from overseas would be very large compared with the capital invested by the Indian community.

Moreover, sir, if you take into consideration the Indian population, the majority of them do not get an income of more than £15 a month. I make that statement and challenge anybody to examine the question and find out whether it is correct. In the majority of Indian families, the head of the family does not earn more than £15 a month and of that majority also a large number has an income less than £10, and there are quite a few families with an income of less than £5 per month. We find that the Indian population is divided into three main groups; the traders, the clerks, and the skilled labourers. Skilled labourers form the majority, and the income they receive is not such as to render them liable to pay income tax; the clerks either work for private firms or in the Government or Railway service. If you take into consideration hardly any

clerks would be liable to pay income tax, but if the figures are examined—and if any official member on the other side of Council can give me the figures—I shall be glad to know how many Indians draw a salary in Government service of more than Sh. 600 a month and how many Europeans draw a salary of less than Sh. 600 a month. Moreover, if you take the traders, the majority of Indian traders are retail traders, and if anybody states that a substantial portion, or even 10 per cent of the Indian retail traders of this country would be liable to pay income tax—or income tax of a substantial figure—I state that he does not know the correct facts. The majority of Indian retail traders make their living only; those who have big stores either in Mombasa or Nairobi—and they are very few—I agree make money. Thus the only class of the Indian community who will be liable to pay substantial income tax will be the very few industrialists whose number cannot be more than five or six or a dozen at the most; a few importers, whose numbers also can be counted on your fingers; and a few retail business men having big stores whose number also I am quite certain can be counted on your fingers. So that the only class of people among the Indian community who will be liable to pay substantial income tax will be very few, and the majority of the Indians of this country will never be liable to pay income tax as long as you have the present standard of income maintained. You should also take into consideration that the Indian community here has to consider provision for their old age, for which no Government provides. They have, whether they like it or not, whether their income is small or big, to try to save something, buy some property and invest some money, so that in their old age they may have some income to live on. The European community is free from that anxiety. The Indian community has always to consider their old age by putting something aside for their maintenance, because they do not earn pensions as the European community does. The State will not look after them as is done in the case of Europeans, and therefore they have to consider saving money whether their income is £10 a month or £15 a month, to produce some capital to provide for their old age or for circumstances which may occur at any time. I am prepared to see

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that this question is examined by an impartial committee and I am quite certain that though it may be found that there are defaulters, that there are people who have evaded income tax, considering that almost all sources of production in this country are controlled by the European community, considering that the bulk of the goods are imported by them, considering that the major portion of the produce is exported by them, and considering that all the high salaried posts are controlled by them, the Indian community is not in a position to pay substantially more than the figures given by the hon. Acting Financial Secretary.

One statement made by the hon. Member for Nyanza was that the small European population of this country is paying taxation out of all proportion, and that the world should know it. Certainly the world should know that they have in their hands all the resources for making money. In any country—in England and the U.S.A.—it is the small number of wealthy men who pay the major portion of income tax; it is not the labour members of the Labour Party who pay the greater portion of income tax in England. If almost all the capital of this country is controlled by Europeans and if they control all sources for making money, all industries and all sources of production and distribution, it only speaks very loudly of the fact that the small European community of this country has controlled all the sources of making money, and it is high time that the modern idea of equal opportunity for all and the modern ideas of socialism were introduced into this country so that all races and all peoples living in this territory can be given an equal opportunity without racial consideration. It is very easy to pay a man Sh. 200 a month and pay to another man Sh. 2,000, and for the man who is drawing Sh. 2,000 to say to the man drawing Sh. 200, "Why don't you pay sufficient tax to the State; why don't you improve your standard of living; why don't you educate your children properly; why don't you live in better houses?" It is very easy to say that, and that is what the non-official European community of this country is trying to do. They do not want to allow the Indian community to advance in certain walks of life; they do not want to allow them to go in for farming; they

do not want to allow them to have opportunities of advancing according to their ability, and then they tell them that they are not paying sufficient tax and that their standard of living is low and that they are not taking an interest in the education and welfare of their children.

At one time the European community of this country said that the Indians were exporting the money they made in this country; now the charge they make is that they are trying to buy property in this country and invest their money here. It is true that some Indians who have made money during the war have paid fancy prices for property. It is true that on account of that the price of property has been inflated. At the same time, if we examine the number of such people it is very small, and a large proportion of the Indian community do not own their own houses, they have not been able to invest money for that purpose. It is a small percentage of the Indian community which has flourished and made money, and it has given the wrong impression to outsiders that the whole of the Indians are prosperous. I admit that their position financially is better than before the war; that is, a skilled labourer who earned Sh. 4 is today earning Sh. 8, but he has not his own house. He may have a few hundred shillings in the post office or bank or with a trader, but that is about all, and compared to the income of the average European member of Kenya society it is nothing. Similarly, the Indian clerk may have a few thousand shillings invested somewhere, having worked for 20 or 30 years on Sh. 100 or Sh. 150 a month, to see that his family do not suffer in his old age, but it is nothing compared to the average investment of the average European in this country. Considering the large value of the land in the Highlands and the factories and sisal and tea industries and so on, I am quite certain that if these things were examined impartially some of the members who have spoken pointing out the discrepancy between the tax paid by Europeans and Indians would not have indulged in those remarks. It is difficult to answer a question like this offhand; one would require to apply his mind fairly to it, but I am quite certain that broadly speaking the facts are not those which should suggest to hon. members

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that the Indian community is very prosperous. I may say that when a European retires to England, if he remains unemployed he can get a few pounds for his relief, but under the unfortunate circumstances in which my country is placed at the present time if I retired there without having saved sufficient money from my monthly earnings I should be stranded and starve and die. That is the unfortunate position my country is placed in on account of circumstances known to hon. members.

I did not intend to refer to this question of income tax, but I am glad the hon. Member for Nyanza gave me the opportunity to mention a few facts which, if impartially examined, will convince impartial people that after all said and done there is not so much substance as is tried to make out in ridiculing the Indian taxpayers. It is now recognized by all civilized countries that the tax must be paid according to the capacity to make money. If my community make money that tax must be paid by them, and if there is any evasion I shall be the first person to support any measure to stamp out that evasion. But because a certain section of the population in this country pays higher tax on account of their capacity to make money, that does not give them any privilege or right to say they must have more services. It is a recognized principle in every civilized society today that because the top class of society pays more tax than the bottom class, differential treatment for the bottom class will not be entertained for one minute.

While on the question of taxation I desire to refer to page 1 of this report, item 15, on the question of estate duties. I desire to make a few remarks on that expression of views by some members of the Standing Finance Committee. It appears to be quite clear that it is the opinion of a few members, I do not know who supported that expression of opinion or who opposed it, but this is the argument, that estate duty is "not a suitable tax for a young colony mainly dependent on agriculture". It is the usual argument advanced against this tax and other taxes also; it is a pastime with some people to say that the tax is applicable to other parts of the world but is not suitable to this country because they are the wealthy people of the country

and do not want to be taxed. They put this forward every time, whether it is estate duty or any other direct tax. The main argument is that it is not suitable for this country, and is said by those who are afraid of parting with any of their wealth. But this tax has been operated for the last 20 years and I have not known any hardship has been effected in this country. If it has been so administered for 20 years, for members of the Standing Finance Committee, or some of them, to say now that it should now be abolished, is ridiculous. I desire to say in regard to the Police vote that the hon. Member for the Coast rightly said that it is not only a question of increasing the numbers which will solve the problem, but that efficiency must be included. I think there has been a certain amount of inefficiency in the Police Force which has contributed to a certain extent to the increase in crime. While on that point, I also desire to submit that in the various townships in which the Indian communities reside it is necessary to see that the personnel of the Indian police force is increased to give greater protection to those Indians from crime, and their terms of service improved.

The last point which I desire to touch on is the one referred to by the hon. member Mr. Faroo. He said that, judging from the report before us, it appears that no due consideration was given to the needs of the Indian community as placed before this Council by the various Indian members. In particular, I desire to refer to the most important point, from my point of view and that of the Indian community, when I spoke on the draft estimates I appealed to the members of the Standing Finance Committee and to Government to provide a token vote as a contribution towards starting an Indian agricultural training school or as a contribution towards the cost of any such training school which may be started by Tanganyika Government, and also to provide money for the investigation of suitable land for Indian settlement and for the provision of the necessary water. That appeal has been overlooked. I made it very clear that if Kenya is not in a position to start an Indian agricultural training school, steps should be taken to contribute towards the cost of a school which Tanganyika Government is actively engaged in considering the starting of. The hon. Commissioner for

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Lands and Settlement, for whose fair-mindedness I have a great respect, appears to hold the erroneous view on the question of Indian land settlement. He thinks there is no evidence of any desire on the part of Indian youths to settle on the land. During his reply on the question of Indian settlement by merely making a few remarks as to how many Indians serving in the army had replied to the questionnaire circulated and so on. But firstly, it is not quite a correct statement of the present position to say there is no strong desire among the Indian community for seeing that their youths go in for farming; secondly, we all know from what has been achieved in countries like Russia and other important countries of the world that by giving the necessary education the tendency of people has been changed, and if this Government is in earnest and serious about it I am quite certain that the tendency of the Indian youths may be altered so that they will take to farming, by Government imparting the necessary education, within the next ten years. To refute this misapprehension which the hon. Commissioner has given, I may inform him that at the start of the war there were 12 Indian farmers in the Kilossa district of Tanganyika, and there are 50 today, contributing towards war-time production and doing it well, an increase of 38 in one district of Tanganyika alone. That has been possible because the Administration in Tanganyika gave equal opportunities to all races to acquire land and gave encouragement in production, and when we examine the position in Kenya we find that not a single Indian farmer has increased in numbers after the declaration of war. The increase in Tanganyika proves that if due encouragement is given and the opportunity, the Indian youths will take to farming instead of crowding into the cities for trade and clerical work.

I do not want to take up the time of Council any longer than I can help, but I would like to say this, that in order to express my protest against the non-inclusion of a token vote for this purpose of Indian agricultural training and investigating suitable land for Indian settlement, and also to point out to Government that we are serious about advising Indians to take to the land, I

propose to vote against this motion on that ground and that alone, that there is no token vote provided.

MR. TROUGHTON: Your Excellency, I would like at the outset to make some observations on the question of income tax evasion which has been discussed at length both by the hon. Member for Nyanza and by the hon. member Mr. Patel. The Government is fully alive to the fact that there is evasion of income tax. I am not prepared to agree that that evasion is on a scale which deserves the epithet "public scandal", but nevertheless I can at once agree, and the Government has made no secret of the fact, that there is undoubtedly evasion. This evasion chiefly arises for the reason mentioned by the hon. Member for Nyanza, namely shortage of staff. The Income Tax Department has had the greatest possible difficulty in recruiting suitably trained staff during the past two or three years, because most of the accountants who would otherwise take up income tax jobs are otherwise engaged. The Standing Finance Committee was perfectly alive to the necessity for an increase in the staff of the Income Tax Department to deal with this matter of evasion for, as hon. members will have seen from the draft estimates, there is provision for an increase of six assessors in the department. Unfortunately, it has not yet been possible actually to get the men, although every possible effort is being made to get them by hook or by crook in London, South Africa, and in other places, wherever they can be obtained. A further step that has been taken towards a reduction of evasion is this. This Council passed an Ordinance a month or two ago, and one section in that Ordinance provided that where there was an understatement of income due to fraud or wilful neglect on the part of the taxpayer, then the time limit in which a prosecution could be instituted was removed. Therefore there is every possibility that as soon as the staff of the department can be strengthened the tax which is now being evaded will be collected, even though it is collected a considerable period after it was in fact due. (Hear, hear.)

I do not propose to say much on the racial incidence of income tax, but I must say this, and the hon. Member for Nyanza admitted it, that evasion of tax is by no means confined to one section

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of the community. It is always a possibility, and it always happens where there is income tax law, that most communities have people who try to dodge it if they possibly can. As regards the figures which I gave regarding the collection of tax, I did say their accuracy could not be guaranteed, but at the same time I am quite satisfied that they present a fair picture of the present situation. As I have pointed out, income tax evasion is not confined to one section of the community, and the Commissioner of Income Tax tells me that of the cases which are now being considered by him almost equal numbers are in respect of Europeans and Indians. The Commissioner's view of the figures is that the wealth of the country is in fact largely in the hands of the European community, and I see no particular reason to disagree with that view. At the same time, the Commissioner would welcome an opportunity of discussing the matter in detail with the Standing Finance Committee should a suitable opportunity arise in the future. On this particular point of evasion and its racial implications, I would like to give the Council some figures relating to the tax paid by Civil Servants. There is no possible chance of evasion there because their assessments are carefully checked on their salaries and the tax is collected departmentally. The figure in respect of this year's tax by European Civil Servants is £55,000, and the tax paid by Asian Civil Servants is £233. So much for the question of income tax.

The hon. Member for Nyanza also referred to the Education Committee which sat once and never sat again. Well, the chairman of that committee was the Financial Secretary or, in his absence, the Deputy, and it devolved upon me to preside over that particular meeting. The committee was a representative one, including the members of all sides of this Council, and the view was expressed to me with singular unanimity at that meeting that the members were too preoccupied with more urgent tasks to get down to that particular involved and complicated job, and I must say that I do not think it was unreasonable for Government to assume that public opinion at the time was in favour of postponing the committee, when the postponement was proposed with such

singular unanimity by the representatives of public opinion. The hon. Member for Nyanza spoke of the inadequate provision—that he called inadequate provision, and I think it is inadequate—for famine relief and food subsidization, which he suggested might do away, with not only our surplus but make large inroads into our surplus balance. Under paragraph 75 of the report the committee say, quite clearly: "the committee came to the conclusion that, although there might be a large contingent liability on account of the additional cost of imported foodstuffs, it was not possible at this stage to estimate it accurately and that the sum already provided should remain unchanged and be regarded as a token figure." That is the view which the committee reached, and I do not think it was possible to express any other view, because we have not the foggiest idea of the amount it is likely to cost. But I would point out this, that we have a War-time Contingency Fund to which we hope, in accordance with the committee's recommendation, to make a substantial addition this year, and I consider that that fund could very properly be used for the purpose of food subsidies.

