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COLONY AND PROTECTORATE OF KENYA

LEGISLATIVE COUNCIL DEBATES

OFFICIAL REPORT

SECOND SERIES

VOLUME XXVII ~~XXVII~~

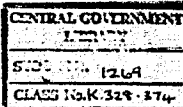
1947

THIRD SESSION

22nd July to 25th July, 1947

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List of Members of the Legislative Council

President:

HIS EXCELLENCY THE ACTING GOVERNOR, SIR G. M. RENNIE, C.M.G., M.C. (I)

Ex Officio Members:

CHIEF SECRETARY, ACTING (HON. C. H. THORNTLEY) (2)
ATTORNEY GENERAL, ACTING (HON. J. B. HOBSON).
FINANCIAL SECRETARY (HON. J. F. G. TROUGHTON, M.B.E.).
CHIEF NATIVE COMMISSIONER (HON. P. WYN HARRIS, M.B.E.).
DIRECTOR OF MEDICAL SERVICES (DR. THE HON. N. M. MACLENNAN).
DIRECTOR OF AGRICULTURE (HON. D. L. BLUNT, C.M.G.).
DIRECTOR OF EDUCATION (HON. R. PATRICK, E.D.).
GENERAL MANAGER, K.U.R. & H., ACTING (HON. A. DALTON, C.B.E.).
DIRECTOR OF PUBLIC WORKS (HON. S. R. BOYD).
COMMISSIONER OF CUSTOMS (HON. W. JOHNSTON).
COMMISSIONER OF LANDS, MINES AND SURVEYS (HON. G. J. ROBBINS).

Nominated Official Members:

HON. F. W. CARPENTER (Labour Commissioner, Acting). (3)
MAJOR THE HON. F. W. CAVENDISH-BENTONCK, C.M.G. (Member for Agriculture, Animal Husbandry and Natural Resources).
HON. MIBRAK ALI HIWANY, O.B.E. (Specially appointed to represent interests of Arab Community).
HON. A. HOPKINS (Economic and Commercial Adviser).
HON. C. E. MORTIMER, C.B.E. (Member for Health and Local Government).
HON. J. C. MURPHY, C.M.G. (Commissioner for Inland Revenue).
HON. J. C. RAMMELL (Conservator of Forests). (4)
HON. H. E. STACKY (Solicitor General, Acting).
HON. H. C. WILLBOURN, M.C. (Postmaster General).

European Elected Members:

HON. W. A. C. BOUYER, Usain Gishu.
HON. S. V. COOKE, Coast.
HON. G. M. EBYE, Nyanza.
MAJ. THE HON. F. DE V. JOYCE, M.C., Ukamba.
MAJ. THE HON. A. G. KEYSER, D.S.O., Trans Nzoia.
HON. W. G. D. H. NICOL, Mombasa.
HON. SIR ALFRED VINCENT, Nairobi South.
HON. M. BLUNDELL, Rift Valley, Acting. (5)
HON. J. G. H. HOPKINS, O.B.E., Aberdare, Acting. (6)
HON. MRS S. M. K. SILVESTER, Kiambu, Acting. (7)
HON. F. G. R. WOODLEY, Nairobi North, Acting (8)

LIST OF MEMBERS OF THE LEGISLATIVE COUNCIL—Contd.

Indian Elected Members:

HON. A. R. COCKER (Central).
HON. S. T. THAKORE (Central). (9)
HON. A. B. PATEL (Eastern).
DR. THE HON. M. A. RANA, M.B.E. (Eastern).
HON. A. PRITAM (Western).

Arab Elected Members:

HON. SHERIFF ABDULLA SALIM

Nominated Unofficial Members:

Representing the Interests of the African Community:

HON. E. MATHU.
HON. A. OHANGA.

Acting Clerk to Council:

W. PADLEY, Esq., O.B.E.

Reporters:

Mr. A. H. EDWARDS
Miss BENNITT

- (1) Vice Sir P. E. Mitchell, G.C.M.G., M.C., on leave.
- (2) Vice Sir G. M. Rennie, Acting Governor.
- (3) Vice Mr. E. M. Hyde-Clarke, M.B.E., on leave.
- (4) Vice Mr. C. H. Thornley, Acting Chief Secretary.
- (5) Vice Mr. W. F. O. Trench, on leave.
- (6) Vice Mr. E. H. Wright, on leave.
- (7) Vice Mrs. O. F. Watkins, on leave.
- (8) Vice Mr. E. A. Vasey, C.M.G., on leave.
- (9) Vice Mr. Dhaanant Singh, on return from leave.

ABSENTEES

22nd July:

Hon. Member for Trans Nzoia.
Hon. Arab Elected Member.

23rd July:

Hon. Member for Trans Nzoia.
Hon. Arab Elected Member.

24th July:

Hon. Member for Trans Nzoia.
Hon. Arab Elected Member.

25th July:

Hon. Member for Agriculture and Natural Resources.
Hon. Director of Agriculture.
Hon. Member for Usain Gishu.
Hon. Member for Nyanza.
Hon. Member for Trans Nzoia.
Hon. Member for Mombasa.
Hon. Arab Elected Member.



COLONY AND PROTECTORATE OF KENYA

LEGISLATIVE COUNCIL DEBATES

THIRD SESSION, 1947

Tuesday, 22nd July, 1947

Council assembled in the Memorial Hall, Nairobi, at 11 a.m. on Tuesday, 22nd July, 1947, His Excellency the Acting Governor (Sir G. M. Rennie, C.M.G., M.C.), presiding.

His Excellency opened the Council with prayer.

The Proclamation summoning the Council was read by the Clerk.

ADMINISTRATION OF OATH

The Oath of Allegiance was administered to: Acting Labour Commissioner, F. W. Carpenter, Esq.; J. C. Rammell, Esq., Conservator of Forests; Mrs. S. M. K. Silvester, Acting Member for Kiambu; M. Blundell, Esq., Acting Member for Rift Valley; J. G. H. Hopkins, Esq., O.B.E., Acting Member for Aberdare; F. G. R. Woodley, Esq., Acting Member for Nairobi North.

PRESENTATION OF INSIGNIA

By Command of His Majesty the King, His Excellency presented the insignia of the C.B.E. to Col. C. M. Truman, C.B.E., D.S.O.; O.B.E. to Lt.-Col. S. G. Gherrie, O.B.E.; M.B.E. to R.Q.S. Isaka Okwiri; and M.B.E. to Mrs. H. M. Sprague.

MINUTES

The minutes of the meeting of 17th April, 1947, were confirmed.

PAPERS LAID

The following papers were laid on the table:—

BY THE ACTING CHIEF SECRETARY (MR. THORNLEY):

Quarterly report of the Development and Reconstruction Authority for

the period 1st April to 30th June, 1947, and Registrar General's annual report, 1945.

BY THE ACTING ATTORNEY GENERAL (MR. HOBSON):

The Legislative Council Ordinance, 1935, Schedule II (Variation No. 2) Rules.

BY THE FINANCIAL SECRETARY (MR. TROUGHTON):

Schedules of Additional Provision Nos. 3 and 4 of 1946, Colonial Audit Department annual report, 1944, with Kenya dispatch No. 113 thereon, and Report on the audit of accounts of K.U.R. & H., 1945, with Transport dispatch No. 19 thereon.

ORAL ANSWERS TO QUESTIONS

No. 25—CIVIL SERVANTS AND KENYA HIGHLANDS

MR. MATIU (African Interests):

Is it a fact that a number of Europeans in the Kenya Government Civil Service own land in the Kenya Highlands? If the answer is in the affirmative, will Government please give the total acreage owned by any six such Europeans?

MR. THORNLEY: Yes, sir. Six European officials taken at random hold a total of 1,651½ acres.

No. 27—MIGRATION

MR. PRITAM (Western Area):

Will Government please state the number of Europeans and Indians who entered and left Kenya through Mombasa or Kilindini during 1946?

Mr. HOBSON: The following is the number of Europeans and Indians who entered and left Kenya through Mombasa or Kilindini during 1946:—

Immigration Emigration

Europeans ..	5,465	3,513
Indians ..	11,404	8,274

No. 29—RACIAL SEGREGATION

Mr. PRITAM:

Is Government aware that the racial segregation that had disappeared from the General Post Office counters at Nairobi has since appeared in some of the Government departments, more particularly in the Immigration and Passport Office, Nairobi, rather in more poignant form, and if so will Government please state its considered policy in relation to this type of racial segregation for the general information of the public?

Mr. HOBSON: The policy of the Government is that such arrangements shall be made for the conduct of business in its offices as will best suit the convenience of all sections of the community.