The hon. Member for Nyanza also took me to task on the subject of the omission from the Standing Finance Committee report of any sum to cover expenses of raising a loan locally in 1944. Well, I have no wish to be considered, and I do not consider myself a prophet, fallible or infallible, but I do think that this is a matter on which my own opinion is probably as valuable as that of the hon. Member for Nyanza, for if I remember aright, when our war bond issue was floated the hon. member was extremely critical of the terms, and he expressed doubts whether the loan would be a success. But I must in all fairness admit that, having made his criticisms, he put his back into it and did his best to make the loan a success. The loan, I think all will agree, has been a great success, so therefore I cannot regard the hon. member as anything very special in the way of a financial prophet. (Laughter.) The facts are, as I said, this is a 2 per cent or 3 per cent war, and the hon. member said that I could not foresee, I could not prophesy, with any assurance, that it was going to be a 2½ per cent or 3 per cent peace. I cannot, but the fact is that 2½ per cent or 3 per cent

(Mr. Troughton) rates are not simply war rates because money was being borrowed at this rate by the United Kingdom Government at these rates in 1938 and 1939 before the war. The British Government has adopted a policy of using every means in its power artificially to keep interest rates down, and there is no reason that I can see why that policy should not be continued after the war, because a policy of dearer money would be a great disadvantage to development everywhere and not in this country only. There is another point, and that is that, despite possible inroads into our surplus funds by the cost of food importations and other things, we have a sum of half a million pounds loaned to His Majesty's Government free of interest for the duration of the war, and that money will revert to us when the war is over. Therefore, we should in some measure be able to pick and choose our time for raising a post-war loan in that, so far as one can humanly foresee, we ought to have sufficient funds to go ahead with productive expenditure on development until such time as it is propitious to raise a loan.

The hon. member suggested that it was ludicrous that we should borrow money or receive grants from the Colonial Development and Welfare Vote and at the same time refuse or fail to raise funds locally for development. Well, the answer is that Parliament has put a sum of £50 million at the disposal of the United Kingdom Government for the purpose of financing development in the Colonies. It is there for that purpose; it cannot be used for any other purpose, and it would be absolute folly and insanity on the part of this Colony not to utilize that sum when it is available. I am not suggesting for a moment that the hon. member suggested that it should not be utilized, but he did speak of it as being ludicrous.

MR. COULDREY: On a point of order, the point I made was that his argument was ludicrous.

MR. TROUGHTON: And, Your Excellency, the point I am trying to make is that my argument was not ludicrous! (Laughter.)

One further point in the hon. member's speech; he referred to the inadequate provision for dealing with this simulum fly, if I have got him right. All I can say to that is that the committee

recommended provision of the amount that the hon. Acting Director of Medical Services asked for, and I think that he is the best judge of what he requires. He is not here to answer the question himself, but I should hate to invite him to ask for more money when he feels he can make do on that particular sum.

Turning to the speech of the hon. Member for the Coast, there is only one point to which I wish to refer, and that is the special allowances which have been approved for certain officers, namely the District Commissioner, Mombasa, and the District Commissioner, Eldoret, and the hon. member suggested that special allowances might be warranted in other places, and he mentioned Kisumu. Before special allowances for the posts mentioned were approved we did make careful inquiries from all heads of departments and Provincial Commissioners as to what posts should be considered, and having examined the whole lot we came to the conclusion that these were the only ones where really serious hardship was being suffered and where that hardship was incommensurate with the salary of the individual concerned.

The hon. member Mr. Paroo referred to the salary, if I have got him right, of the Indian Deputy Executive Officer of the Mombasa Commodity Distribution Board, and said that he had not got an increment that had been promised. I went into that case and I find that the gentleman in question is drawing a larger salary than any Asian employed in Government, with the exception of the Asian Inspector of Schools and the Asian Veterinary Officer. In my opinion he is being entirely adequately paid, and there is no case for an increment. The hon. member also referred to the Indian Veterinary Officer in question and pointed out that his salary was £420 a year. In the first place the salary we consider is commensurate with the duties of the post, but if the hon. member looked at the next item in the estimates he would see that the individual in question, because of his special qualifications, gets a personal and pensionable allowance of £100 a year, to which the hon. member omitted to refer. The hon. member also asked in what proportions Uganda paid for Imports Control. The answer is that Uganda pays for Imports Control in the same proportion as customs revenue. As the customs revenue is allocated between the two territories, so

(Mr. Troughton) is expenditure on the Customs Department and on Imports Control.

I do not think there are any further points to which I need reply, but I would like particularly to associate myself with the last paragraph of the report. It is perhaps unusual for one Government officer to praise another, but I have a lot of experience—probably more experience than anyone here—of the detailed preparation of the estimates, having worked on seven budgets in various capacities, and I can say unhesitatingly that by far the greatest responsibility in every sense of the word rests on the Clerk to the Legislative Council. Mr. Armitage has discharged those duties with great efficiency and with great zeal over a period of four years, and I am very sorry that the time has come when he has got to go to other work. (Applause.)

MR. LACEY: Your Excellency, I can promise hon. members that my speech will be considerably shorter than preceding ones this morning!

I will deal first with two or three small points raised in connexion with Indian education. The hon. member Mr. Paroo brought up his hardy annual concerning grants-in-aid. I looked up his points, and I can inform him—and I am sure he will be glad to know it—that an increase in the grant-in-aid vote was made specially to give grants to two new schools in his area—Voi and Mwatate—and two in the Nyanza Province. Still dealing with the question of grants-in-aid, and passing on to the remarks of the hon. member Mr. Amin, the latter speaker seemed, as far as I could understand him, to be under some misapprehension about quotas for grants-in-aid. There are grant-quota for grants-in-aid. There are grant-quota rules. To school authorities conforming to those grant-in-aid rules, grants-in-aid are paid. Since I have been here, during the last four to five years, the grant-in-aid vote has gone up steadily each year. Another thing he said, which I could not understand was that Government had approved the principle that if certain conditions were fulfilled, private grant-aided schools should be taken over by Government. I hope he will correct me if I am wrong, because if he . . .

MR. AMIN: On a point of explanation, what I said was that if grant-aided schools had applied to be taken over by the Government and if they had ful-

filled the conditions imposed by the Department, then they should be taken over.

MR. LACEY: The hon. member says that if the necessary conditions have been fulfilled they should be taken over, but that is quite different from suggesting that Government has accepted the principle that it will take them over; that is a very important difference, I suggest. I think too, he suggested that Government have accepted responsibility for compulsory education of Indians in places like Nakuru, Eldoret and elsewhere. That is not correct. As the law stands at the moment, there is compulsory education for Indian boys between the ages of 7 and 15 in Mombasa, Nairobi and Kisumu, and for no other Indian children and at no other place. It is true the question of compulsory education of Indian girls has been raised, but there is still some difference of opinion among the Indian communities as to the age at which it should be made compulsory, and no definite recommendation has yet been laid before Government.

I should like to turn to African education and the speech made by the hon. and reverend member who represents Native Interests. I can quite understand that he would not find from these estimates any clearly defined long range policy. That, of course, could not be expected; the way long range policy is fixed in this country as regards education is that the Advisory Councils advise me along lines which have been laid down broadly—we might say on precedents laid down broadly from experience—and those lines are discussed and detailed programmes are drawn up. I would like to stress this point, that even in the darkest days of the war, in the early part of 1940, when it so happened that advisory councils were meeting when we heard of country after country in Europe crashing, we were even then proceeding to draw up details of development plans which were laid down on accepted lines of policy. Those, sir, are made known to all concerned either in annual reports or by the circulation of memoranda. For example, Your Excellency stated that it was the intention of Government to publish shortly a memorandum on its policy concerning the development of the education of women and girls, and that memorandum has been published since you made that announcement. While it may be that the

[Mr. Lacey]
 hon. member is not himself a member of any of these advisory councils. I should like to extend to him now an invitation—an invitation I extended to him personally a few days ago—that if he wants to know about details of policy, if he comes to my office or attends these meetings I will do my best to explain them. The general tenour of his speech seemed to be that we were not making adequate provision for elementary and primary education of Africans. I do not want to quibble about the word "adequate"; I do not pretend for a moment that we provide adequate elementary and primary facilities for 100 per cent of the African children of school age, but what I do maintain is that within the limits of our resources we are doing everything we possibly can to achieve that aim. I must again remind Council that it is no good putting up schools and collecting the children until you have got the teachers. There must be stages in the development of any educational system when it appears to get a little top-heavy at times, merely because unless it gets top-heavy it cannot expand underneath. You have to have educated people to train teachers, and until you have got the teachers you cannot extend the elementary and primary schools. That point has been realized very clearly. It has been realized not only in regard to African education but in regard to European and Asian education as well, and we have paid very particular attention in our advisory councils to the training of teachers and we are proceeding in that direction as fast as we possibly can. Our speed is not handicapped for lack of money, but is handicapped very largely, 90 per cent, by lack of personnel and only 10 per cent by lack of material.

The hon. member raised the question of the delay in regard to the introduction of the new grant-in-aid rules. He must be as well aware as Government is, that I have been as impatient as anybody else that these grant-in-aid rules should come into force as soon as possible, but speaking from the financial point of view, although these grant-in-aid rules embody new principles and will, I think, be of much greater assistance in the cause of education, I must point out that it is only fair to say that if these new grant-in-aid rules had come into force say on the 1st January, 1943, the finan-

cial provision in the Estimates would not have gone up by a large sum—another £1,000 but no more than that. I am as anxious as he is, and I think it is realized in Standing Finance Committee, that the new grant-in-aid rules for African education, also those for Asian education, should come into operation as soon as possible. I was not awfully frightened by the bogey with which, I think, he said he would frighten me, but he said I must be told unless I investigated this question of elementary and primary education I might be faced by the awful independent schools. I see nothing wrong with independent schools. I know of no State system in the world which is not vastly helped by independent schools. We have independent schools for European education and Asian education, and I should imagine that the hon. member representing as he does African interests would be very interested to find Africans wishing to conduct their own African schools. Now if he asks me, "Are they efficient?" I should merely say, "If they are not efficient I will not allow them to continue." I do not think we have any bogey to be worried about in independent schools. The independent public school system in England has been of very considerable assistance in education there in spite of what people may say. The independent European schools in this country not only save the taxpayers thousands of pounds in money, but they give an elasticity to the system which is highly desirable. I have no doubt that in the years to come there will be many independent schools conducted by Africans in this country; some will be grant earning, some will not. I hope they, too, will lead to that elasticity which I think is highly desirable.

I think that is all I have to say.

MR. STRONACH: Your Excellency, I have only one point with which to deal. The hon. Member for the Coast raised the question of the alignment of the Mombasa-Tanga road and he suggested that the alignment should pass along the existing road via Msambweni and from thence to Lunga-Lunga. That suggestion, of course, is contrary to the approval of the Central Roads and Traffic Board and it is also contrary to the terms under which the application was made to the Colonial Development and Welfare Vote. In spite of that fact, I suggest the

[Mr. Stronach]
 hon. member raises the point through the Coast Advisory Committee with the Central Roads and Traffic Board, and I can assure him it will receive full consideration.

MR. HOSKING: Your Excellency, the statement by the hon. member Mr. Amin must not be allowed to go unrefuted. He objected to the appointment of an officer in connexion with the trade union organization being attached to the Labour Department on the ground that the Labour Department was concerned mainly with the recruiting of labour. That, of course, is entirely untrue. The duties of the department are concerned with the relations of employer and employee, and they are just as much concerned with the employer as with the employee. Their duties are inspection, and not recruiting. Any recruiting Government has undertaken in Kenya has been undertaken by the Administration, who wish to leave the Labour Department with hands entirely clean of that distasteful job of Government recruiting or conscription during the present crisis. I hope I have made myself clear on that point. The only other point was made by the hon. Member for the Coast, who brought up Machakos again. I know his interest in that grand tribe is as genuine as my own, and I think I can assure him that the steps that have been taken and are being taken are adequate to deal with the severe food shortage that has occurred in that area. One hundred tons a day of food are now being despatched to the Machakos district, and I honestly think that no Government officer concerned there really merits execution, and I cannot help his head-hunting campaign because my own opinion is that people who make anonymous attacks on Government officers are not entitled to the executioner's axe.

The debate was adjourned.

THE GOVERNMENT STAFF PROVIDENT FUND BILL

FIRST READING

On the motion of Mr. Harragin the Government Staff Provident Fund Bill was read a first time, and notice given to move the subsequent readings at a later stage.

ADJOURNMENT

Council adjourned till 10 a.m. on Wednesday, 15th December, 1943.

Wednesday, 15th December, 1943

Council assembled at the Memorial Hall, Nairobi, at 10 a.m. on Wednesday, 15th December, 1943. His Excellency the Governor (Sir Henry Moore, G.C.M.G.) presiding.

His Excellency opened the Council with prayer.

MINUTES

The minutes of the meeting of 14th December, 1943, were confirmed.

PAPERS LAID

The following paper was laid on the table:—

By MR. RENNIE—

Report of conference on co-ordination of tsetse and trypanosomiasis research and control in East Africa held at Nairobi on 25th and 26th June, 1943.

NOTICE OF MOTION

MR. WRIGHT gave notice of the following motion: That, in the light of the Communication from the Chair made on the 8th of December, and in view of the facts disclosed in the Food Shortage Commission of Inquiry Report—and especially the findings under paragraph 205 of that Report—a complete reorganization, and review of the personnel, of the Malza and Produce Controls is urgently required.

DRAFT ESTIMATES, 1944

STANDING FINANCE COMMITTEE REPORT
 The debate was continued.

MR. KILLICK: Your Excellency, there were three points made in the debate to which I would like to refer. The first was a matter raised by the hon. Member for Kiambu dealing with the appointment of what was termed food-cum-fodder inspectors. This was a point which the hon. member referred to in his remarks on the debate on the Estimates, and in reply I stated that I would take up the matter with the Produe Controller in whose hands this question rests. This I have done, and I am informed by the Produce Controller that he has arranged for periodical surprise inspections to be made by a senior member of his staff at the Nairobi mills, and as a result of those inspections

[Mr. Killick] he has already found one what I might term glaring case in which he is taking action. I have here a letter from him of the 10th December informing me of that fact. In addition, there is the question of the inspection of mills and the standard of milling of mills, away from Nairobi, and he has made the suggestion that all Agricultural Officers, together with the Produce Control staff, should be appointed inspectors. At the moment I have not agreed to the suggestion that Agricultural Officers should be appointed inspectors since that will add considerably to their work, but it may be possible to arrange it.

The second point to which I wish to refer was a point made by the noble lord the hon. Member for Rift Valley in regard to the provision of funds for locust roads, paragraph 73 of the report of the Standing Finance Committee, and I think he questioned whether the locusts, so to speak, would know where the roads were and would go and lay accordingly. Well, of course, I hope the locusts will lay nowhere! but I am afraid they will, and the roads in question are what might be termed strategic roads to open up three particular large areas of country in which this particular desert locust has laid in every invasion which has taken place into Kenya. The roads in question are first, from Barsaloi to Baragoi and Lake Rudolf; second, from Tambach to Kalossia; and third, from Kaputir to Loya. Those roads will serve as what I might term the trunk/line to enable both the scouting officers and ultimately, if necessary, the locust control organization—that is the military—to operate in the areas which these roads will serve.

The third point I wish to take was the point raised by the noble lord connected with work, or the provision of funds for work, on grass and grassland investigations, and he expressed disappointment that no provision was made in the report of the Standing Finance Committee to give effect to the provision of additional staff for this purpose. As I see the work on grassland problems, there are two main sub-divisions. There is what I might term the more long range work of pasture improvement as such, and the second rather more local and immediate problems designed to further the establishment of temporary leys. In regard

to the first, the hon. Director of Veterinary Services in his remarks in the original debate on the Estimates indicated that in 1940 proposals had been drawn up on an East African basis for pasture research in East Africa, but he indicated that in present circumstances this long range undertaking could not at present be undertaken largely on account of staff. On the short range aspect, however, there is I think more provision in the Estimates for 1944 than perhaps the noble lord appreciated. In the first case, under paragraph 23 of the Standing Finance Committee report there is provision for some £6,000 for the establishment of an agricultural station at Thomson's Falls, and I would point out that one of the main lines of work at this station will be grass work. Again, under item 32 of the draft Estimates there is included a sum of money for the establishment, thanks to the co-operation of the hon. Member for Uasin Gishu, of a small station on a farm belonging to the hon. member, where grassland work directed to the establishment of temporary leys will be undertaken in 1944. We hope, therefore, that in 1944 there will be two stations in the country, one at Thomson's Falls and one in Uasin Gishu, at which work on grasses will be undertaken. The third point in connexion with this grass work is that it is most desirable to obtain as soon as possible an assistant to the Pasture Research Officer to enable him to be free to visit the various areas of the country to give farmers the benefit of his advice, and he has accumulated a great deal of information during the past few years. But to do this an assistant is necessary since somebody has to supervise; during his absence, the work he has in hand. On that point I do not feel it necessary to ask Government to make additional staff provision since I hope to be able to find that assistant, as has been done in the past, from the existing staff of the Department.

MR. MORTIMER: Your Excellency, the subject of agricultural education for Indian youths is the only point I wish to refer. The hon. Indian members have deplored the omission from the report of the Standing Finance Committee of a token vote for Indian agricultural education. The hon. member Mr. Patel said that I had stated that there was no evidence that Indian youths desired agri-

[Mr. Mortimer] incurable social disease known as "inferiority complex". Certainly there is no question of racial prejudice as between the African and the European communities and as between the European communities and certain types of the Asian population, but it always happens, of course, that war is the acid test of manhood, and as Europeans and Africans in times of war, both in the last war and in this, equally stocked to the colours, at the same time, by common consent of both Europeans and Africans a large proportion of the Asian in the country as distinct from those very fine fighting races which are doing their part in the common war in every portion of the world, do not come within this category in these times. This agreed freedom from communal obligations may provoke contempt, but it is not fair to describe contempt arising from special circumstances of that kind as prejudice. It does, however, provoke resentment when this freedom from the dangers of communal obligations is emphasized by strident claims for profitable rights and, above all, by organized defiance of the real duties imposed on the community in war time for the common weal. It is a pity, I think, that the issue raised by my hon. friend should have been raised, for it was only natural that we should have something to say in refutation.

COL. GROGAN: Your Excellency, as a member of the Standing Finance Committee I think it incumbent upon me on behalf of myself and my colleagues to take up the challenge made by the hon. member Mr. Amin to the effect, if I heard him correctly, that the dice were loaded by racial prejudice. My answer to that is this, that, as far as I am concerned, I do not think anybody can charge me with racial prejudice, and if he will consult my colleague, the hon. member Mr. Shamsud-Deen, an old and valued friend of mine of many years, he will probably dispose of any idea of that sort that he may have in his mind. It has always seemed to me that this land is exceptionally free from any racial prejudice, but there is a very clear recognition from long experience in this country of great differences in civic values of the various components of the society in times of national stress. Racial prejudice, in my experience, is largely confined to a certain section of the Indian population, and I have heard it suggested that that may derive from an

incurable social disease known as "inferiority complex". Certainly there is no question of racial prejudice as between the African and the European communities and as between the European communities and certain types of the Asian population, but it always happens, of course, that war is the acid test of manhood, and as Europeans and Africans in times of war, both in the last war and in this, equally stocked to the colours, at the same time, by common consent of both Europeans and Africans a large proportion of the Asian in the country as distinct from those very fine fighting races which are doing their part in the common war in every portion of the world, do not come within this category in these times. This agreed freedom from communal obligations may provoke contempt, but it is not fair to describe contempt arising from special circumstances of that kind as prejudice. It does, however, provoke resentment when this freedom from the dangers of communal obligations is emphasized by strident claims for profitable rights and, above all, by organized defiance of the real duties imposed on the community in war time for the common weal. It is a pity, I think, that the issue raised by my hon. friend should have been raised, for it was only natural that we should have something to say in refutation.

I have not very much to say in defence of other matters in the Standing Finance Committee, but I want to put in as an ancient member of this community a slight caveat to the effect that I have had an uncomfortable sort of feeling that we are more or less in the nature of gnats dancing in the beams of the setting sun. I have lived through several such happenings, and, always have an uncomfortable feeling that we shall see a recurrence of the storms and stresses of the past. I think it right to put in a reminder that we have in this put in a reminder that we have in this community built up in a period of a long time, largely owing, I think, to fallacious beginnings, a somewhat top-heavy super-structure on a more or less unstable base. We have always to bear in mind that the unalterable foundation of the country for many years to come is the rural industry of the land. Directly or indirectly, apart from a few trivial grants in aid from outside, the whole community rests upon that somewhat unstable base. Therefore it is most im-

[Col. Grogan] important, especially in these times of inflationary hysteria which is always liable to overtake us, to bear that fact in mind, and it is incumbent upon Government to take every possible step to see that the basic industries of this country do in fact secure for this Colony a fair share in the current prices of the export crops of the country.

I regret that the hon. Acting Financial Secretary was a little bit reluctant apparently to provide us with the information asked for, and which I have every reason to believe is in his mind, although he may not have had it from an official source. I refer to the sisal industry. It is a matter of common knowledge among members of the Council that I am personally interested in this industry, and it is incumbent upon me to disclose my interests in that industry. The facts are that I have put a large amount of time and money, money mostly borrowed from the banks and other undesirable institutions, spread over a matter of 15 years, and a careful analysis of accounts of two of our plantations discloses the remarkable fact that for the first time in 15 years there is a profit on those two plantations amounting to an average of 2.96 per cent has been made which, of course, will not be available for distribution after 15 years hard work, so that I do not think it can be contended that there is any serious measure of profiteering going on in that connexion. Also, I have had the opportunity of considering an analysis of the accounts of a number of plantations. Eleven were plantations whose output was up to 1,000 tons, and of the 11 no less than 5 are to-day actually losing cash money. The average return of a considerable number of other bigger plantations is more in the vicinity of 5 per cent. My information, which I believe is fairly good because it came from an authoritative source, is to the effect that whereas these three territories, which are the main source of supply of sisal fibre to-day, are getting alongside an average, as my hon. friend pointed out the other day, of about £22 a ton, the British-owned plantations and other plantations on the other side of the Portuguese East Africa border have been getting something in the vicinity of £50 a ton. The fortunate sisal growers in Madagascar, whom incidentally we

were potting with bren guns a few months ago, who do not grow sisal longer than 2 feet, get £50 a ton. I am also credibly informed that the U.S.A., the main centre of consumption of hard fibres, to-day is doing everything it possibly can to assist the development of hard fibre production all over South America and Mexico and is also paying £50 a ton. The output of sisal from Kenya alone, I think for the year 1942, was 31,000 tons. If you take it that there is a difference of say £25 a ton in the price paid, it means a loss of course to revenue, to the nation as a whole, of something in the vicinity of three-quarters of a million. There is no doubt that if that money had been distributed among this community the Government, by various devices and ingenious methods of extraction from the main flow into the coffers of the State, it would certainly have led to an increase of revenue amounting to something like half a million, which would be a very valuable addition and would have assisted us materially in producing a report to give more general satisfaction than the one we have provided.

I do want to emphasize that the bounden duty of Government is to see that from whatever is going this country gets its fair share. Needless to say, the proprietors of the sisal plantations would not have much left if they had got the right price, because it would have gone in income tax or super-tax or by various devices. I suggest, however, that as the Price Regulations permit a curious sort of formula of cost plus 25 per cent plus something else, etc., to infinity in favour of commercial gentlemen who produce nothing, this issue deserves serious consideration. The point of my intimation is that I have a very vivid memory still of a lamentable period not so many years ago when, after a sunbeam period, a dark night, and the slow emergence to a bleak dawn, I found it incumbent upon myself to describe the state of this country as a condition where the tapeworm, to wit the Railway, and the ticks, to wit the people who consume but do not take part in active production, were glaring at one another with bared teeth through the diaphanous film that was once the host! (Laughter.) We do not wish to see a recurrence of that lamentable happening, these analogies are necessary for the purpose of terse ex-

[Col. Grogan] position, although I will not attempt to be too closely exact. (Laughter.) To take a rather coarse simile which my hon. friend on my right was responsible for, the Railway is the tapeworm, and one must remember it is difficult to dislodge, and has a tendency to continue its exactions, whereas the ticks on the other side (laughter)—I am not speaking with any reference to members of this Council, but the ticks on the other side of the argument (laughter)—have the great advantage that when gorged they are able to drop off and wait for another chance! (Laughter and applause.)

MR. RENNIE: Your Excellency, I would begin by expressing gratification at the reception that the report of the Standing Finance Committee has received. The report, I think, has been criticized in not too many particulars, and some of those criticisms I will deal with as I take the comments hon. members have made on it. In the first place, one or two hon. members have referred to the question of the demobilization and re-absorption of Service personnel, and the hon. Member for the Coast, if I remember his words aright, said that he was a little uneasy about appointing a man now instead of getting the best man that could be obtained, and the hon. member Mr. Beecher stated that there was need for a first rate man on a high rate of salary and that if necessary we should go outside the Colony to get him. I think those remarks are to a certain extent based on a misapprehension of the present arrangements, the interim arrangements, that have been made. I would take the opportunity of referring to para. 93 of the Post War Employment Committee report and quote a small extract from that para.: "We understand that through the Governors Conference Secretariat a proposal has been made that each of the East African Governors should detail an officer whose full-time duty it would be to study problems relating to discharges and demobilizations, to co-ordinate action, in conjunction with the Government departments and other authorities concerned, and to meet, from time to time, under the aegis of the Governors Conference, for the discussion of their plans and consultation with a staff officer whom, it is understood, the General Officer Commanding in Chief is prepared to make available to work full-

time on the military side in all matters connected with discharges and demobilizations." That to a large extent is the arrangement that obtains at the present time so far as the Government of Kenya is concerned, and I do not think we should in any way confuse that interim arrangement with the Director of Post War Reconstruction to which reference is made in para. 96 of the report of the committee to which I have just referred. The arrangements are interim ones. The officer concerned is studying the problem, has put up certain proposals which have received a certain amount of consideration already, and I have arranged a meeting tomorrow morning to go further into the proposals he has made.