In the case of the Immigration and Passport Office in Nairobi the present office accommodation does not allow for all persons to receive attention at one counter. It is, therefore, necessary that some people should be attended to in one place and some in another, and the opportunity has been taken, for the more efficient working of the Department, to arrange that Asians and Africans should attend in that part of the office where the Asian Immigration Clerks work, who, by their superior knowledge of the applicant's language, can deal with his inquiry more expeditiously.

No. 30—SECOND-HAND MOTOR CARS

Mr. PRITAM:

Will Government please state the number of second-hand cars that have been exported to destinations other than adjacent territories during the last nine months?

Mr. THORNTON: I assume that the hon. member has in mind permanent export. That being so, the answer is three.

No. 32—INDIAN SCHOOL HOSTELS

Mr. PRITAM:

Having regard to the fact that hostel facilities are provided for European, African and Arab boys, will Government please state specific reasons for their persistent refusal to provide similar facilities for Indian boys whose education is being greatly hampered, due to absence of hostels and the acute housing shortage prevailing at places where high schools are situated?

Mr. THORNTON: I would invite the hon. member's attention to the reply I gave on the 12th of November, 1946; to the hon. member's question No. 69, to which the Government has at present nothing to add.

No. 33—SOCIAL SERVICES FOR INDIANS

Mr. PRITAM:

In view of the fact that the Indian community has no specific social services peculiar to it apart from education, will Government please state the approximate amount of revenue that was contributed by Indians and also the approximate amount of expenditure incurred on social services peculiar to the Indian community for the years 1942 to 1946 inclusive?

Mr. THORNTON: The Government does not accept the accuracy of the statement in the preamble to the question. Subject to that, the answer to the question is as follows:—

The Government has insufficient detailed information regarding the amount of revenue contributed by members of the Indian community during the years in question to formulate an estimate. As regards expenditure on social services, the Government regrets that insufficient staff is available to compile the information sought by the hon. member.

No. 34—KISUMU INFECTIOUS DISEASES HOSPITAL

Mr. PRITAM:

Having regard to the fact that the last serious outbreak of smallpox at Kisumu emanated from the infectious diseases hospital which is situated right in the centre of the town, will

[Mr. Pritam]

Government please devise ways and means for its immediate removal to such a site where it ceases to be a potential menace to public health?

Mr. MORTIMER: It is not the wish of the Government to retain the Infectious Diseases Hospital at Kisumu on its present site and the desirability of moving it to another site is accepted. It is not at present possible to state when this proposal will be carried out. The Government is advised that it is incorrect to state that recent cases of smallpox in Kisumu emanated from the Infectious Diseases Hospital.

No. 37—PILFERAGE ON K.U.R. & H.

Mr. PRITAM:

Having regard to the ever-increasing pilferage of goods in transit and while at railway stations, will the hon. General Manager, K.U.R. & H., please state the reasons therefor, giving comparative figures of thefts and the amount of compensation paid in each year from 1942 to 1946 inclusive? Will he also state what steps he proposes to take with a view to improving the present unsatisfactory state of affairs?

ACTING GENERAL MANAGER, K.U.R. & H. (Mr. DALTON): During the years 1942-46 the amount of compensation paid by the Railway Administration in respect of losses by theft was not accounted for separately. The total compensation, however, paid for losses from all causes, including theft, is as follows:—

Year.	No. of Claims Paid.	Amount of Compensation Paid.	Percentage of total earnings excluding passenger.	
			£	%
1942	268	1,081		0.32
1943	449	2,457		0.88
1944	487	4,183		0.71
1945	485	6,048		1.31
1946	525	10,721		2.72

It should be noted that the 1946 figure of compensation paid includes a sum of £4,800 in respect of fire.

There has been a general increase in the incidence of crime from which goods while in charge of the Railway Administration are not exempt. Further reasons for the increase of theft of goods while in railway charge are scarcity of consumer goods, inflated price levels and a deterioration of the quality of the material in which goods are packed.

The preventive measures taken are:—
(a) action by the Railway Police, that is to say, patrols on night trains and thorough investigation of every case reported, as a result of which there have been several successful prosecutions for theft;

(b) the use of a wagon locking device on night trains travelling on certain sections of the line;

(c) special precautions with regard to the marshalling of vehicles and as to the manner in which certain trains are used;

(d) impressing upon the public on every suitable occasion the necessity for improvement in the standard of packing.

No. 39—DUAL SESSIONS IN SCHOOLS

Mr. PRITAM:

Will Government please state in how many Government European and Indian schools the dual session system is in force, and the reasons therefor? Having regard to the fact that the dual session system is not popular among parents or teaching staff, will Government please take such steps as will ensure the early discontinuation of this system?

DIRECTOR OF EDUCATION (Mr. PATRICK): The system of dual sessions is in force in six Government Indian Schools. In Government European Schools it has not been necessary to have dual sessions.

The Government is aware of the objections to the dual session system, and the reason for its introduction as a temporary expedient at certain schools is that the increase in the number on roll is much greater than the extra accommodation which could be provided, and the only alternative pending the erection of the additional buildings provided for in the Development Plan, would be to refuse admission to many children.

No. 40—ELEPHANT LICENCES

MR. PRITAM:

In view of the recent abnormal increase in the elephant shooting fee for residents, will Government please state: (a) How many elephants and rhinos have been shot by the Game Department itself under control operations during the past three years and what quantity of ivory and rhino horns was obtained, and sold by Government? (b) How many elephants have been shot on resident licences during the past three years? (c) How many elephants have been shot under visitors' licences during the three years 1936 to 1938 inclusive?

MEMBER FOR AGRICULTURE AND NATURAL RESOURCES (MAJOR CAWENSHILL-BENTINCK): (a) 394 elephants and 1,234 rhino have been shot on Control operations during the past three years.

The weight of ivory obtained from such elephants and sold by the Government is approximately 2,811 lb., and the weight of rhino horn similarly sold by Government is approximately 6,787 lb.

2. Parts (b) and (c) of the question are not entirely clear since elephants are shot under special licences only. Assuming the question to mean elephants shot on special licence by holders of Residents' or Visitors' licences respectively the totals are 580 and 32.

No. 43—LAW COURTS

MR. COOKE (Cont):

1. Will Government state who is responsible for the upkeep of the buildings and grounds of the Law Courts? 2. Are they aware of the dirty condition of the buildings and the neglected condition of the grounds, with particular reference to the trees planted to commemorate the jubilee of His Majesty King George V? 3. Will they take immediate steps to see that these buildings and grounds are put in a condition more in conformity with that which is expected at the Headquarters of the Judiciary and Administration of this country, taking a lesson from the neat and clean appearance of the Railway and Municipal headquarters?

DIRECTOR OF PUBLIC WORKS (MR. BOND): (1) The upkeep of the buildings

and grounds of the Law Courts is the responsibility of the European caretaker, who is under the control of the Divisional Engineer, Public Works Department.

(1) Yes, sir.

(2) Steps have already been taken to carry out a complete redecoration of the buildings now that the necessary paint and distemper is available. The work is at present in hand.

Owing to lack of materials and funds during the war years, the maintenance of buildings generally was sadly neglected, and it will take some considerable time to catch up upon the work which requires to be done.

The programme of works at the Law Courts includes the rehabilitation of the surrounding paths and gardens, but the heavy rains in the earlier part of the year precluded progress from being made.

The Conservator of Forests has been asked to advise on the question of the trees referred to by the hon. member.

No. 44—THIRD PARTY INSURANCE

MR. PRITAM:

(a) Having regard to the fact that some of the Indian insurance companies which have been operating in East Africa for a considerable time, although approved in Uganda, have been refused permission in Kenya to carry on insurance business under the Motor Vehicle Insurance (Third Party Risk) Ordinance, 1945, will Government please make a full and frank statement of its policy, especially in regard to its demand for the bank guarantee amounting to £25,000 from each insurance company which has been refused permission?

(b) Has the amount of guarantee been fixed in accord with the total amount of business transacted in each year?

(c) What are the specific qualifications for an insurance company to possess before it can be exempted from the bank guarantee?

(d) How many insurance companies incorporated in India have so far been exempted from the bank guarantee?

(e) How many European insurance companies have been asked to furnish the bank guarantee before they were approved?

MR. TROUGHTON: (a) No insurance company has been refused permission to carry on insurance business in the Colony under the Ordinance in question. In order to protect the public from the possibility of companies being unable to meet claims, approval as an insurer under the Ordinance has, however, in some cases been made conditional on production of security in the form of a bank guarantee.

(b) The amount of the guarantee has been fixed arbitrarily, bearing in mind the possible volume of claims which a company may have to deal.

(c) No specific qualifications have been laid down.

(d) Five.

(e) Two.

No. 46—GOVERNMENT PENSIONERS

MR. COOKE:

With reference to my Question No. 44 of 1946, increased cost of living of Government pensioners, will Government state what progress has been made in this matter?

MR. TROUGHTON: In reply to Question No. 44 of 1946 I informed the hon. member that a report from the European Civil Servants Advisory Board was awaited. That report was duly received, and eventually specific proposals were referred to the Secretary of State for approval.

2. The Secretary of State did not feel able to approve the proposals which were not in line with United Kingdom practice, but has forwarded to the Government copies of an Act amending the United Kingdom legislation and suggesting that this Government should consider taking parallel action. This Act is now being examined and the Government will take action upon it as early as possible.

No. 48—MOMBASA HOSPITAL COMMITTEE

MR. NICOL (Mombasa):

Will Government inform Council when the Mombasa Hospital Authority Committee will be appointed?

MEMBER FOR HEALTH AND LOCAL GOVERNMENT (MR. MORTIMER): The Hospital Authority is not yet in a position to take over the European Hospital, Mombasa, but expects to

be able to do so during 1948 as soon as the new extension building has been erected, when it will be possible to provide in that building the services now rendered by the Mombasa Nursing Home. The Authority intends to appoint a permanent Mombasa European Hospital Management Committee at that time. Meanwhile, an interim representative Committee, which was appointed last October is acting in an advisory capacity on the planning of the new building.

No. 49—MOMBASA EUROPEAN HOSPITAL

MR. NICOL:

Will Government inform Council—

(a) when the improvements to the Mombasa European Hospital will be commenced, and

(b) when the new hospital extension building itself will be commenced?

MR. MORTIMER: (a) Some of the proposed improvements to the existing hospital are already being carried out; others are being planned and will be carried out as soon as designs have been approved and materials are available.

(b) Plans are now being drawn for the new extension building and are being discussed by the architect with the local Advisory Committee. As soon as the final plans and specifications are ready tenders will be invited and the erection of the building will proceed with all possible speed.

BILLS

FIRST READINGS

On the motion of Mr. Hobson, seconded by the Acting Solicitor General (Mr. Szeczy), the following Bills were read a first time: The Tea (Amendment) Bill, the Sugar Industry (Amendment) Bill, the Native Liquor (Amendment) Bill, the Liquor (Amendment) Bill, the Notaries Public (Amendment) Bill, the Registration of Persons Bill, the Native Registration (Amendment) Bill, the Employment of Servants (Amendment) Bill, the Domestic Employment (Certificate of Registration) Bill, and notice was given to move the subsequent readings at a later stage of the session.

ADJOURNMENT

Council adjourned till 9.30 a.m. on Wednesday, 23rd July, 1947.

Wednesday, 23rd July, 1947

Council assembled in the Memorial Hall, Nairobi, at 9.30 a.m. on Wednesday, 23rd July, 1947. His Excellency the Acting Governor (Sir G. M. Remic, C.M.G., M.C.), presiding.

His Excellency opened the Council with prayer.

MINUTES

The minutes of the meeting of 22nd July, 1947, were confirmed.

PAPERS LAID

The following papers were laid on the table:—

By MAJOR CAVENDISH-BENTINCK:

First and Second quarterly reports of the African Settlement and Land Utilization Board.

ORAL ANSWERS TO QUESTIONS**No. 24—PENSIONS TRIBUNALS**

DR. RAMA (Eastern Area):

In view of the fact that His Majesty's Forces Pensions Ordinance, 1941, was specially amended last year to enable the Governor in Council to make regulations providing for the establishment of pensions tribunals for members of His Majesty's Forces, will Government state what is the cause of the inordinate delay in publishing the necessary regulations?

MR. THROUGHTON: In so far as European cases are concerned, draft Regulations have been prepared and are under consideration by the various East African territories.

In so far as Asian and African cases are concerned the approval of the Secretary of State for the principles to be adopted in the new Regulations is awaited.

No. 38—IMMIGRATION RESTRICTIONS

MR. PRITHVI:

As there is dissatisfaction with the administration of the Defence (Admission of Women and Children) Regulations, 1940, will Government please state when it proposes to substitute these emergency regulations by proper peace time legislation in order to ensure just and equitable treatment to all immigrants irrespective of their race or colour?

MR. HOBSON: As the hon. member is aware, the Immigration Control Bill will be placed before this Council as soon as possible. Until the Bill in question becomes law, Government considers it necessary, for the proper control of immigration into the Colony, that the Defence (Admission of Women and Children) Regulations should remain in force.

No. 47—MEAT MARKETING BOARD

MR. COOKE:

Is Government satisfied with the working of the Meat Marketing Board so far as the purchase of stock is concerned? If not, will free buying be permitted to Arab and Somali and other traders as was the case some years ago?

MAJOR CAVENDISH-BENTINCK: The question falls into two parts.

With regard to the first part concerning the Meat Marketing Board, Government is well aware that the flow of supplies of meat to the Meat Marketing Board has not been of a quantity sufficient to satisfy completely the free demands for meat throughout the Colony. As the Hon. Member for the Coast will know, the Government, in honouring its undertaking to bring the Live Stock Control to an end, deliberately took the risk of a temporary shortage of supplies. The Government is satisfied that the results achieved by the Board which has only recently been appointed, are satisfactory as could have been expected, having regard to the limiting factor of controlled prices.

With regard to the second part of the question concerning itinerant traders, the answer is, in present circumstances free buying and free movement between districts cannot be permitted.

MR. COOKE: Your Excellency, arising out of that answer, does the Meat Marketing Board proceed by auction? Are stocks sold by auction and who are the buyers? Are they restricted to the Board or can anyone buy?

MAJOR CAVENDISH-BENTINCK: The method of purchase varies according to circumstances in different districts. In some cases the Board are the sole buyers; in other cases there are auctions, for instance in Nandi.

MR. COOKE: Arising out of that, how can the hon. member call it an auction if there is only one buyer? It seems to me inconsistent.

MAJOR CAVENDISH-BENTINCK: I did not call the first method an auction! (Laughter.)

MR. MATRU: Arising from that question, is Government aware that the system adopted by the Meat Marketing Board in the so-called auctions has a tremendous opposition from African live stock owners? If the answer to that is in the affirmative, what steps will Government take to ensure that Africans give their support to the system and that it is by public auction as it ought to be?

MAJOR CAVENDISH-BENTINCK: The answer to that is that I am definitely unaware of the statement made by the hon. member concerning Africans. It would appear that there is a very great tendency to increase the numbers of cattle brought forward, and in the course of the speech I shall make later I will refer to that subject.

SCHEDULES OF ADDITIONAL PROVISION

NOS. 3 AND 4 OF 1946

MR. THROUGHTON: Your Excellency, I beg to move: That Schedules of Additional Provision Nos. 3 and 4 of 1946 be referred to the Standing Finance Committee.

MR. HOBSON seconded.

The question was put and carried.

PENSION

MR. S. BHARDWAJ

MR. THROUGHTON: Your Excellency, I beg to move: That this Council approves the payment of a reduced pension at the rate of £16 7s. 3d. a year with effect from 27th April, 1947, inclusive, and a gratuity of £54 10s. 10d. to Mr. Siriram Bhardwaj, first grade clerk, Accountant General's Department, in respect of his temporary service in the military establishment from 16th August, 1916, to 30th June, 1920, both days inclusive.

This follows precedent.

MR. HOBSON seconded.

The question was put and carried.

EMPIRE PARLIAMENTARY ASSOCIATION

AFFILIATED BRANCH FORMED

MAJOR CAVENDISH-BENTINCK (Member for Agriculture and Animal Husbandry): Your Excellency, I beg to move: Be it resolved, that this Council approve of the proposal to form an affiliated branch of the Empire Parliamentary Association, and request that the Clerk to this Council do take on its behalf the necessary steps to give effect to this resolution.

I regard it as rather a special privilege, perhaps more especially in view of my somewhat lengthy association with this Council, that it should fall to my lot to propose this motion, which I regard as an outstanding milestone on the path of constitutional progress and the general advance of this Colony. Indeed, only a few years back, although I think many of us hope that we might see a branch of the Empire Parliamentary Association established in this country, few of us thought that it would happen, or that a motion of this kind would be brought forward in this Council as soon as it has.