The hon. Member for the Coast referred to the subject of the police, and implied that there might be a certain amount of bribery and corruption there. I myself have heard of no cases recently. I have consulted the Acting Commissioner of Police, and he has stated that no cases have been brought to his notice recently, although some time ago there were one or two cases. I would ask the hon. member if he has any particular cases in mind to let me have details of them, so that I can take up the matter with the Acting Commissioner of Police. The hon. member also referred to the question of police guards on military camps. The position there is perfectly simple. The Services concerned wanted their fighting men for fighting, and they asked the Government if it could provide police guards for various camps. As a result, a number of constables were specially recruited for that purpose. The cost of these men is borne by the Sercof of these men is borne by that body concerned, and the result is that we have now several hundreds of these specially recruited constables who are guarding the camps and looking after mental points, and thus enabling, as I have mentioned earlier, the fighting men to fight. The hon. member Mr. Beecher referred to the necessity for medical rehabilitation in connexion with demobilized men. Reference is made to some aspects of that question in the report, and I should like to make it plain that the medical authorities—I am sorry the hon. Acting Director of Medical Services has been unable to be present the last day or two on account of illness, or he would have taken up this point—I

[Mr. Rennie] should like to make it plain that the Medical Department has in mind the establishment of a central reception hospital in Nairobi with extensions in a large number of out stations such as Kisumu, Kakamega, Kisii, Kapsobet, Kericho, Meru, Machakos, Kitui, Nyeri, Fort Hall, Klambu, Nairobi, and Kerugoya. It is the intention of the Medical Department and the Public Works Department to begin work on that very comprehensive scheme as soon as possible in the new year. Hon. members may rest assured that the question of medical rehabilitation will be very carefully attended to and the necessary steps taken in 1944.

Turning to the remarks of the hon. member Mr. Paroo as regards Indian representation on the Standing Finance Committee, the hon. Member for Ukamba has dealt with that point, and it is hardly necessary for me to add much to what has been said. I would merely make the point, however, that the hon. member Mr. Shamsud-Deen himself would agree, I think, that when he held the floor of the committee at considerable length on occasions he always received a fair hearing and, so far as the other members are concerned, I think he will agree that they regard each particular point that comes up before the committee on its own merits. They look at a matter irrespective of any racial consideration; they are there as a Standing Finance Committee, and in my opinion they do their work admirably as such. The question of the Stoneham Museum to which the hon. member Mr. Paroo referred is, I think, worthy of mention, because the value of that museum may not be known to many members in this Council. The information I have is that there has been compiled there over the past 17 years a very valuable collection indeed; the value, I am told, is between £5,000 and £6,000. That collection is entrusted to a board of trustees, who hold the collection in trust for posterity, and the museum has been incorporated as a public institution by charter granted by the Governor in Council some time ago. In order to enable the museum to look after this valuable collection properly, the Director of the Museum appealed to the Government for financial assistance. He made the point that the museum is to a large extent financed by himself at

present, that the collection is being held for the benefit of posterity, and that if he does not obtain financial assistance it will be very difficult for him to give the collection the care and attention that is necessary. The Government referred that appeal to the Coryndon Museum Board of Trustees for advice, and it was on the advice of that board that the Standing Finance Committee was consulted in the matter, and it recommended that £100 should be provided in 1943. A further £100 is inserted in the draft estimates for 1944 on the distinct understanding that these amounts do not necessarily mean that similar grants would be given annually in future years but that the matter would be considered on its merits in each succeeding year in the light of the circumstances of the museum and its financial position.

The hon. Commissioner for Lands and Settlement has dealt with the question of the omission from the estimates of any item in respect of the agricultural settlement of Asians. I would merely add to his remarks the point that, so far as the Standing Finance Committee were concerned, no concrete proposals were placed before them and if the hon. member Mr. Patel is in a position to place proposals before the Government in 1944 I will see that those proposals receive careful consideration and that they are placed before the Standing Finance Committee for their recommendation. I trust that in the light of the explanation given by the hon. Commissioner for Lands and Settlement and the assurance that I myself have given, the hon. member will not take the extreme course of voting against this motion. The hon. member Mr. Shamsud-Deen referred to his unfortunate position, as he mentioned it, in the Standing Finance Committee, and instanced the reception that his proposals for an amended form of the budget had received. Well, I have that amended form of the budget in my right hand at the present time. The amended form that he had suggested was considered by the Standing Finance Committee. I myself pointed out certain drawbacks to his suggestion, and I was under the impression, quite wrongly it seems, that he himself realized it was not an improvement on the present form of the budget. But I did not expect that he would complain about any omission of a reference to his

[Mr. Rennie] proposal in the report of the committee. He was present, if I remember rightly, when the draft report was considered, and I do not recall that he suggested that a paragraph should be inserted mentioning this proposal of his.

Turning to the speech of the hon. Member for Nyanza, there are only two main points to which I would refer. Working on rather flimsy logic, as I thought, he argued that the Government is in the habit of appointing committees when it is anxious to shelve a particular question. He instanced the Education Committee, to which the hon. Acting Financial Secretary has already alluded, and he also instanced the case of the recently appointed Labour Advisory Board. Perhaps I might say a word about that board. It was only appointed as recently as October, and the main labour trouble that has arisen since—at Mombasa—has been dealt with by the appointment of a special *ad hoc* committee in view of the special circumstances obtaining at Mombasa. I had recently given instructions, before the point was raised by the hon. member, that the Labour Commissioner should be asked whether he had any particular points about which he wished to consult the board. I have not yet had a reply from the Labour Commissioner, and I can assure the hon. Member for Nyanza that so far as I am personally concerned I hope that the board will do most useful work in the future.

The other matter to which the hon. member referred was the question of the Food Shortage Commission of Inquiry Report. The hon. member asked what steps Government proposed to take on that report. Well, sir, three typescript copies of the report were received on the 6th of November, and steps were immediately taken to have one copy sent to the printer in order that copies might be available not only for the Press and the Government but for members of this Council. The report was received back in printed form on, I think, the 6th of December. Copies were laid in this Council almost immediately afterwards. As hon. members will realize, the Government, owing to its pre-occupation with the business of this Council, has not had very much time since the beginning of December to study this report. It is a very long document, the recommenda-

tions made are numerous, and I think hon. members will realize that although it may take only a matter of two to three hours to read the report, to consider each of the recommendations and to arrive at a decision in respect of each will take a matter of more than two to three hours. (Mr. Coudrey: Two or three years?) The position is that action has been taken to this extent already. The comments of those Government officers most closely concerned with matters referred to in the report have already been called for, and I will make it my business to see that the officers in question are asked to treat the matter as one of urgency. As soon as the comments have been received the Government will give urgent attention to this report. Meanwhile, however, as Your Excellency has already announced at the beginning of this session, the Government has, quite independently of the recommendation in the report, decided as a matter of extreme urgency to take certain measures connected with the allocation and distribution of foodstuffs which, it is hoped, will place allocation and distribution on a satisfactory basis. The Government, however, appreciates the anxiety of hon. members that decisions should be reached on this report as soon as possible. The motion, of which verbal notice has been given this morning, also indicates the desire of hon. members that this report should be debated as soon as is practicable. I am therefore authorized by you, sir, to say that you have decided to hold a session of this Council during the last week of January or early in February, the main purpose of which will be to debate the report in question. (Hear, hear.) I trust that this procedure will meet the wishes of hon. members.

The hon. Acting Financial Secretary has already referred to those stimulus experiments to which the hon. Member for Nyanza referred. I would merely say that I perhaps have had a little more to do with the subject than my hon. friend. The Medical Department is fully aware of the value of the work which is being done, it has taken very careful steps in this connexion, and if it is a question of the provision of any further money I think the acting head of that Department at the present time realizes only too clearly that he has the sympathy of the Government in

[Mr. Rennie]

any such request. The hon. member Mr. Amin, in the course of his remarks, referred to the question of the Police Department, and quoted from the report of the committee appointed to advise on the steps to be taken for the preparation of schemes for the technical training of Asian men and women now serving with the forces or doing other war work. He referred to the remarks of the late Commissioner and to the reception that those remarks had been accorded by the Committee. I have gone into this matter recently with the Acting Commissioner, and he informed me that the Department has recently carried out a review of the Asian personnel of the Department with a view to seeing where that personnel is required, and his present intention is to recommend that there should be an increase in Asian personnel of the type to which the hon. member referred. He certainly had in mind the recommendation of this committee where it states that "special consideration should be given to Asians on demobilization who have the necessary qualifications for and desire to join the Police Force".

The only other speech to which I would refer is that of the hon. and gallant Member for Ukamba. I share his views regarding the necessity of keeping a very careful eye on expenditure at this time. The trend of recurrent expenditure should always be watched most carefully in times when money appears to be fairly plentiful, and recently two steps have been taken which should enable us to keep a fairly careful eye on the situation. In the first place I asked that the expenditure figures of the various departments should be got out on a percentage basis; that is to say, the percentage of the department's expenditure to the expenditure of the Colony as a whole. That enables the Secretariat to ensure that one particular department is not going too much out of line with other departments. If the percentage jumps, for instance, from 10 to 14 per cent in the course of one year, it is obvious that a good deal of money has been spent on that particular department in that year, and regard must be had to that fact when the draft estimates for the following year are under consideration. The second step that has recently been taken is that we have attempted to

frame a post-war budget. One section of the Secretariat, the section in which the Secretary of the Standing Finance Committee works, has been engaged on that task for quite a number of months now in its spare time—(laughter)—and we now have a draft post-war budget which I propose to place before the Standing Finance Committee at its next meeting. It is a very interesting document. It emphasizes the warning that the hon. and gallant Member for Ukamba has just given, and I am sure it will receive very careful consideration from the Standing Finance Committee.

The other point to which I would refer is his comment on the price which is being obtained, or the prices which are being obtained, for sisal in East Africa. Recently the Sisal Association of Kenya made representations to the Government about this matter to ensure that fair treatment was given to the industry in connexion with the new contract. I took up this matter with Mr. Lockhart, who was going down to Tanganyika specially to deal with it. I told him of the representations made, and he assured me that he would bear them very carefully in mind when he was conducting the negotiations in Dar es Salaam. I am sure that he has done that, but since the point has been raised again by the hon. and gallant member I will consult Mr. Lockhart further, emphasizing some of the points made, and see what his reply is.

That, sir, I think, concludes my remarks.

The question was put and carried.

WAR LOANS ORDINANCE, 1940

FURTHER ISSUE OF BONDS AUTHORIZED

MR. TROUGHTON: Your Excellency, I beg to move: Be it resolved that, under section 2 of the War Loans Ordinance, 1940, this Council authorizes the raising of further loans not exceeding £1,000,000 by the issue, whether within or without the Colony, of registered bonds.

The position is that subscriptions to our war bonds to date amount, according to the last available figure, to £7,053,000. The borrowing powers given by this Council up to the moment amount to 7½ millions, and it is therefore necessary that we should give further powers, and this resolution if approved

[Mr. Troughton] - I will authorize raising the total sum to 8½ millions. In speaking of this motion, the only point I wish to make is that the success of the East African war bonds issue is largely due to the indefatigable efforts of the War Savings Committee, of which Mr. Lawrie is Chairman and Mr. Vasey voluntary secretary, and of which the hon. Member for Mombasa is a member. These people have done a very stout job of work indeed, and I think it should be publicly acknowledged.

MR. NICOL: Your Excellency, I rise to second this motion, and it gives me very great pleasure to do so. It was on the 18th March this year that we came to the Council and asked for authorization to raise £7,250,000. The War Savings Committee set the target of getting a million to be achieved before the end of this year, but as the hon. mover has already told members, 7 millions were raised before the end of November, and to-day the latest figure we have is that the loan stands at £7,053,000. It would be interesting to examine where all this money has come from, and I have figures up to the end of October this year. Up to the end of October £6,857,000 had been subscribed, of which Kenya had subscribed £5,200,000, Uganda £6,049,000, Tanganyika £1,005,000, and Zanzibar £46,000. Although these war bonds have reached a figure of 7 millions that is not the limit of our war savings effort in this Colony, and I refer now to the Post Office Savings Bank deposits which cater for the very small investors. That money, I understand, is also lent to the home Government in the same way as war savings. In December, 1940, the amount standing to the credit of depositors was £480,644, and that figure was increased at the end of October this year to £1,678,921, an increase of £1,198,277. So it will be seen that there is definitely a war savings conscience abroad. Since our campaign started the total number of depositors is 45,880 of all races, of which 1,763 are African Service personnel who have taken advantage of the military trustee account. It is interesting to note that on 21st November of this year war savings in Great Britain had reached their fourth birthday, and on that date the people at home had saved no less than £6,500,000,000, a third of which can

be attributable to the small savings. I should also like to pay particular tribute to Mr. Vasey, the secretary of the War Savings Committee, whose work and energy people probably do not realize. The amount of work, time and trouble he has put into this war savings campaign is really remarkable, and I do very very sincerely congratulate him on his efforts, and we as a committee are very grateful indeed to him. (Applause.)

The question was put and carried.

THE ENTERTAINMENT TAX ORDINANCE, 1931

CONTINUATION IN FORCE

MR. TROUGHTON: Your Excellency, I beg to move: That the Entertainments Tax Ordinance, 1931, remain in force until 31st December, 1944.

This tax is one which expires each year unless renewed by resolution of this Council, and I think hon. members will agree with me that this is no time to remove it.

MR. HARRAGIN seconded.

The question was put and carried.

THE GOVERNMENT STAFF PROVIDENT FUND BILL

SECOND READING

MR. TROUGHTON: Your Excellency, I beg to move that the Government Staff Provident Fund Bill be read a second time.

This Bill if passed will mark a definite change, and a change for the better, in the terms and conditions of service of those members of the Government staff who are not Europeans and are not Asians. Up to now there has been no adequate provision for retiring benefits for Africans and others. African members of the Police and similar forces have a system of gratuities which are payable on retirement; other Africans can, under our regulations, get a gratuity on retirement in certain circumstances of one week's pay for each year's service, or £1 for each year's service, whichever is the greater. These benefits cannot be classed as real retiring benefits in the ordinary sense of the term, but I think they can more properly be called retiring bonuses. In certain cases, pensions have in fact been awarded by this Council, and hon. members will recall one such resolution

[Mr. Troughton]

in respect of a chief was passed a little time ago, but there has been no legislative provision for retiring benefits to Africans on a proper scale. This question was considered by the Arab and African Terms of Service Committee a year or two ago, of which committee I was a member, and they recommended the institution of a provident-cum-pension fund, and this Bill is designed to implement that recommendation.