Although it may be superfluous, I should perhaps say something on the origin and functions of the Empire Parliamentary Association and the great part which it plays in the community of Parliaments of the British Commonwealth. Perhaps one of the best descriptions I could give would be to state that when the German planes on a night in May, 1941, bombed the House of Commons, and in doing so temporarily destroyed the seat of the Mother of Parliaments; they also, by destroying the rooms of the Empire Parliamentary Association in Westminster Hall in the House of Parliament, temporarily obliterated an equally vital central institution of the British Commonwealth.

This institution, though not perhaps old in years, is certainly very old in tradition. It originated only in 1911, at the time of the Coronation, when Mr. Amery proposed that "His Majesty's Faithful Commons from each part of the Empire should by delegation of their members to be present at the Coronation", and from this historic assembly of members of the Parliaments of the Dominions was born a permanent

institution. It is, perhaps, appropriate that the building, in which the headquarters of the Empire Parliamentary Association are situated should be Westminster Hall—the hall of William Rufus, and Simon de Montfort's Parliament, the first Parliament of 1265, which was nearly seven centuries ago.

The main object of the Association is the establishment of machinery to provide a more ready exchange of information, and to facilitate a closer understanding and more frequent intercourse between those engaged in the parliamentary government of the component parts of the Empire. There are branches in over 30 Parliaments and legislatures of the Commonwealth. An amendment of the constitution was passed in 1924 which has made possible the creation of branches in the Colonies, such as Bermuda, which possess their own legislatures and considerable powers of self government, and has also made possible the bringing forward of this motion to-day.

The United Kingdom branch of the Association is merely a branch, equal in status to any other branch. The constitution is an agreed Empire document, which can only be amended by common consent. The Presidents of the United Kingdom Branch are the Lord Chancellor and the Speaker of the House of Commons, and the Vice-Presidents consist of the Prime Minister, the Leader of the Opposition, the Secretary of State for the Dominions and the Secretary of State for the Colonies for the time being. In overseas branches of the Association the Clerk of the Parliament or the legislature usually acts as Secretary to the Association, and the affairs of each overseas branch are controlled by an executive committee representative of all parties represented in any legislature, which is elected annually by the members of the Branch.

As regards individual members, should we be permitted to form a branch and to join, important connections are given. In England, members receive travelling expences and are afforded access to the Dominions Gallery, the Members' Lobby, and the Strangers' dining and smoking Rooms, the Library, and the Terrace of the House of Commons. They also have access to the

House of Lords. Members can always obtain an introduction to any individual Member of Parliament or to any Party or group. They can arrange to address members of the House either in the House of Commons committee rooms or in the rooms of the Empire Parliamentary Association. Obviously, in return, should this motion be passed and should we be allowed to form a branch, we would naturally wish to reciprocate in the so far as lay in the power of a small country like this.

I might say that when I was in England last year I followed up previous approaches which I had made, and as a result of discussions and correspondence with Sir Howard D'Evville, who is Secretary to the Empire Parliamentary Association, I was informed that, if this Council resolved to form an affiliated branch and apply for membership, the executive committee would be likely to accept us. Northern Rhodesia has already formed such a branch, as, of course, have many West-Indian Colonies. All the Dominions are members. Naturally also Southern Rhodesia.

I do not want to speak at any length on this proposal. I feel this Council should form a branch. It can only be to the advantage of every single member, no matter what community he represents. This resolution, if passed, will, I repeat, provide a landmark in our constitutional development, affording as it would some recognition that we were emerging from our past status of an embryonic Crown Colony into that of some measure of responsible government. I sincerely trust and am confident that the motion which I have the honour to propose will be accepted by every member in this Council. (Applause.)

SIR ALFRED VINCENT (Nairobi South): Your Excellency, I beg to second the motion before-Council, and on behalf of my colleagues and myself to support it fully. I do not want to waste the time of Council, as the hon. mover has given us all the details and explanation as to why we should take this step, but I should like before I sit down to say that I consider that the thanks of every member of this Council are due to the mover for initiating this idea and for so patiently carrying out negotiations during the past year. (Applause.)

MR. PATEL (Eastern Area): Your Excellency, on behalf of the Indian elected members I beg to support the motion most heartily. There can be no doubt that this step is in the right direction and will prove highly beneficial. I associate myself with the hon. Member for Nairobi South in stating that the thanks of every member of this Council are due to the hon. mover of this motion.

MR. MATHU (African Interests): Your Excellency, I rise to support the motion before the Council, and on behalf of my colleague sitting beside me I should like to thank the hon. mover very much indeed and to say how we appreciate this step, because it will definitely lead to a closer and more friendly relationship between the members of this Council and the members of the Home of Parliaments—the members of the House of Commons and the House of Lords in London.

The question was put and carried.

SESSIONAL PAPER No. 8 OF 1945.

LAND UTILIZATION AND SETTLEMENT.

MR. COOKE (Coast): Your Excellency, I beg to move: That this Council views with the greatest concern the continued deterioration of the land and water assets of the Colony despite repeated indications on the part of Government of its awareness of the position, and calls for the prompt disclosure of Government's detailed plans as fore-shadowed in Sessional Paper No. 8, now some 18 months old.

In my nine years' membership of this Council I have not risen with a greater sense of responsibility than I rise to-day, for we in this country are faced with a problem, the magnitude of which has not unfairly been compared with that of total war, for we are not only faced by human foes who cut down our forests and pollute our rivers and despoil our land, but all the time—year in, year out—the great forces of nature—the sun and the winds, the floods—take their ruthless toll. For that reason I submit that we ourselves must also wage total war.

From the start I want to make it plain that I am under no illusion that Kenya, or that this age, is unique in having these great problems. I am fully aware, and so

is my secondor, that the Sahara, for instance, was once an area of great lakes and forests until primitive man came along with his goats and his axes and gradually, after centuries, turned it into a desert. We know that China went through the same phase until the Mandarins of that day took strong action; and it was reading only the other day that in Tudor times in England the cattle had so deteriorated that they were only half the size they had been some centuries before, and even the pasture lands were infected with a murrain—some kind of infection which conveyed anthrax—and that the agricultural land had seriously deteriorated. We know that in South Africa something like 200,000 acres a year are being lost by soil erosion; and in the United States of America we have all read about the Dust Bowl, and we know that in one year no less than 2,000 farms were overwhelmed by the desert. But I submit that the fact that other countries and other ages have experienced these calamities should not breed any spirit of defeatism in us—quite the reverse.

What is the position in Kenya to-day? It is in order to get an answer to that question that I have brought this motion. We have been informed on most excellent authority that in the last 25 years we have lost 50 per cent of the fertility of our soil, and it would not require an arithmetician of the calibre of my hon. friend the Member for Finance to calculate what this country will be like in another 25 years time, and that with an increasing and possibly doubling of the African population. I know I shall be told of the gallant efforts made by the agricultural and administrative officers during the last few years, but their efforts, I submit, are, I was going to say, a feeble—but that might not be parliamentary—compared with the great problem in front of us, and unless we take immediate and ruthless action I feel it will be another case of too late.

With the permission of Council, I will give a few extracts from the warnings that have been given in the past. My hon. friend the Member for Agriculture may say it is no use crying over spilt milk, but I would again remind this Council of that famous saying of Mr. Winston Churchill that the "value of

[Mr. Cooke] recrimination about the past is that it ensures effective action in the future". In 1925—and I must apologize to Council, but I want this on record—the Ufu Farmers' Association, of which, I think, the hon. Member for Ukamba, was then a member, drew urgent attention to the state of the Ukamba country. In 1929 the Agricultural Commission under Sir Daniel Hall advocated the compulsory culling of stock, in conjunction with a meat factory. In 1931 Sir Frank Stockdale pointed out the danger of growing crops at the expense of the grazing areas. In 1936 Sir Alan Pim pointed out the great dangers of soil erosion, and spoke of the haste to increase crops in the native reserves without corresponding counter-measures against erosion.

In 1936 Mr. Colin Maher, who is happily still with us—although I think he has been "blown off" in consequence of nothing being done—suggested retilling blocks of 100,000 acres a year, and he says that the measures now being taken and the expenditure which has been made are inadequate to the point of futility. That, sir, was 10 years ago. In 1933 the Carter Commission had recommended destocking. In 1937 Sir Frank Stockdale again reported that the position was considerably worse than when visited by him six years ago. In 1938-1939 Dr. Pole-Evans reported, and his report was the subject of a motion in this Council, which was seconded by the hon. Member for Agriculture. In his report he drew attention to the Yatta Plain and its poor grazing, and said also that the Kikuyu were cultivating their swamps and that the country was losing its "most priceless and precious possessions". He advocated the complete removal of human beings and stock from selected areas so that the land might recover. Then in January, 1945, we had that famous broadcast by Sir Philip Mitchell, and it did look at that time as though a total war would be waged because of the military firms used. D-Day was fixed, and D-Day came, and no balloons went up! And from that date to this it is my contention that not a great deal has been done.

Now, sir, what has been done in the past? In 1940 the Land and Water Preservation Ordinance was passed. It is no consolation to anyone to say "I told

you so", but it is on record in Hansard that I and one or two others made strong representations as to the complete inadequacy of that measure, and we were right. In 1943 Government had to bring in another Ordinance which, as I said again, was completely inadequate, and I understand that the hon. member finds that the 1943 Ordinance is completely inadequate, and now he is working on an Ordinance which will be much more stringent. During that time millions of tons of our best soil have been pouring into the Indian Ocean. Down at Malindi the other day my attention was drawn to the fact that the Sabaki River was now believed to have formed a bar, the first time in history. Precious land in K'kuyu has contributed to build up a delta there, which has never happened before. I do not say it is true; but it is strongly suspected. I must quote what the officer commanding the soil conservation services said about erosion last year. I will not mention the districts, but there were two prominent districts in Kenya, and he is talking mainly about the effect of squatters who have been allowed on farms. He said: "Unrestricted grazing, no supervision, overstocking, eroding cattle tracks leading to watering places, which are often too many in number and badly sited, and cultivation too near stream banks and on steep slopes". And he went on to say that Mr. Watson, a prominent agricultural officer in this country, had given serious warning of overstocking on North Kenya farms. That warning, according to Mr. Colin Maher, was not accepted, with the result that during a visit he found cattle wandering about in clouds of dust in the Naro Moru and other parts of the district and, of course, the loss of this cattle was a great loss to the Meat Marketing Board which, we discussed during question time this morning.

I do not say that nothing absolutely was done. I was assured by an hon. friend yesterday that the hon. member has taken strong action against a few farmers. If that is so, I think publicity should be given to that action, because I am unaware of any strong action. I asked a question on the subject a year or two ago, and the reply certainly did not disclose that any strong action had been taken. The other day a Moinen farmer was fined Sh. 40, the price of two bottles

[Mr. Cooke] of Johnny Walker whisky, for a flagrant disregard of orders given by the Agricultural Department! I do not think that is an adequate penalty to inflict. I am fully aware that the position in the native reserves is even worse, but the Africans at least are ignorant people and very often do not know the difference between good soil measures and bad ones. But I would ask the hon. member this. There has been a report by Mr. Humphrey, and also reports by Mr. Maker, about the position in the South Nyeri district, and there is also, I understand, one pending about the Kavirondo province. Does the hon. member accept those recommendations, or does he not? If he does accept them, when does he intend to implement them, because Nature is not standing still. It would be all very fine if Nature was still, then we could wait and see. But it is not possible to do that. Things are getting worse as we wait.

It is only fair that I should suggest remedies, and I have got a fairly large list here, and I will read them one by one if I may.

No. 1. I suggest that the time for persuasion alone is past, and I say that compulsion is absolutely necessary. So far as Europeans are concerned, it is always said that you must wait for public opinion. I have been a good many years in this country, and you, sir, have been here some years, and I think that you and I find it very hard to say what European public opinion is at any one time! But I can give quotations from two prominent farmers in this country, and I would refer you to the virile articles in the *Kenya Weekly News*, which is a paper devoted to the interests of farmers, which, in and out of season, is advocating strong measures of soil preservation. Here is what Mr. Lipicomb, a prominent farmer of Kikangop, has written: "But whatever measures are used to avert calamity, it is certain that some measure of compulsion is necessary." Major H. B. Sharpe, a very old resident, writes even stronger: "If farmers cannot carry out soil protective measures, then as a final penalty they must be deprived of the land." We know that in England the Agricultural Act was passed last year which can, in effect, deprive farmers of land. That is a very strong measure for

liberty-loving people, like the British to take, but they regard the safety of the State as the supreme law, and a man can have his land taken from him after one or two warnings if he is not farming properly. The same applies in Southern Rhodesia, and I am glad to see that Dr. Worthington, in his report on the development plan for Uganda also seems to advocate compulsion.

With the African the need is even greater, because if we wait for the crystallization of African public opinion we shall wait until it is far too late. I know that possibly the hon. Chief Native Commissioner, if he speaks on this subject, may point to the failure of compulsion in Ukumbani in 1939. But it was not the compulsion that failed, but the extremely bad methods used in attempting to destock because plans were never laid or properly thought-out. That was the main reason why compulsion failed in Ukamba. If I may quote from the Agricultural Department annual report for 1945, this is what it says: "For some 25 years we have taken from the land all we could get, we have put back over that period negligible quantities of fertilizer and feeding stuffs and the bulk of the land has never had either. The time has passed when it was possible either on native or non-native lands to forsake deteriorated land and break new, and we have to face the issue of building up fertility on our arable lands or cease to exist as an agricultural country". Now, those words "cease to exist as an agricultural country" are not the words of a mercurial and volatile Irishman like myself, but the words of a gentleman on the other side of Council who has as great a genius for under-statement as you yourself possess, sir. (Laughter.) He says we shall "cease to exist as an agricultural country". Can anything be stronger than that? I would emphasize again that they are not my words, but the words of the hon. gentleman opposite, the Director of Agriculture.

So my first recommendation is compulsion.

No. 2. I submit—I am perfectly aware that certain hon. members who may speak may not entirely agree with this—that we must cease to subsidize uneconomic farming. A valuable report in Southern Rhodesia the other day makes this caustic comment regarding

(Mr. Cooke)
 subsidization: "The result is that the community pays more for its bread and butter in order to subsidize the destruction of soil and water supplies." That is very often the case, I am afraid, in this country. This is what my hon. friend said again in his report, and I hope I will be excused reading it. "There are acres of native lands under cultivation that do not yield an average crop of two bags of maize an acre, there are coffee plantations yielding an average of less than 1 cwt. per acre, there are pyrethrum fields giving less than 50 lb. per acre, and wheat and maize fields that never pay their way. Why do they remain under cultivation, and why do the farmers continue the struggle? Far better for both the farmer and the land to give up such cultivation now and restore the land to grass than to go on until inevitable ruin overtakes both farmer and land". Those are pretty strong words, and we are still going on. I will just cite one instance, and perhaps it is just as well that the substantive Member for Kilimbo is not here for she might be inclined to give me a thick ear! But I will mention the question of the marginal coffee lands of Ruiru and Thika. I submit that they should be taken over by Government at a fair valuation and allowed to revert to grass. It is absurd to go on subsidizing that uneconomic coffee land in that vicinity. It would have this double advantage: it might become a grazing area, and supply Nairobi with its much wanted milk.

No. 3. The terms of reference of the African Land Settlement Board must be further enlarged in my opinion. I am not advocating that the Board should be given power to recommend excisions of parts of the Highlands. It is quite up to them to say they have not got enough land, and it is up to Government to find land elsewhere, but I would say to friends of the Highlands that the more they try to keep perhaps the more they will lose, and I should like to see some of the lands in the Highlands—on the fringes of native reserves, which are not being economically farmed, leased to Africans as a farming proposition. General Smuts and his Government have taken millions of acres of land from Europeans in the Union for the re-establishment of African agriculture, and I do not think anyone will have the

temerity to say that General Smuts is less solicitous for the white people of South Africa than we are for the white people of Kenya.

No. 4. I should like to see more done in the way of bush clearing. I know it is on the tapis that a 10-mile radius of the coast to Tana should be cleared of bush to get rid of tsetse fly, and Mr. Daubney, the former Director of Veterinary Services, told me the area would make excellent grazing for cattle, and there would also be tremendous opportunities for horticulture.

I have asked this question *ad nauseam*, and I would like the hon. member to tell us what he is doing about the Kilifi clearing scheme? I would like him to say "We are not going on with that scheme" or "We are", which is the answer? It has been under consideration for two years, and I claim we are entitled to know. If he says it is not to go on, it is at any rate an honest answer. If he says "We are going on" it is all to the good, and if he will tell us what priority he will give to that scheme. But we are sick and tired on this side of Council of all these continual "Under considerations". Surely to goodness it is possible in a year or two, or months, to give some decision, and even a bad decision would probably be better than no decision at all. In any case, we would know where we are.