There are two points of principle to which I should like to call attention before going through the details of the Bill. In the first place, the Bill contemplates provision by the African of 7½ per cent of his salary and a £1 for £1 contribution by the Government. The recommendation of the Arab and African Terms of Service Committee was 5 and 5. The reason why 5 and 5 was changed to 7½ and 7½ was because Government felt that the 5 and 5 would not in fact provide a proper and adequate retiring benefit. 7½ and 7½ are the percentages which apply to non-native women, and there is a similarity between the two cases to which I would refer. European and Asian men only pay 5 per cent, and the reason for that is they have to make a further contribution to the widows and orphans pension fund. In the case of women that does not arise and they pay at the rate of 7½ per cent. Similarly, there is no widows and orphans pension fund or scheme in the case of Africans, and a 7½ per cent contribution to the provident fund seems a reasonable one. The other point of principle which is new is contained in clause 11 of the Bill. That gives Your Excellency power to introduce a scheme of annuities, or in effect pensions, under which by regulations which will be introduced in due course pensions may be paid instead of provident fund benefits.

Running through the Bill, in clause 2 the only definition to which I need refer is the definition of a member of the Government Staff, and this includes two definite and distinct categories of people. The first category are people who hold letters of permanent or probationary appointment in the African Civil Service, and the second class is such other person or class as you, sir, may direct. The reason for this is that the African Civil Service in the strict sense of the term consists of a number of specific posts

and excludes other posts, and it is designed to bring some of these other posts within the scope of this Bill. To mention one only. African members of the Police Force are members of a statutory force, not members of the Civil Service in the strict sense in which that term is defined, and it is your intention, sir, that this Bill if passed shall apply to them. Clause 3 of the Bill is formal, and provides for management and keeping accounts. Clause 4 (1) provides that members of the African Civil Service, new appointees, shall become depositors within 12 months of the date of their first appointment, which is similar to the provisions of the European and Asian Ordinances. (2) provides similarly for individuals who are serving in posts not included in the Service but to whom Your Excellency directs that this Bill shall apply. (3) deals with reappointments.

Clause 5 (1) deals with people who are already in the Service, and the reason the clause is cast in the manner in the Bill before hon. members is that originally people were given up to 15th July, 1943, to opt to become members of that Service and participate in the provident fund. The position has changed since that clause was drafted, and in the committee stage I propose to move that (1) be deleted and another be substituted which will give complete flexibility as to the date which the existing staff may become participants in the fund. Clause 5 (2) provides for election in the case of existing holders of posts which Your Excellency may gazette in the manner I have indicated. Clauses 6 and 7 provide for contributions and for the £1 for £1 payment by Government. Clause 8 provides for the calculation of interest, and during the committee stage it is my intention to move an amendment for providing for a minimum rate of interest of 3 per cent, which already applies in respect of the European and Asian Ordinances. Clause 9 directs that the amount standing to the credit of an individual in the provident fund shall be free from attachment for debts. That is because this fund is definitely intended to provide retiring benefits and not to be used for the payment of debts in an individual's lifetime. That clause is also in the European and Asian Ordinances. Clause 10 provides that a depositor having completed 10 years service and

[Mr. Troughton] — A retiree, may draw the money standing to his credit, both Government contributions and his own, but if he retires before he has completed 10 years the payment of the Government contribution is discretionary except in the circumstances set out in paras. (a), (b), (c) and (d) which I need not amplify. 10 (2) provides that in the case of death the amount standing to the credit of a depositor shall be paid to the local authority for distribution among the relatives of the depositor in accordance with the law and custom of his tribe. When that clause was drafted it was overlooked that certain individual members of the Service were Mohammedans, for whom special legislation exists in regard to succession, would be affected, and consequently I propose during the committee stage to move the addition of a proviso that whereas there is a law in force regarding succession, the amount shall be distributed in accordance with that law. Clause 11 provides for annuities instead of the cash sum to which I have already referred, and clause 12 provides that on dismissal from the Service a depositor shall only get back his own contributions and not the bonus as of right, although discretion exists for the bonus to be paid. Clause 13 deals with the past service of people who become participants in the provident fund and provides that the gratuity normally payable at the present time shall be paid to the credit of the depositor before he retires in respect of the years prior to the introduction of the provident fund. Clause 14 provides that debts due to Government may be deducted when the amount is paid out, and 15 gives Your Excellency power to exempt any person or class of person by notice in the Gazette.

I consider that this Bill will make a valuable contribution to the stability of the African Civil Service, whom we must look to to play an increasingly large part in the official life of the Colony, and it gives me very great pleasure to move the second reading.

MR. BROWN seconded.

MRS. WATKINS: Your Excellency, I have a few very brief words to say on this Bill. First of all I should like to welcome it, and I want to refer to three clauses in it. Paragraph 4 of clause 3 provides that there should be a separate

fund kept by the Accountant General. That seems to me very important. We have heard before of pension funds which have not been kept separately, but have gone into the country's general revenue. I am very glad to see that clause inserted; I hope that similar action will be taken later in regard to the other pension funds of this country. It seems to me an essential section. Clause 8: It seems to me that the interest should be stabilized at the same rate as the Post Office Savings Bank, and should be stabilized at 2½ per cent. It seems much fairer. We know the Government has not a great deal to lose over it by paying 2½ per cent. However, they pay 2½ per cent for Post Office savings, and it is fair that it should be stabilized at that or that that should be put as the minimum.

The third point is rather a particular one for me and one which I think needs clarification, and that is about the heirs of a native who dies. I rather strongly object to the ordinary native custom being followed there, because native custom decrees that a woman is just a bit of property. (Mr. Couldrey: Hear, hear!)

Well, we have fought people like the hon. Member for Nyanza for years; we have fought in every way we could and, anyway, the result of the fight is standing right here now! In any case we do not think it is at all fair, because obviously the woman does not get the pension that her husband has earned; it goes to the husband's brother or some more distant relative. In one case on our more place when the man died and his wife was going to have a baby, she had to wait six months to know if she was being inherited by the unborn son or whether she and a daughter were going to a distant relative. Upcountry and all to a distant relative. It seems to me you her property with her. It seems to me you could decree that the woman, the widow, receive it, or if there were two widows, that they shared it between them. Any way, you could here make it legal for the woman to have the property that belonged to the husband; you could then allow the district commissioner with the local native council to be trustee for that money; and you could follow native custom by allowing the money to be paid over in cows or in any way that the trustees saw fit, but it does seem to me quite unfair that the distant relatives of

[Mrs. Watkins] the husband should get all the money that the native may have saved up during his years of service. It should go to the widow, or possibly to the education of the children. I do not think you should allow the widow to be left out of it, or that this should be decided at the discretion of the Chief Native Commissioner and the local native councils, because these old chiefs have a direct financial interest in the *status quo*. I should think that each chief may have a direct financial interest in the possibility of money coming back to them direct from natives serving outside the reserve, and that therefore the matter must not be left to them to decide but should be decided here by ourselves, and the woman's position legally provided provided for, with due regard to the women's rights. I consider that we who have had to fight through the centuries to gain our rights, feel it is up to us women here in Kenya to help other women in the Empire by slow steps forward to have their own status, and in this Bill I see one small but definite step forward, and that is the native woman recognized as a separate entity for once. We should not allow them to be submerged into the household of any other persons who may "inherit" the property, and then when they become quite destitute and all their "pension" is used up they are allowed to go out and very nearly starve, because that is what happens now. It seems to me an unfair system.

MR. BEECHER: Your Excellency, I rise to support the principle of this Bill because, as the hon. mover has already indicated, it does complete our obligations to employees who are engaged on the new terms of service. But I wish to emphasize, before criticising the Bill in certain particulars, that it does not deal in any sense at all with existing dissatisfaction with those terms of service, particularly on the part of those who are engaged on the old terms of service and who have not, and I think I dare say will not, transfer to these new terms of service. The new terms have never been regarded as satisfactory, and in view of the dissatisfaction which I consider to be singularly grave I asked a question earlier in this session of Council. In that question I called attention to that dissatisfaction, and pointed out in particu-

lar that it rested on the disparity between the so-called Makerere scales and the lower scales, and I asked what Government's intentions were in respect of that dissatisfaction, and in particular in regard to the disparity between those two sets of scales in the terms of service. In the reply which was given to my question, it was indicated that it was the opinion of Government that the dissatisfaction largely rested on the lack of provision of a provident fund and that steps were to be taken (and the steps are now being taken in this Council) to institute a provident fund at the earliest possible opportunity. I trust that I shall not be regarded as being unwarrantably rude if I suggest that if Government still adheres to this attitude, then Government's action in so doing can only be compared to, let us say, an ostrich burying its head in the sand, because the dissatisfaction is by no means based on the lack of provision of provident fund facilities. Dissatisfaction is based on factors which are inherent in the terms of service themselves, and because it has a very close bearing on the provident fund I crave the indulgence of this Council in referring to it. Housing allowances, travelling allowances, leave and increments are all very serious factors, and I would suggest that if this dissatisfaction had been redressed earlier when it became obvious at the time of the publication of the report to which reference has already been made, it might have been possible to have dealt with the situation. But now that discontent has grown, and now that there is such widespread apprehension throughout the Service, in the Post Office, in the Police and in the Railway, about these terms of service, I think it necessary to state that the institution of a provident fund is not going of itself to clear up that dissatisfaction. The demand which now exists is that the dissatisfaction should be investigated, that Government should be asked to consider the appointment of a committee to investigate that dissatisfaction, and also to include in the terms of reference of that committee a request that they consider something to which reference was made by the committee on whose report this provident fund is now being based, namely, a unified service for non-European personnel.

Going back a little in the history of the terms of service for Arabs and

[Mr. Beecher] Africans, it will be recalled that prior to 1927 two terms of service existed. It is necessary to get that clear because in the discussion of clause 13, to which I shall later turn, there is something of importance in this connexion. Prior to that all Africans were eligible for admission to pensionable grades of the non-European service. Circular No. 64 of the 1st September, 1927, established the Arab and African Service, and at the time of its institution in 1927 the Secretariat promised that a provident fund would be established. It is very much a matter of regret that my hon. Arab colleagues are not here this morning to mention the feelings of the Arab community in connexion with the Arab and African terms of service. From 1927 onwards the terms have been unacceptable to the Arab community, and from 1927 onwards there have been a series of protests by the African Civil Service. At that time the new terms of service were described by the Secretariat as experimental. In October of that year, again promising early institution of a provident fund, the Colonial Secretary of the day described the whole thing again as experimental and promised a review after two years. In spite of repeated reminders by the African Civil Service about the promise of review and about the promise of a provident fund, nothing was done. It will be recalled by hon. members that when Sir Alan Pim was in this country in 1935 the matter was placed before him and now, as Government is aware, the African Civil Service Association has placed its feelings about the terms of service in general, and about the provident fund in particular, before the Right Hon. the Secretary of State for the Colonies and has asked for a commission of inquiry. In a way I am rather sorry it was necessary for the matter to be placed before the Secretary of State. I believe that in this country we are capable—and not only capable, but desirous—of redressing any real grievances that may exist within the communities resident in this country (hear, hear), and I trust that Government will take a note of the existing dissatisfaction, both with regard to the terms of service themselves and with regard to the desire for unified terms of service with non-European personnel, and will at an early stage appoint a committee of

inquiry into that dissatisfaction, rather than that we should have criticism directed against us from outside in a matter which we should be capable of dealing with ourselves internally.

Turning now to the Bill itself, there are certain sections on which comment should be made.

Clause 2, lines 21 and 22 and 28 to 30: It should be made quite clear what the meaning is of the phrase "such other person or class of persons" and "such other service". There is a great deal of misapprehension about the intentions of Government in respect of "other services". For example, local native council employees will wish to know whether or not they are included in the category of "such other persons or class of persons" as you, sir, may by regulation determine. Similarly, there are district education board employees and grant-aided employees who also wish to know their *locus standi* in relation to this measure. There are employees of various voluntary agencies who as grant-aided employees receive salaries from central funds. The fair volume of correspondence I have had on this subject indicates a good deal of misunderstanding on this point which should be cleared up. Most, if not all, of my correspondents indicated they have been allowed by Government to believe that the inauguration of the provident fund by Government would enable grant-aided employees to be eligible for membership. I do not wish to take up cudgels with the hon. Director of Education on this score, but I must be allowed to say that the Education Department's communications on this subject have been somewhat ambiguous, and it is difficult for us to determine whether it is the intention of Government that grant-aided employees should be eligible for membership of the Government provident fund or on the other hand, whether it is the intention of Government that grant-in-aid rules should be so modified to make provision for provident fund contributions of these grant-aided employees to be added on to the grant in aid, so that they may become members of other provident funds instituted by these voluntary agencies. One or other of these alternatives should be taken, and Government's intention in this matter should be stated, and that statement will be very welcome. In passing, in clause 2

[Mr. Beecher] may I call attention to a printing error in line 26? Presumably the word there is "recipients".

Turning to clause 6 (1), the hon. mover has already indicated the reason for departing from the recommendations of the committee on Arab and African terms of service, and increasing the depositors' and Government's contributions from 5 to 7½ per cent. But three-fortieths of a man's monthly salary is a very large sum, and I would venture to suggest that only those drawing a salary in excess of Sh. 120 a month will reasonably be able to afford so large a contribution to the provident fund. Those who are familiar with the terms of the report will remember that there is a bar at Sh. 120, and experimentally (the provident fund will have to pass through the experimental stage) one would suggest that 5 per cent is a reasonable contribution for the lower paid personnel and 7½ per cent for the higher paid, but as circumstances may change, the wording of that clause might be that "every depositor shall deposit in the fund monthly such proportion of his monthly salary as the Governor shall by regulation prescribe until the termination of his service".

MR. SHAMSUD-DEEN: Your Excellency, is it not proposed to send this Bill to a select committee?