No. 5. The survey of the Upper Tana. I should like to know what has eventuated from the survey in regard to the barrage scheme, and I must quote again. This scheme was first put up in 1914 by Messrs. Harris and Sampson, and this is what they say—it is very prophetic, or pathetic, although it is both actually! "Thus the project may be regarded in the light of the requirements which are likely to exist not only in the next five years or so but between 1945 and 1960. It is a long while ahead, but unless the foundations are laid now the edifice will not be ready when needed". Those are pretty true words. The foundations were not laid, and the edifice is not ready when needed. If there had been this barrage—I do not say it is a practical proposition—it would have settled thousands of Africans on that land and it would have controlled the waters of the Lower Tana, which are now subject to terrific inundations during the rains, and thus facilitated increased rice growing by the Pokomo.

(Mr. Cooke)

No. 6. I must return to the charge of the formation of an African land army, although it will not be accepted by the hon. member Mr. Mathu, but it was the unanimous suggestion of the African Postwar Development Committee which was presided over by the hon. Member for Health and Local Government. I have advocated such an army in and out of season. A lot of things can be done by machinery, but at Makuani there is not such a necessity, and I should like to see a really disciplined body, formed into battalions, properly officered by young Kenyas, Europeans, and by Africans where possible, and those people should be properly fed, properly housed, possibly on the lines now being run by the groundnuts scheme in Tanganyika, to undertake these big schemes of soil conservation. It would be very good discipline for young Africans, and enable them to do something in the rebuilding of their own country. Unless a scheme like that is launched and carried out with imagination, and with people able to handle those Africans, it is bound to be a failure just as the Works Company was at Machakos, although the hon. Chief Native Commissioner will not admit it. But it was a failure because it was badly led and was not properly organized. I would strongly advocate this. I understand that in Northern Rhodesia there is such a scheme of a land army, and it is working well. There is no question of serfdom or slavery—I am advocating giving good pay, good conditions, and proper and regular work.

No. 7. I would end with a note about Makuani. That question has been brought up by me several times. We had the astonishing admission by the hon. member the other day that it would take 30 or 40 years to complete that scheme. I was speaking to a very senior agricultural officer the other day, and he said it would cost at least £300 to establish each family on this land. If we are going on with this scheme, it must be tied to something very much bigger. I have suggested before that Makindu should be made the nucleus of a big scheme, and from there other schemes should radiate. Makindu has got very good rail and road communications, and it could be turned into a large African town. There is no reason why leather curing and boot-making factories should not be estab-

lished there, carpenters making chairs, tables and that sort of thing at which the Wakamba are so good, and it could gradually be the centre of a great scheme radiating from Makindu and including the reasonably well watered plains around Kokobo and the Makindu Rivers.

But if Government are going to do that they will have to tread on certain vested interests. I understand that a few Asiatics own land in that vicinity, they have had it for 30 or 35 years and have done nothing to develop it. I say that Government, whether it is European or Indian owned, should step in and acquire the land, of course at reasonably fair compensation, but it must not allow the fact that we have not got the land for Africans to hold back these big schemes. I suggest that a complete reconsideration of this Makuani project is not too late now. It is going to end in failure as far as finance is concerned and is not going to produce the goods, and what is wanted is an area reasonably fertile in which you can settle Africans while their own land is being rejuvenated. It is no use, as somebody put it, "mucking about with deserts".

I have very inadequately, but if I may say so, sincerely, tried to present some of the problems. I know they are extremely difficult, but we are a young country, and we must be bold and courageous in everything we do. If anyone feels that the difficulties are insurmountable, I would quote that famous reply of the French Minister to Louis XIV:—"Sir", he said, "if the matter is difficult it is already done, and if it is impossible it will be done".

Sir, I beg to move.

MR. EDVE (Nyanza): Your Excellency, I beg to second the motion that has been moved by my hon. friend the Member for the Coast, and in so doing I should like to associate myself wholeheartedly with the terms of that motion. I am, however, not entirely in agreement with him on certain points that he has made in his speech. Knowing him as I do, however, I feel sure that it would quite spoil his morning if no element of disagreement was allowed to appear!

He has covered a very considerable field and has fortunately left me with only a few aspects on which I should like to comment and which I hope Government will include in their reply. In fact,

[Mr. Edye]

I should say here that my chief reason for seconding this motion was in the hopes that it would extract from Government a very full statement of what has been done, is being done, and what it intends shall be done as regards this problem, the solution of which, in my opinion, is of paramount importance to the future well being of this Colony.

The first point which has been touched on to a small degree by my hon. friend is the question of legislation. Without legislation in a workable form it is, to my mind, quite impossible for Government to implement any policy. For instance, we have various ordinances under which we work to-day: we have the Land and Water Preservation Ordinance, the Crown Lands Ordinance, 1938, the Crown Lands (Amendment) Ordinance, 1938, the Native Lands Trust Ordinance, 1938, the Native Authority Ordinance, 1937, and the Crop Production and Live Stock Ordinance, 1926, to name a few. These ordinances were the natural evolution of a young and growing colony and were primarily, I think I am correct in saying, designed to safeguard land interests, native rights and so forth, but nowhere did they seek to safeguard that most important thing of all—the soil. Yet these are the ordinances under which we have to work to-day; and I cannot but think that they often contradict each other and are apt to hamper rather than assist any policy Government may wish to implement. I should like to know what efforts are being made to coordinate these ordinances and produce a law which is practical and which is a workable whole rather than a mass of conflicting ordinances, and which will bear some relation to the needs of to-day.

You cannot implement any legislation if you have not got the staff, and I am equally exercised over this question. I am sure everyone will agree that the success of any policy is dependent on the calibre, quality and enthusiasm of the personnel who are there to carry it out. We cannot get good quality personnel and we cannot engender enthusiasm if their terms of service and their period of employment are not attractive. What precisely are the terms of service which are being offered by the Government and what length of employment is offered in that service? It would be fatal to success

and very much more costly in the long run if the wrong type of man was allowed to try and carry out Government's policy in the reserves. I am sure most people agree with that. I am equally aware that to obtain suitable manpower to-day is extremely difficult. In fact it is obvious from the report of D.A.R.A. laid on the table yesterday, and therefore I presume it will be necessary to train possibly a certain number of people in this country. There does not seem to me to be much object in training personnel if, when you have trained them, the terms of service are such that they will immediately try to get another job, rather than carry on in the Service, on this agrarian problem.

I have mentioned staff, legislation and policy, but none of these are the slightest use without a clearer understanding by the people on whose land we are attempting to make these remedial and beneficial measures. The hon. mover has mentioned compulsion. I entirely agree with him, but I am sure he will agree with me also, that compulsion, and the carrying out of any of this necessary legislation, will be made easier if there is a clearer understanding of what everyone is driving at. I know that propaganda can be greatly over-rated, but I venture to suggest that it can also be under-rated. It can be a very useful medium in combating those people—and I should like to make it quite clear that I am not referring in any way to hon. members on my left (members representing African Interests)—whose idea of leading their people seems to be the production of the biggest packet of lies in the shortest possible time.

If we are going to combat any of these false statements which are being made, and which are prejudicing the success of any of D.A.R.A.'s ideas for solving the agrarian problem, I do venture to suggest that we have got to make use of far more energetic propaganda—propaganda which is very carefully and scientifically thought out and applied. I make that provision because it is no good using the type of propaganda which, I understand, has recently been used somewhere near where I live. I understand that the propaganda unit was giving, through one of its African employees—a man employed by Government—a highly successful pep talk every evening. This pep talk was greatly appreciated and went over in a

[Mr. Edye]

very big way, much to the delight of the European who was supposed to be in charge of it. Imagine his dismay when it was pointed out to him halfway through that this pep talk which had gone over so big was quite the most virulent anti-Government propaganda that could be imagined! I might mention that it was given in the vernacular and that is why it was not understood by the man in charge. That, of course, is not going to do much good. I should like to hear from the member whether he himself feels that propaganda can be of use, and whether any attempt will be made to see that propaganda is organized in a proper way and used in a sensible manner.

There is no question that the prejudicing of the case by some misguided people in the Reserves does make it very much more difficult to carry out sensible and obvious things that have got to be done. Some of the results—I may be wrong, but perhaps the member will correct me if I am—I attribute to the talk of these agitators and so-called leaders, as, for instance, that the houses which may be required to be erected for European personnel who are going to attempt to enforce the necessary legislation and policy have got to be put into bomas, sometimes many, many miles away (I am talking of official bomas, those of district commissioners and so forth) from the work they have to carry out, because of the suspicion that has been engendered that to have their houses in the reserve would result in the land being lost to the African. I could quote many instances, but I will not waste the time of Council except to give you one or two short ones.

There is a hospital being put up in the native reserve at Kapkats. That hospital has been built at considerable expense, it is practically ready to operate but for the fact that the water system is not working, owing to the need for the erection of one tank in order to provide the pressure. That one tank in order to provide the pressure has got to be situated just outside the demarcated area. The natives concerned do not want the tank to go up outside the demarcated area, again because of adverse propaganda to the effect that they will then have a white settlement area there, or nonsense of that kind. The result is that the hospital cannot start to operate.

Then you have the Kabanga Veterinary Centre. Over two years ago the Local Native Council and the Local Land Board agreed to the provision of a veterinary centre at Kabanga. Because of the machinations of two agitators recently, the whole of this beneficial scheme for the improvement of cattle in the Kipsigis Reserve had to be held up on the grounds that the local people had not been consulted, when in fact the Local Native Council and the Local Land Board over two years ago gave their agreement. And so on *ad infinitum*. I do hope Government will tackle this problem of propaganda energetically.

There is another aspect of the matter, on which I should like very much to hear what Government feels. If we are to succeed in solving this agrarian problem, it seems to me we have got to face, and face now, the question of a landless population. It is no good blinking the fact that if you are going to recover the land and, having recovered it, keep it in good heart, you will have to control the number of people who are on it. If you are going to create a landless population it is quite obvious that, if it is going to be at all attractive to anybody, you have got to think out some means of making employment other than on the land attractive to the African. I do not profess at the moment to have a solution to this problem, other than the obvious one of secondary industries which are in many cases a snare and a delusion. I fully appreciate that there are many secondary industries which cannot be started in the country—but I should like to know if Government has considered setting up a committee, or has already got any planning committee, to go into the question of secondary industries and try to find means of employment, and attractive employment, which will provide a suitable standard of living for the African who will find himself divorced from the land if his land is ever to be saved.

I should like to mention the Kamasia Reserve, where excellent results have been achieved by an active Administration, and I think Government should be very much congratulated on what they have done, but I should very much like to be assured that when that land has finally been recovered, the necessary control and necessary arrangements will be made within that area to see that it does not once more go back.

[Mr. Edye]

There are many points I have left untouched and many difficulties which I know have got to be solved, but, as I said, I do not propose to go into any particular detail. What I am anxious to find out from Government is in what fact they are intending to do.

Mr. HOPKINS (Aberdare): Your Excellency, I think I should endeavour to make some contribution to this debate, if only because I was a member of the old Production Board, am a member of the present Board of Agriculture, and was, I think, the first unofficial chairman of a Production Committee in the districts.

Now I feel I must start by making one mild criticism of the Member for Agriculture and Natural Resources. In these enlightened days it would seem that, if one wants one's work noticed or appreciated, one must pat oneself on the back, shake oneself by the hand and blow one's trumpet as often as possible. In this the member has failed dismally. Instead, he has devoted his energy to getting on with the job. The reason why the hon. mover has wrong ideas about what has happened in the North Nyeri district is clearly because there has not been sufficient advertisement of what has been accomplished. I think that quite the greatest achievement of the Board of Agriculture's organization is that it has made farmers to very much more soil conscious than they were before. Production Sub-committees generally consist of men who are leaders in agricultural thought and knowledge and so well, I consider, have they done their work that there is scarcely a district now where public opinion is not most critical of over-stocking, over-cropping, or any other abuse of the land.

Perhaps the most remarkable illustration of what has been achieved has taken place recently in my district. At the request of the Production Committee, the Member for Agriculture set up a committee under the chairmanship of Capt. F. O'B. Wilson to consider the question of the destocking of overgrazed farms in the North Nyeri district. In due course a soil conservation officer was posted to the district and, under his direction, all over the district farmers reduced their stock. They reduced their stock almost always at considerable

financial loss to themselves, but with a view to the ultimate good of their land. The remarkable thing about this destocking on European farms is that it was all done voluntarily. I will not say it was always done willingly, but to such a degree did farmers co-operate that in no single instance did the soil conservation officer have to appeal to the Director of Agriculture to use his powers to force people. I think that is quite a remarkable happening, and one which should be far better known over the country than it apparently is. Especially do I think that the Africans should know this, because I do know that, in spite of the strenuous efforts of agricultural officers and administrative officers, they really have made very little progress in this respect.

I should like to say something also about over-stocking in the native reserves, and in justification for doing so I would plead that for 28 years I have been an administrative officer in this country. For the whole of that time, without exception, I have been in charge of native reserves, so that I ought to have been able to find out something about them. Our basic trouble in the reserves is, of course, that all the good areas are over-stocked and over-populated. Over-population has been brought about very largely by Pax Britannica, Government's efficient measures to prevent the famines which used to sweep through the country in years past and, probably more than anything by the efficiency of the Medical Department which has put a stop to epidemic disease, improved health generally, and reduced the incidence of child mortality. In the last 30 or 40 years the population increased tremendously, and the progressive congestion on the land has been most noticeable. I shudder to think what the position will be in another 25 years, now that we have the aid of these new drugs which are available to medical science.

Some may argue that these benefits which we have given to the African we have ourselves enjoyed for a very long period, and yet they have not resulted in congestion on the land. There are a lot of reasons for this, but two of the main ones are, I think, that, unlike the African, the European does not consider that every man has to have a stake in the

[Mr. Hopkins]

land, and those surplus to its requirements seek employment elsewhere. The other reason is, I think, one of the main reasons, and that is that in most progressive countries now birth control is now practised. I know this is a difficult and contentious subject, but I do believe that, if the African does not adopt, in the reasonably near future, some form of birth control, we are heading for problems in the future far greater than we have to face at present.

To turn from over-population to over-stocking, again, speaking broadly, over-stocking is largely due to the dowry custom, and to the efficiency of the Veterinary Department in stamping out enzootic and epizootic diseases. The dowry and communal grazing customs are showing signs of breaking down in certain areas, but they have always existed so far as we can remember or have information. Why, then, is it that over-stocking became a problem comparatively few years ago? I think I can give you the answer, although you may think it rather startling. It is due almost entirely, in my opinion, to the cessation of grass burning which we compelled the Africans to adopt without realizing its repercussions. I can well remember, and most hon. members can, when all reserves had plenty of grass, and each year in the dry season fires swept through the grazing. When this happened, grazing became scarce and the cattle became debilitated, down in condition, and, especially when the expected rains were poor, or failed altogether, the weak, the old, and the unfit died. The natives were in fact practising an extremely drastic and effective form of stock limitation, although they did not realize it themselves. When Government stopped this grass burning, cattle increased tremendously, with the aid of the Veterinary Department which, as hon. members know, is mainly concerned with the control of disease. Why I make that point is because the Veterinary Department, if it was suggested they should leave the culls and bad stock and inoculate only the good ones, say they have got to stamp out disease. With the aid of that Department then, and the new amount of grass, there was in a remarkably few years a cattle increase

to such an extent that all grazing is being eaten down, and when that occurs it is impossible to burn any more.

I should like to make it quite clear that I am not advocating a return to the old custom of indiscriminate burning. I am not doing so. The point I am trying to make is that burning was the most effective method of controlling the number of stock in the reserves, and we stopped it before we had realized what the repercussions would be and before the African was ready to adopt more up-to-date methods.

From what I have learnt in 28 years' work in native reserves and from the information I got during a trip I was able to make to study these matters in South Africa, Basutoland, and Rhodesia, I am perfectly and absolutely convinced that we have not the slightest hope of convincing the Africans to change alive today their attitude to the land and to their stock must undergo a rapid and drastic change. We might with a carefully planned educational policy do something with the very young now growing up, but that will take time, and time is one of the things we cannot afford very much of. When we have formulated our plans, which we understand Government is endeavouring to do now, I think that no doubt enforcement must take place. I know that a lot of people, especially Africans, will not like anything to do with force, but we have got to stop being squeamish, and think of the land, which is not only our land but the land of our descendants. Unless we are prepared to compel all natives to take such action as is necessary for the salvation of our land then I am quite sure that ordinances, dispatches, speeches, development plans, and the best intentions in the world will continue to be as ineffective in the future as they have been in the past. (Applause.)

Mr. BLUNDELL (Rift Valley): Your Excellency, in rising to support this motion I want to put before this Council a point of view which I do not think has been sufficiently stressed by the hon. mover or leader.