HIS EXCELLENCY: No, it is proposed to take this Bill through all its stages this morning.

MR. BEECHER: I thank the hon. Acting Financial Secretary for his promise that the rates of interest in clause 8 shall be the same as in the other Ordinances, Asian and European, and although a certain amount of difficulty may be experienced in this, as provident funds in connexion with the voluntary agencies have fixed their rate of interest at 2½ per cent, I think it only right that 3 per cent should be prescribed in connexion with this Bill.

Clause 10 calls for comment. At first reading it may appear somewhat harsh that a depositor should have to remain in the service for 10 years before he becomes *de jure* entitled to the whole of the contributions and the bonus which stands in his name. It will be readily admitted that every step should be taken

to encourage depositors to remain in the Service for a reasonable length of time and not be carried to and fro from one form of employment to another. The African Civil Servants Association would wish to see that period of 10 years reduced to 4 years, but I think it only fair to point out that the Bill does make adequate provision for you, sir, at your discretion to grant to a depositor in certain valid circumstances both his deposits and the Government bonus, and the safeguard in my estimation is adequate. At first reading there is another point emerging from that clause which would seem to be in conflict with clause 15, where 15 years service is prescribed in order that a person may draw his gratuity, having been a servant before the institution of this fund, but I understand that is perfectly in order, because it is in existing regulations on the basis of which gratuities are granted. But I feel the point should be mentioned in debate lest it be adduced at some later stage that it was overlooked. The second part of clause 10 has already been referred to by the hon. mover and by the hon. Member for Kiambu. In reply to an earlier question of mine in this Council this session, the statement was made that consideration would be given by Government to the introduction of an African Succession Ordinance at an early date, and mention by the hon. mover of his desire to see introduced into this clause a reference to a Succession Ordinance very largely removes the necessity for me to deal at any length with the question of an African's right to dispose of his deposits and bonus by will. None the less it is necessary that it should be emphasized as a point which the African has made in criticism of the Bill in its draft form, and it was my intention to suggest that the clause should read "on the death of any depositor there shall be paid from the fund to the district commissioner or other appropriate local authority to distribute in accordance with the terms of any valid will made by the deceased or, in the absence of such valid will, in accordance with the provisions of any African Succession Ordinance at that time in operation, or, failing that, in accordance with native customary law among the relatives of the depositor". I trust that that or a similar modification will have the approval of this Council.

[Mr. Beecher]

Passing to clause 11, I feel that regulations should be made at an early date in order to explain more fully what is meant by the provisions of this clause, because it rather looks at first reading as if a person who had made his deposits and received a number of bonuses is not really entitled to them when the time comes for him to retire from the Service. If in some explanatory memorandum or regulations it could be made clear to him that he will receive a certain sum in cash and that he will receive an annual benefit for a period of a limited number of years or the rest of his life, the intention of that clause will become clearer to the African depositor. Passing on to clause 12, it is either necessary in connexion with clause 12 or by a new clause to make some arrangement for reciprocity between this and other funds of a similar nature. Although it is hoped there will not be much movement between the service of Government and other services, none the less there should be some arrangement whereby a person leaving say the Railway service, which has its provident fund, and joining Government service as defined by this Bill, should be able to bring with him those benefits which he has earned up to the point at which he is transferred. Similarly, in view of that fluctuating line dividing local and central services, it may be necessary to have a form of reciprocity between district education board and local native council provident funds and the fund established under this measure. Again, in view of the possible transfer, particularly in the sphere of education, between the service of Government and the service of voluntary agencies, it might be desirable to make some provision for reciprocity there.

Finally, clause 13, taken in conjunction with that part of clause 1 which seems to indicate, as already pointed out, that contributions will in certain instances be retroactive to the 1st January, 1943, I think that that was the point made by the hon. Acting Financial Secretary in reply to a question of mine on this subject earlier this session. Clause 13, as was pointed out by him in moving the Bill, makes provision for gratuities for persons who have previous service, but I would direct the attention of Council to the very small provision

for gratuities that this clause makes. The words are "a gratuity not exceeding £1 or one week's salary at the highest rate drawn by him during his period of service (whichever is the greater) in respect of each completed year of service". If that is compared with the provision made for example by the Railway, it will be seen to be singularly small; in most instances it is less than 2 per cent and the highest he could possibly get is 4 per cent. That is on the average less than one-third of the legitimate provident fund contribution made in respect of that previous service. This is still further limited by the final part of clause 13: "Provided that such gratuity shall not exceed the amount of salary drawn by the depositor during 12 months immediately preceding his retirement". It seems to me that this is a pretty poor way of acknowledging Government's indebtedness to a long service worker.

I shall be asked what solution I have to offer in place of the provision there made. In the case of persons already engaged in Government service, my answer is we should do what Tanganyika has done and pay to the credit of depositors where applicable a Government contribution in arrears for the period concerned. Tanganyika has fixed their outside limit as 10 years prior to the enactment of the Ordinance, and in Kenya, in view of what I said earlier in my speech about the promise of the provident fund under Circular No. 64 of 1927, I would suggest that Government should consider making retroactive payments where proper as far back as 1st September, 1927, which was the date on which the Arab and African terms of service were introduced.

In spite of what I have said about the various clauses which may need attention when the Bill goes to the committee stage, I would repeat, if I may, what I said as I opened my remarks on the Bill this morning. In its present form it cannot bring an end to the dissatisfaction which exists in a very important branch of the service of the country, and I would appeal to you, sir, and to Government to institute an inquiry into that dissatisfaction at an early date, and in appointing a committee to do so, give them as one of their terms of reference an inquiry into the desirability of instituting without delay a unified service

[Mr. Beecher] for non-European Government personnel.

MR. RENNIE: In view of the way in which the debate has gone up to date and in view of the expressed desire of some hon. members, Your Excellency has agreed that a select committee should be appointed to go into this Bill. I may say that I had been under the impression before the debate started that there was general agreement that no select committee was necessary. Hon. members will no doubt realize that much that has been said so far in the course of the debate is not strictly relevant to a discussion on the provisions of the Bill, but in view of the fact that the desire has been expressed, Your Excellency has agreed to the appointment of a select committee. That being the case I do not think it is necessary for me to take up the general points—the points outside the Bill—that have been raised by the hon. and reverend member. As hon. members realize they are, as it were, criticisms of a report by a committee consisting largely of members of this Council, a report that was very carefully examined by the Standing Finance Committee, which put forward recommendations which accorded very closely with the original report, but I do not propose to answer his general criticisms of the terms of service to-day. I merely take the opportunity at this stage to say, as I have said earlier, that a select committee will be appointed.

MR. COOKE: Your Excellency, I would like to associate myself with everything that has been said so pungently by the hon. and reverend gentleman. In case it may be considered impertinence on my part to intervene in an affair which so closely concerns Africans, I may perhaps say that I have a file here which contains letters from African Civil Servants in all parts of the country.

I am supporting this Bill on the good old proverb that "half a loaf is better than no bread", but I am inclined to make use of that well known saying that "it is too little and too late". It is too little, because any provident fund which is not tied to a unified non-European Civil Service will not be acceptable to the majority of Africans, and it is too late, because it was in 1927 that Govern-

ment first said that the matter was "under consideration", and under consideration it has remained ever since! That, sir, of course is not nearly a record for procrastination on the part of Government, but it is a very fine performance indeed! The effect of this procrastination of Mr. Dilly, Chief Secretary, and Mr. Dally, Financial Secretary, is to penalize those Africans who would have been in the provident fund, and they have been refused the retroactivity which I think they should have; otherwise those old African Civil Servants will be penalized, because Government took 16 years to make up its mind.

I feel I owe an apology to Government, if one can apologise to a soulless machine like Government, for saying they have no policy, because they have a definite policy so far as the African and European Civil Servants are concerned, and that policy seems to be wantonly and wickedly on every possible occasion to estrange a loyal and efficient body of men. I was very much intrigued last week by a remark of the hon. Acting Financial Secretary in which he twitted us on this side of Council with being inconsistent, in that one moment we said that he was intransigent in dealing with certain people and at another moment we said he was a mere yes-man where other people were concerned. Of course, that is not so incongruous or absurd as it might seem, because it is just possible my hon. friend uses wise discretion as to whom he is uncompromising with and as to whom he is not! For instance, my hon. friend might be very uncompromising to a trembling African Civil Servant, and on the other hand he might "roar with a monstrous little voice" in the presence of a tough customer like the General Manager of the Railways! So really we are not so inconsistent as my hon. friend tried to make out.

The hon. Chief Secretary, I am glad to say, has already spoken, so he will not be able to get a crack at me. (Laughter.) He took certain exception to what I said the other day, and said that they had no opportunity of replying. I am going to make this point, that the restiveness and discontent in the Civil Service is due to a factor which it is my unpleasant duty to say is not altogether conditions of service, but the unsympathetic way in which their complaints are received. I know, and nobody admires

[Mr. Cooke] my two hon. friends more than I do for their great ability, that they are tigers at their work, but I do as an old Civil Servant think that if you are going to do away with the discontent in the African Civil Service and in the European Civil Service, you want something more than mere ability; you want, I think, approachability.

MR. COULDREY: Your Excellency, I had not intended to intervene in this debate at all, but in view of what the hon. Chief Secretary has said I feel I must say a few words. You, sir, stated earlier in the debate that it was the intention to rush this Bill through in all its stages to-day, or rather to take it through all its stages to-day. I now find that this Bill is implementing a promise made 16 years ago, and I think it is a fair inference that for 16 years this Government has been considering this Bill, and, as far as I can make out, expected us to consider it in a few minutes to-day. That is an important point, because there can be only one implication of that attitude, and that is that we members on this side of Council are not interested in affairs which concern natives. Actually we are very vitally interested in everything that pertains to the natives of this Colony, and I would hate to think that it got abroad that Government could sit on a measure for 16 years and expect us, as a matter of form, to pass it in a few minutes. As regards what the hon. Chief Secretary said about the Bill going to a select committee, naturally we all agree. Had he not made that announcement I intended to get up and ask—and I know in this respect I would be voicing the opinions of the whole of the elected members—that it must go to select committee.

I do feel very strongly that what the hon. and reverend Mr. Beecher said cannot be dealt with in just a few minutes, and therefore, sir, I feel I should, as far as I am concerned anyhow, be false to the whole conception of my duties if I allowed Government or anybody outside the Government to believe that we could come down here to Legislative Council and in a few minutes agree to anything Government cares to put up as regards natives. I wish to make that protest as strongly as I can.

MR. HOSKING: Your Excellency, as this Bill is going to a select committee there is only one point which I wish to make, and that is the point raised by the hon. Member for Kiambu as regards the distribution of money by the district commissioner or a local authority among the relatives of a depositor in accordance with native custom. The hon. member, I think, is assuming that native custom is essentially bad. I would like to disabuse her of that at once.

MRS. WATKINS: On a point of explanation, I think it is essentially bad to regard women as property. (Mr. Couldrey: Why?)

MR. HOSKING: I hope to disabuse her of that as well! (Laughter.) I had the advantage during the interval of consulting the African members of the Standing Advisory Committee on Local Native Council Estimates, the committee which is in session at the present time, and I have their backing in giving the following interpretation of native custom as regards inheritance. There are two forms of native property, one, clan property which, according to native custom, must be returned to the clan; and secondly, individual property, property which has been earned by the individual which he can dispose of as he wishes within very few limits. The provident fund obviously comes into the second category—money earned by the individual—which he can dispose of as he likes, and, according to native law and custom, the property of a depositor would be distributed in accordance with his wishes. If he wishes that this money should be left to his wife for the education of the children, it would be upheld by local custom, and I can assure the hon. member that the district commissioner would see that it was done.

The problem of independent women is being considered by the natives just as much as it is by other communities to-day, and native law and custom is not static; it does adapt itself gradually to progress.

MR. SHAMSUD-DEEN: Your Excellency, I am glad that Government has decided to refer this Bill to a select committee, although I heard earlier this morning that it would be dealt with summarily. I think it would have been wrong to have rushed the Bill in a few minutes

[Mr. Shamsud-Deen] this morning through all its stages. I very gladly associate myself with the vigorous remarks made by the hon. and reverend Mr. Beecher, but I think in doing so I should be violating that great principle which I have always advocated as being a wrong principle in dividing these things into three classes, because it so happens that the people who form the Civil Service of this Colony are inhabitants of three different continents. I do not wish to take up the time of this Council but I wish to say—or rather reiterate—that every commodity or service, or anything else, whether it belongs to Europeans, Indians or natives has a certain value. An engine driven from Nairobi to Mombasa, whether it is driven by a European or an African, gives the same service. There is no reason why, because of accident of birth, persons should be paid differently. Some hon. members mentioned that when this Bill becomes law it will also be applicable to Arabs. As far as this Bill is concerned I do not see any such mention made. I am sorry that the hon. Arab members are not here to-day. I only wish to say that at least one Arab member has told me to express his regret for his inability to be here, the hon. member Mr. Sheriff Abdulla, due to illness in his family and also of himself. I think that the Arab members also have something to say on the matter, although they are not here to-day. I hope that if it is intended to include Arabs in this Bill that an Arab member will also be included in the select committee to be appointed.

MR. MONTGOMERY: I did not intend to speak at all, and I only rise now to say that I cannot accept unconditionally the statement just made by the hon. Chief Native Commissioner that the dying wish of a man would be considered in the same way as a will according to native law and custom. He must be well aware of the tremendous trouble at the Coast, just to mention one instance, where any member of the family who happens to be a Mohammedan tries at the last moment to get the dying man to become a Mohammedan so that all his assets can be disposed of according to that law. It cannot be accepted straight away that the dying wishes of any native will necessarily be considered by the people who are entitled by native law and custom to look after the estate.

MR. HOSKING: On a point of personal explanation, I did not refer necessarily to the dying wishes of a native but to his expressed intention which was made a considerable time before he died.

MR. MONTGOMERY: I am afraid that does not make any difference to my mind, and I strongly support the proposal which the hon. Acting Financial Secretary said he was going to make, and if the Succession Bill mentioned by the hon. and reverend member comes into being then the matter should be satisfactorily settled.

MR. LACEY: Your Excellency, as this Bill is going to a select committee I shall be extremely brief, but I feel I have to rise, partly because I was Chairman of the Arab and African Terms of Service Committee. In that capacity I would say that I personally have given very considerable consideration, not only in this Colony but in other colonies, to the question of a unified non-European Civil Service.

MR. BEECHER: Would the hon. member speak up a little; it is very difficult to hear him on this side of Council?

MR. LACEY: I am sorry. I was saying that I have given very considerable attention, not only in this country but in other dependencies, to the question of a unified non-European Civil Service, and I feel perfectly convinced myself that anyway, in the immediate future, it would certainly not be in the interests of the African Civil Service if such a Service came into existence now.

The other point I want to deal with very briefly in my capacity as Director of Education. I am sorry to hear that apparently there is some misapprehension on the part of mission educationists and others concerning provident funds for teachers in grant-aided schools and other teachers who do not come under the Government Civil Service Regulations. I have in front of me two documents which issued from my office, one suggesting new rules for grants-in-aid to African schools, and the second a circular which issued subsequently in February of this year. I do not wish to weary members by reading extracts from those documents. I am convinced that they make it absolutely clear that it was envisaged that missionary societies and others should have their

[Mr. Lacey] own provident funds, though Government might make grants-in-aid in respect of those funds for teachers who are teaching in grant-aided schools. I am glad the hon. and reverend member brought that up, because it gives me an opportunity of saying that if anyone has doubt about that subject, reference to my office will clear it up immediately.

MR. TROUGHTON: Your Excellency, I have listened to this debate with considerable surprise and I must say also with considerable pleasure because, if nothing else, the reception which has been given to this Bill shows the very lively interest which members on all sides of this Council are showing—and rightly showing—in the terms and conditions of service of Government's African employees. Particularly am I grateful to the hon. and reverend gentleman for his very constructive criticisms of the Bill itself. I do not propose to deal with them at any length because, as the hon. Chief Secretary has announced, this Bill will go to a select committee, and all these points of detail can be thrashed out much better and much more suitably and conveniently in select committee across the table than they can across the floor of this Council. There are, however, one or two specific points of principle connected with the Bill to which I feel I must refer.

In the first place, the hon. member suggested, if I understood him aright, that the Bill should apply, or the provident fund should be open, to employees of local native councils and possibly employees of bodies in receipt of grants-in-aid. To that I should be opposed. The Bill is intended for Government African Civil Servants. There is not the slightest reason why local native councils or these other grant-aided bodies to which the hon. member referred should not have their own provident funds for their own employees. This particular provident fund, with interest at 3 per cent, which involves a subsidy in respect of interest, is intended, and should be confined to, Government servants, for there is not the lightest reason why public revenue should subsidize in respect of interest a fund the membership of which is not confined to those who are paid in full by the taxpayers.

On the point of reciprocity, I do not propose to follow the hon. and reverend member through the history of Arab and African terms of service over the last 16 years. I have no doubt that his facts are to a considerable extent right, but without some research I am not in a position either to agree with him or to differ, but the fact is that African terms of service to my knowledge became a live issue in the year or two immediately preceding the present war, and a committee was appointed shortly before the war to deal with the matter. For reasons connected with the war the committee was unable to sit, and was reconstituted and sat in 1941, and this Bill is the outcome of their recommendations. The argument, as I understand it, of the hon. and reverend gentleman and of the hon. Member for the Coast, is that the present terms of service are not attractive, and on this point I do feel that the opinion of missionaries who have spent a long time in African education is of very considerable value, and I should like to read a brief extract from a memorandum submitted by two distinguished missionaries of long service in the country, whose names I am quite prepared to give the hon. and reverend member after this debate. This memorandum reads: "The terms at present in force attract everyone."—the word "everyone" is underlined—"From this point of view they are quite certainly at least adequate; in many cases they could still be much reduced and still fulfil this condition. It is not an exaggeration to say that the one object in life of practically every boy from Standard III upwards is to get a Government job. It is true that only a small proportion can get such jobs, but the present methods of selection . . . —I won't worry you about that— . . . the refusal by educated Africans to take opportunities of useful service in the reserves and in private employment, are directly due to the disproportionately high salaries obtainable in Government service, especially in the clerical branches."

I think the opinion of the two writers of that memorandum, who are distinguished people known to you all, do prove that the lack of attraction of the terms and conditions of service is more apparent than real.

MR. COOKE: On a point of explanation, if the hon. gentlemen would like to

[Mr. Cooke] see my file perhaps he will see what the Africans themselves think about this.

MR. TROUGHTON: It would give me great pleasure to read the hon. member's file at any convenient time. The Africans themselves naturally want to get more in the way of salary, and quite rightly and naturally so, it is a perfectly logical ambition. So do I and, so do most hon. members of this Council, but I am not in the least trying to be ostrich-like, as the hon. member suggested, and I think we all recognize that there is dissatisfaction among African Civil Servants at the present time, and that this provident fund Bill will not entirely eradicate it. Personally, I feel that that dissatisfaction is largely due—I may be wrong but it is my opinion—to shortage of supplies and to the high cost of living resulting from the war, and on that point, as I have already announced during this session of Council, the whole question of war bonuses is to be reviewed early in 1944, and the claims of the African Civil Servants for increased war bonus will be taken carefully into account in connexion with that review.

Finally, I would like to say one or two words regarding the observations of the hon. Member for the Coast in which, if I understood him aright, he expressed the view that staff matters were dealt with unsympathetically by my hon. friend the Chief Secretary and by myself. I have got very little to say on the subject of myself, and I am quite prepared to admit that, coming as I do from the same race as the hon. member—(laughter)—I am quite likely hot-headed and impetuous in dealing with staff matters, but I must say from that point of view that the hon. member's opinion of my ability to deal with staff matters is not one which, with all respect, I particularly value. (Laughter.) As regards my hon. friend the Chief Secretary the matter is rather different. To accuse him of dealing with staff matters unsympathetically is to my mind quite absurd. My hon. friend spends hours and hours and hours in dealing with staff matters, and I have spent many hours with him on staff matters, and he always has adopted the most sympathetic attitude.

MR. COOKE: On a point of explanation, I am talking about personal factors.

I admit the hon. Chief Secretary spends an incredible time on matters, but I am talking about the personal factor in interviews.

MR. TROUGHTON: The short answer is that the hon. Chief Secretary gives far more interviews to staff and staff matters than I think he has really got the time to give; he does give personal interviews and discusses staff matters at great length with individuals concerned and with great care. I welcome the debate which has taken place on this Bill. It has cleared the air, and I hope the deliberations of the select committee will clear up the various points and that the Bill will come back to Council in a form acceptable to all.

The question was put and carried.

MR. HARRAGIN moved that the Bill be referred to a select committee consisting of: Mr. Troughton, Chairman; Mr. Brown, Mr. Hosking, Mr. Lacey, Mr. Tomkinson, Mr. Beecher, Mr. Montgomery, Mrs. Watkins, Mr. Cooke, Sheriff Abdulla Salim and Mr. Amin.

MR. BROWN seconded.

The question was put and carried.

STANDING RULES AND ORDERS SUSPENDED

MR. HARRAGIN, with the consent of His Excellency, under Standing Rule and Order No. 108, moved that Standing Rules and Orders be suspended to permit the 1944 Appropriation Bill to be passed through all its stages.

MR. TROUGHTON seconded.

The question was put and carried, and Standing Rules and Orders were suspended.

THE 1944 APPROPRIATION BILL FIRST READING

On the motion of Mr. Troughton the Bill was read a first time.

SECOND READING

MR. TROUGHTON moved that the Bill be read a second time.

MR. HARRAGIN seconded.

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, and the Bill was considered clause by clause.

On the motion of Mr. Harragin the Bill was reported to Council without 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 the third time and passed.

COMMUNICATIONS FROM THE CHAIR

THE LAND CONTROL BILL

His Excellency made the following Communication from the Chair:—

HONOURABLE MEMBERS: As you are aware, the Land Control Bill was published for criticism on the 19th October, 1943.

Since that date a number of comments and criticisms have been received by Government and have been published in the Press, and I had intended to refer the Bill to a select committee of this Council before it was published for introduction. In response, however, to representations made to me by the European Elected Members, I have directed certain responsible officers of Government to confer with them and submit to me a re-draft of the Bill which it is hoped will remove many of the controversial features of the Bill as published.

When this re-draft has been received it will be considered by Government with a view to its publication and introduction into this Council, where it will be referred to a select committee after it has passed its second reading. It should be noted that as at present advised I have decided that the provisions of the Bill will apply only to land in the Highlands.

VALEDICTORY

HIS EXCELLENCY made the following further Communication from the Chair:

Before I adjourn Council I am sure hon. members will wish to join with me in paying a tribute to the work of two of

our number, who have each played a long and important part in the official life of this Colony, and whose services we are shortly to lose. I refer to the hon. the Attorney General and the hon. the Chief Native Commissioner.

Mr. Harragin came to us from Nyasaland in 1933 as Attorney General and is now in his eleventh year of service in this Colony. During that period he has twice acted as Chief Secretary and once as Governor, while during the war he has shouldered the heavy duties and responsibilities of Director of Man Power and Director of Civil Emergency Services in addition to those of his substantive appointment. In 1940 he was awarded the C.M.G. in special recognition of his services. I think this must constitute a unique record for an Attorney General in Kenya or indeed in any other Colony. (Hear, hear.) In addition he has enjoyed to a marked degree the confidence, respect and affection of his colleagues, official and unofficial alike. (Hear, hear.) While we are delighted that he should receive the promotion he has so fully earned, we cannot conceal our regret that he is being elevated to the splendid isolation of the Bench as Chief Justice of the Gold Coast at a time when his wise counsel and ripe experience can so ill be spared here. (Applause.)

Mr. Hosking joined the Kenya Administrative Service in 1913 and has a fine record of 30 years keen and energetic service to his credit. As District Commissioner, Nairobi, he was responsible for establishing the Native Stadium which will always remain as a monument to his imagination and genuine interest in African welfare. He was seconded to act twice as Commissioner of Mines and twice as Commissioner of Lands and Settlement and Local Government. In the former office he handled the many difficult administrative and technical problems that arose during the early life of the gold mining industry with conspicuous tact and success. In 1937 he was specially selected for the post of Chief Native Commissioner. The duties and responsibilities of that office are always onerous but never more so than during the last four years of war. But he has never spared himself, and has worked wholeheartedly on behalf of the African both to protect his interests and also to assist him in making his maxi-

[H.E. the Governor] mum contribution to the war. We wish him all good luck in his retirement, and look forward in the future to listening to him addressing us in Ki-settler from the other side of the Council. (Laughter and applause.)

MR. WRIGHT: Your Excellency, on behalf of my colleagues and myself I should like to be associated with the splendid tributes you have just paid to the hon. gentlemen whom we are going to miss very greatly indeed. Of the hon. and learned Attorney General it is fair to say that he has been our guide, philosopher, and friend during the 11 years he has been with us, and whether in the high office of Acting Governor or as Chief Secretary when he conducted the business with great distinction, his courtesy and unflinching help at all times endeared him to all. If it is called promotion, and we feel it is, that the hon. and learned gentleman should go as Chief Justice to another colony, I hope the authorities will learn that we have great need of him here, and I am sure I am speaking for elected members on this side when I say we shall be glad indeed to have him back with us again, whether as an official or a settler, and we know that wherever he goes he will conduct his office with high distinction to that office and great honour to himself.

Of our friend the Chief Native Commissioner I should, perhaps, remark that his loss to Government is a gain to us as settlers, for he is joining our ranks. We wish him very well among our ranks as a farmer in Kenya, but sincerely trust that as such he will encounter no labour shortage of any description or labour troubles of any kind and, indeed, were it so his great knowledge of Ki-settler would obviate the risk. (Laughter.)

MR. SHAMSUD-DEEN: Your Excellency, on behalf of my colleagues I wish to associate us with every word Your Excellency has said about these two gentlemen. As regards the hon. and learned Attorney General: I think one special point ought to be mentioned, that throughout the tenure of his service, although he acted once as Governor, I have not found the slightest change in his attitude towards all communities. He has always been accessible to every community who had any dealings with

him. That, I am sorry to say cannot be said of all officers I have known in this Colony. We wish him luck in his new job, and I hope he will, before he finally retires from the Service, aspire to a much higher position than that of Chief Justice.

As regards the hon. Chief Native Commissioner, he deserves all the praises given him. My only hope is that when he comes over to this side of the Council he will not have the infection of any of the fanaticism as is shown in some quarters against the Indian community.

MR. BEECHER: On behalf of the African peoples I should like to be fully associated with the tributes you, sir, have paid the hon. and learned Attorney General and the hon. Chief Native Commissioner.

MR. RENNIE: Your Excellency, on behalf of the official members on this side of Council I should also like to be associated with the tributes paid. We on this side of Council realize only too clearly that we shall be losing the assistance of most able and helpful colleagues and very good friends, and we wish them all luck in their new spheres.

MR. HARRAGIN: Your Excellency, I am extremely grateful to you and my other colleagues for the extremely kind words they have said about me to-day. I appreciate them none the less because, strange as it may seem in life, however undeserved a thing may be it is nevertheless sweet to the ears. I will, of course, be extremely sorry to leave Kenya. As far as Kenya is concerned, it will only be *au revoir*. (Hear, hear.) It will, however, be goodbye I presume to Legislative Council, and after 20 years of the racket of Legislative Council debates I shall be forgiven if from time to time I feel a little homesick and sorry that I am not occupying this chair that I have sat in for the last 10 years. I realize that my first duty when I have reached the Gold Coast will be to remember to keep silence on all matters political, and a very difficult job it will be. I have little else to say. I had hoped at one time that fate would have directed my career along another path. It was fated this was not to be so, but I am fully aware of the honour that has been conferred upon me by His Majesty the King in appointing me to the post of Chief Justice of the

[Mr. Harragin]

Gold Coast. I have only to say this, that during the period I have been in this Council I have received the greatest assistance and forbearance from you, sir, all my colleagues, and from my very loyal department, and any small success I may have achieved has been entirely due to their help and assistance. I notice in the paper to-day that I have been accused of having used, when passing some preposterous motion or introducing some motion, words which apparently offended a very old and learned friend, who in his letter wrote that I had hypnotized hon. members opposite into silence. Well, I only wish that the writer of the letter could take my chair for the next few sessions and endeavour to administer some of the same medicine he accuses me of administering. (Laughter.) I will only make this prophesy, that if he did he would receive the same treatment as the veterinary officer who attempted to give a ball to a horse by means of a blow pipe—unfortunately the horse blew first! (Laughter.) Sir, I leave Kenya with deep regret, but with every confidence in its progress and prosperity in the future. (Applause.)

MR. HOSKING: Your Excellency, I am not leaving Kenya, and that is the happiest thing I can say about my retirement. I thank you, sir, for the very kind farewell you have given me and the kindly sentiments that have been expressed in this Council. I leave this Council with my head slightly less bloody than it was 10 years ago when I entered it, but it is still unbowed! (Applause.)

SEASONAL GREETINGS

HIS EXCELLENCY: In adjourning Council I wish all members a very happy Christmas.

ADJOURNMENT

Council adjourned *sine die*.

Written Answers to Questions

NO. 34—ASIAN PENSIONS

MR. AMIN:

(a) Will Government please state whether or not the Colonial Office has accepted the opinion expressed by the select committee of the Legislative Council on both the Asiatic Widows' and Orphans' Pensions (Amendment)

Ordinance, 1942, and the Asian Officers' Family Pensions Ordinance, 1942, that there was no justification for any differentiation in the principles applicable to Asian Civil Servants in the matter of pensions to their dependants and those applicable to European Civil Servants in the matter of pensions to their dependants?

(b) If the answer is in the affirmative, will Government lay on the table the relevant correspondence with the Colonial Office?

Reply:

(a) The Secretary of State has agreed with the Government's view that the Asian Family Pensions Ordinance should be amended to provide that Asian officers who are members of the Fund should be accorded treatment similar to that accorded to European officers regarding pensions to dependants. The precise form that the amending legislation should take is still the subject of correspondence with the Colonial Office.

(b) No. The Government does not consider that the laying of the correspondence on the table of this Council would serve any useful purpose.

NO. 40—MILITARY SALVAGE

MR. KASIM:

Will Government appoint a committee of inquiry to include representatives of the Federation of Indian Chambers of Commerce and the Association of Chambers of Commerce with an official chairman to report on the methods that should be adopted for the disposal of military salvage of clothing and similar materials?

Reply:

It is considered that no action is necessary in regard to the Military procedure for disposing of salvage material and that no reasonable exception could be taken to it by the commercial community in view of the fact that everyone has an equal chance of obtaining the articles concerned.

The question as to whether better methods can be employed in the utilization of clothing and similar materials obtained from Military salvage will be considered by the Kenya Supply Board of which the hon. member is a member.

NO. 45—INDIAN EDUCATION.

MR. SIAMSUD-DEEN:

Will the hon. Director of Education state (a) the total number of students in the Government Indian High School, Nairobi? (b) The total number of classrooms available for teaching classes? (c) The total number of teachers employed actually for teaching lessons? (d) the number of students in each class? (e) The average number of teachers who have remained on the sick list during 1942-1943, giving the total number of days all the teachers have been on the sick list? (f) Who looks after the classes when the teachers are absent sick? (g) If it is a fact that during the illness of teachers their respective classes are sent to the City Park and other open spaces to roam about to kill time? (h) How many relief teachers there are in this school to take charge of the classes whose teachers may be ill? (i) If it is realized by the Education Department that, especially during epidemics, teachers and pupils are more prominently exposed to the risk of infection in congested classes than is the ordinary citizen in Nairobi?

Reply:

(a) 2,255.

(b) 64. This number includes six used for teaching special subjects.

(c) 61. Of these two are student teachers who are together responsible for the teaching of one class.

(d) The number of pupils in each class is:—

Divided into—	
Sub-standard A ..	303 7 sections
Sub-standard B ..	251 6 sections
Standard I ..	265 6 sections
Standard II ..	276 6 sections
Standard III ..	264 6 sections
Standard IV ..	226 6 sections
Standard V ..	212 6 sections
Standard VI ..	256 6 sections
Form 1 ..	138 4 sections
Form 2 ..	43
Form 3 ..	21

(e) (i) The total number of teachers who reported sick during 1942 was 44.

(iv) The total number of teacher-days lost on account of sickness in 1942 was 393.

(iii) The total number of teachers who reported sick during the first and second terms in 1943 was 40.

(iv) The total number of teacher-days lost on account of sickness in 1943 was 556.

(f) If possible one of the specialist teachers or one of the teachers whose classes are being taken by the Specialists, supervises the class of any teacher who is absent. If this arrangement does not provide sufficient relieving teachers, classes are combined.

(g) No class is sent to the City Park or any other open space outside the school precincts except under the direct supervision of a teacher. Classes are sometimes sent to the City Park in charge of a teacher for Nature Study.

(h) There are no relief teachers in this school.

(i) All the classrooms in the school are ample in size and are well ventilated. Only rarely when classes have to be combined is there any overcrowding and even then the ventilation is ample.

NO. 49—INTERNATIONAL TEA COMMITTEE.

COL. GROGAN:

Will Government please state:—

1. (a) The names of the personnel of the International Tea Committee referred to in the motion of 22nd September, 1943?

(b) The normal business and/or other occupation and qualification of the individual names?

(c) The relevant authority or authorities which appointed the said individuals?

(d) By what instruments are the countries which compose the so-called International Committee as cited in the Acting Director of Agriculture's speech introducing the above motion, namely India, Ceylon, Malaya, and the Dutch East Indies, bound by the findings of the Committee?

2. What are the functions and authority and whence does the authority and definitions of functions derive which entitles the said Committee to dictate policy in Kenya Colony?

3. (a) The total acreage under tea in Kenya Colony?

(b) The names and acreage of the existing licensees in Kenya Colony?

(c) The proportions of the total acreage controlled by (i) resident owners and (ii) owners domiciled and companies registered in the United Kingdom?

4. If Japan, in temporary occupation of Malaya and the Dutch East Indies, accepts the findings of the Committee?

5. Whether Brazil, Free French Territories, Portuguese East and West Africa, the Belgian Congo, Abyssinia, the Union of South Africa, Southern Rhodesia, Australia, and New Zealand are in consultation with the International Committee? If anyone in these countries is limited by the findings of the Committee and, if so, to what extent?

Reply:

1. (a) *Representing India*.—Sir Robert Graham (Chairman), Sir David Meek (voting member), L. T. Carmichael, E. A. Watson and J. H. R. Pinckey.*Representing Ceylon*.—Sir Clifford Figg (Deputy Chairman and voting member), E. B. Alexander, A. Young, R. C. Brooks and A. C. Mathew.*Representing the Netherlands East Indies*.—Dr. P. H. Westerman (voting member), A. L. Matherson, W. H. Daukeslic and A. A. Pauw.

(b) All the persons mentioned have interests in tea except: Sir David Meek (Retired Trade Commissioner for India), E. B. Alexander (Retired Chief Secretary of Ceylon), Dr. P. H. Westerman (Trade Commissioner for Netherlands East Indies), and A. A. Pauw (Banker).

(c) The Governments of the territories which they represent.

(d) By legislation enacted in the respective territories providing for the control of planting and of export, except in the case of Malaya, where only planting was controlled.

2. The International Tea Committee has no authority to dictate policy in Kenya. It can only recommend to the Secretary of State whether or not colonial territories should participate in

an international regulation scheme and, if so, on what terms.

3. (a) 15,629 at 31-3-1943.

(b)—

Kericho	Acreages
African Highlands Produce Co., Ltd.	5,060
Kenya Tea Co., Ltd.	3,592
Kaisugu Estate	500
Mau Forest Estate	456
Kapkoresh, Ltd.	500
Jamji Estate	1,264
Orchardson Bros.	100
Buret Tea Co., Ltd.	1,201
J. T. Wilson	100
Commander A. Coke	20

Nandi

Mokong Estate	98
E. G. Mayers	200
T. A. K. Turton	125
F. G. Turton	100
F. G. Weynmann	75
A. F. Mayers	100
G. A. Cockmann	85
G. E. C. Robertson	75
C. L. Jardine	85
W. H. Frith	20

Kaimosi

Mrs. W. Harnett	215
R. C. Hill	77

Sotik

R. F. W. Scholefield	40
Mrs. Haslehurst	40
W. J. H. George	40
G. Maitland-Edge	80
J. K. Matheson	40
J. Butterfield	200
W. G. Dawson	40

Turki

E. H. Wright	2
H. C. Sim	1
E. C. Palmer	1
W. B. H. Shaw	1
W. A. Rutherford	1
J. H. Crawford	2

Limuru

C. W. Charters	100
C. E. V. Buxton	100
E. G. Orme-Smith	100
W. R. M. Fowlers	100
Mrs. B. M. Sweatman	100
Lt. Comdr. Hutchinson	37
Limuru Tea Co., Ltd.	235
Kenya Tea Co. "Ma-broukie"	500
A. B. McDonell	45
Tigoni Tea Co.	180
Messrs. S. & A. Morson	100

(c) Including acreages authorized for the period 1938-43 but not planted by 31-3-1943—

(i)	4,761
(ii)	11,372
Total	16,133

4. The answer is in the negative.

5. The territories named are not parties to the agreement, nor are the Governments concerned in consultation with the Committee. No person in these countries is limited by the findings of the Committee.

No. 52—EUROPEAN CONTROLLERS

MR. KASIM:

Is Government aware that there is a strong resentment among the public in general and the Indian commercial community in particular against some of the European Controllers who, when members of the Indian community happen to interview them in course of their business, would not take the trouble to understand their requirements or grievances, but, on the contrary, have on several occasions shown discourtesy towards many of their interviewers?

Would the Government please stress upon them the need for politeness when dealing with the members of the public?

Reply:

(a) The Government is not aware of any general complaints of discourtesy being shown by Controllers to any section of the community and is satisfied that the Controllers, who in many instances are undertaking their duties voluntarily, are acting with courtesy and discretion.

(b) In view of the reply to the first part of the question the Government does not consider that the action suggested is necessary. It is confident that all Controllers are already aware of the need for politeness when dealing with members of the public.

No. 100—WHISKY ALLOCATIONS

MAJOR CAVENDISH-BENTINCK:

(a) According to information recently broadcast through the Nairobi wireless station, the Whisky Controller is said to allocate whisky supplies to wholesalers, hotels, restaurants, and to retailers, according to their 1941 sales. I understand that in some up-country districts, retailers ration their customers on a similar basis, which in some cases occasions unfair treatment of individual farmers, who are unable to obtain even reasonable supplies of stimulants. In view of the foregoing, will Government please state what is the actual allocation, in cases per month, of whisky to (i) The Blue Room (which opened in December, 1941), (ii) The "400" (which opened in March, 1942) (b) In the event of no allocation being made to the foregoing, are recently opened restaurants and night clubs allowed to purchase freely from retailers at the expense of individual consumers?

Reply:

(a) The actual allocations, in cases per month, of whisky are:—

(i) The Blue Room.. 5 cases a month
(ii) The "400" Club.. 5 cases a month

(b) In view of the reply to part (a) this part of the question does not arise.

No. 101—URBAN LEASES

MR. NICOL:

Will Government inform Council what is their policy in regard to the renewal of leases in urban areas?

Reply:

No change of policy in regard to the renewal of leases in urban areas has been formulated. The Government is, however, in general agreement with the views expressed by the Secretary of State for the Colonies in paragraphs 8, 9 and 10 of his dispatch No. 50 of the 2nd of March, 1943 (which was recently published together with other correspondence relating to the Kenya Land Tenure Committee Report), subject to provision being made for town planning and other requirements for the public benefit. Discussion with the Railway Administration and Municipal Authorities will be begun during 1944 and a revised policy formulated.

No. 102—URBAN LEASES

MR. NICOL:

Will the hon. General Manager, K.U.R. & H., inform Council what is the policy of the Railway Administration in regard to the renewal of leases in urban areas?

Reply:

The hon. member's attention is invited to the reply given to question No. 101, to which nothing can be added at this stage.

No. 105—MAIZE CONTROLLER—TERMS OF SERVICE

MRS. WATKINS:

Will Government be pleased to state the terms of service under which the Maize Controller is employed?

Reply:

The Maize Controller is paid at the rate of £2,100 per annum for work in

connexion with maize control and other organizations and in 1943 his salary was allocated as follows:—

Maize Control	£919
East African Cereals Pool ..	581
East African War Supplies Board	360
Produce Controls	240
	<hr/>
	£2,100

He is not entitled to free housing or a house allowance in lieu, nor is he entitled to a bonus or gratuity; the post is not pensionable. He is entitled to local leave and local transport and travelling as laid down in the Code of Regulations.

The Government, in connexion with this appointment, has not entered into any commitment in regard to free medical attention, free or assisted passages or overseas leave.

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SECOND SERIES

VOLUME XVII

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Com.=In Committee; SC.=Referred to Select Com-
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committed to Council.

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