We always assume that this problem is an agrarian problem, and as you will see from the report of the African Settlement Board this morning it dealt with the agrarian side in a rather piecemeal fashion. It is not really an agrarian

[Mr. Blundell] problem at all, and I think that to take it solely as an agrarian problem will end us in many difficulties. The main problem, of course, is the social one, being the enormous increase in the population, and the influence of the western method of life on a people completely insulated from the world before we came here with the consequent necessary adjustments. None of the measures we have outlined this morning will help us in the slightest unless we also adjust the social background, otherwise it is exactly the same as a man inflicted with pox covering every sore with sticking plaster. It will not do him any good, but he may think he has dealt with the problem when his own physical ruin is going on inside. I would like, when the hon. member replies, to hear what long term policy is being designed to deal with this social side of the problem, by which I mean—what action is going to be taken on the points touched on by my hon. friend on my left?

Once we have dealt with and cured, we hope, the agrarian problem, we will have the problem of what to do with the people who can no longer obtain a living from the land. I imagine that we may cast our eyes possibly to Tanganyika in the hope that the great industrial development foreshadowed there may solve the problem, and I also hope that we shall be able to deal with the possibility of exchanging or moving surplus populations from one East African territory to another, for we cannot accept a line on a map as being necessarily a barrier. That will be much opposed by Africans naturally, but it is not in fact alien to them, and if they look at their own lives before we came here that process was relentlessly going on. It is now going on in the Northern Frontier where people in the desert country are infiltrating south, and you see relics of it quite definitely in the establishment of the Acholi people in Northern Uganda and their branch the Luo, around Kiumu. Therefore, I see no reason why we cannot establish colonies further south from this territory. It is also a problem that other countries have had to deal with, in our own case singularly fortunately, as we were able to divert an increasing population into an industrial revolution, and

were also gifted with the production of agriculturists with the quality of Townsend and Coke. That meant that a breathing space was given in which to build colonies in different parts of the world. I would like to see some plan made for the future, so that the resources not only of this country but of neighbouring territories are co-ordinated in dealing with this social problem. I emphasize it, because I do not believe we shall ever deal with it entirely on an agricultural basis.

I should also like to see in dealing with it a tremendous improvement in the method by which Government puts its point of view before the people. Whereas my father's generation considered the unemployed might be mown down with machine guns, we to-day think that the unemployed are the obligation of the State, and the difference is between one generation and another in outlook. But I do not think we are doing anything at the moment to alter ours or the African outlook on this problem, and the proof is in the fact that some hon. members have advocated force. Although I think that force is an attractive thing to put up to cure this problem, I do not believe it will, because if we are going to cure this problem the cure must grow out of the people. I would draw attention to the methods by which the army was able during the last six years to control large numbers of Africans. People often say to me it was easy in the army because they always had behind them force. That may be so, but nevertheless the army as far as the Africans were concerned, grew to nearly a quarter of a million, and I submit it is difficult to force a quarter of a million people to do anything. The real reason the army was successful was because it convinced the individual concerned that its policy for the individual was the best for him and consequently made it worth his while. I do believe that merely to go and force agricultural measures on Africans will be fatal, unless at the same time it is tied up with the benefits which will result from better agriculture.

I should like to know whether the hon. Chief Native Commissioner and the hon. Member for Agriculture do consult very closely with the Director of Education, because I do not believe it is any good, in the state we are now, producing a large quantity of educated per-

[Mr. Blundell] sons unless they are given very strong help towards curing this problem. You can see the thing in England to-day. We have a Socialist Government, and it has taken some 40 years for Socialism to arrive. It has arrived. I think that many of the points which Socialism puts before us were anathema to our fathers but which we now accept because we have had 40 or 50 years. I hate to use the word, propaganda, of that point of view before us. Things turned down fifty years ago are accepted to-day as right. I cannot believe that we shall cure this problem in five years, and it is therefore useless to talk of short term measures, and side by side with the technical measures that the Member for Agriculture is responsible for, we should also deal with a long term policy, and I should like to see not only the tie-up between the Director of Education and the Chief Native Commissioner but also better methods in the Kenya Information Office.

I am not at all satisfied that we provide enough attention to that office or funds at its disposal or, indeed, have the right personnel in it. During my last year in the army I was responsible generally for that side of an officer's life, and it always struck me that the Kenya Information Office was more or less used for straight news, and somebody might remember it if they were in a bit of a jam. The truth of the matter is that before Government puts over any revolutionary policy which it must adopt to cure a problem, the ground must be prepared for longer periods than people think. It is useless to imagine that if they want cattle in six months' time removed from a certain reserve they can tell the information service to lay that on. It should be laid on five years earlier, for you have not only got to alter the African outlook on the subject but also that of the people in England. These are points to which I should like to draw the notice of hon. members opposite, because if you are going to use force at some time or the sanction of force may be necessary it will also be necessary to convince those liberty-loving people in England that such force is necessary.

Coming to the problem itself, the agricultural problem, which arises from the social one, I would like to see a

great strengthening in the Administration and also in the agricultural service. I also think we have not made nearly enough efforts to secure African leadership in these matters. I do not believe that African leaders, generally speaking, and I do not only mean my hon. friends on my left, I do not believe that they wish to see their country destroyed any more than we do, and I do not believe we have attempted to take these young men straight out from school, whose minds are bursting with the new ideas education has given them, I do not think we have attempted to get hold of them and enlist them in the channels we want developed. I think the Kenya Information Office might well be a useful channel to absorb the best of the Africans trained in dealing with this problem. We who have many hundreds of years education behind us forget that it must be equally disheartening to the African leader, who is educated, to deal with his own people as it is sometimes for us; and if we gave them a channel through which they could put up their energies to help their own people they would accept it. I believe also that wherever we can we should attempt to destroy individual rights to land. By that I mean we should develop communal schemes of farming. These schemes might be anything up to 10 or 20,000 acres. There would have to be someone at the head, and a series of underlings, who will put forward and carry out a general plan. These persons again might be taken from the African leaders, who will have something constructive to deal with.

Once you get a communal area it would be useless to allow any longer the individual right to land. You might have the individual right to shares in a communal farm but not to shares in the land itself, or give members' descendants a right to share in such property but not in anything dealing with the actual land itself. I say that is a dreadful thing, because the ultimate end will be the production of a large landless African population, which is a thing difficult for them to understand. The same problem has happened in other countries and has been solved, and it will be solved here. As far as the individual African is able to hold an individual right in land I think the problem will be immeasurably more difficult to solve.

[Mr. Blundell.]

On the technical side I should like to hear from the hon. Member for Agriculture more about the pilot schemes. They should be prosecuted with more vigour, and I believe that if he runs them as he does through the Local Native Councils it is the best way to do it. I also think there is a need, instead of for one area, for several, where we can convince the African of methods of farming which are going to benefit him. Tied up with these pilot schemes is the fact that it is useless to develop land unless you develop enormously the method by which you run it and, above that, improve the quality of the stock using it which, indeed, can be done as much as five times from the point of view of production without the need of extra grazing. I would go even further and say that, if we are going to use force, we must also put up an alternative so that the African can see it is for his own benefit. I should like to see tremendous development in stud farming, better cows and bulls from other areas where these measures are being taken. We have, as hon. members know, at least there has been developed in Texas, a cross between a zebu and Hereford, and I should like to hear from the hon. member whether any have been imported into this country, and I should also like to know whether any attempt has been made to improve our local zebu type possibly by importing from India. We have some, but we want more of them.

In dealing with the actual specific agricultural problem, I should like to see a great deal of the work undertaken by the hon. Member for Agriculture taken off his shoulders. He is far too busy to deal with these problems at the moment, for he has far too many boards of which he is chairman, and has too much detail, and in order to do that and not complicate existing systems I should like to see the African Settlement Board enormously strengthened. I believe it needs to be, both in dealing with the administration, but above all in the personnel running the board. I do not believe frankly that the production of these reports from the board are going to improve the basic problem, it is merely pieces of sticking plaster stuck all over the body from which the pox is erupting. The board has got to be expanded to plan its work, and

it has also got to have greater executive authority, and I hope to hear from the hon. member that he is contemplating these changes.

There are one or two points which were made by the hon. mover which I should like to deal with. I think nobody wishes to subsidize uneconomic farming, and I should be interested to know in which way the subsidy is running. I think that the hon. mover implied that the farmer was being subsidized. In actual fact, to-day the hon. mover is being subsidized. In the case of maize, wheat, sisal, coffee and meat, the prices obtained in the world, until quite recently, have been vastly more than the farmer in this country has been able to obtain. I think this is a point with which he might deal in his reply.

Before closing I should like to tell you of an experience. I had quite recently in British Somaliland. I had been travelling through the country, and I halted for the night in a place where there were no trees, they were all dead; there was no grass, it could not exist. I did not see any life at all, neither birds nor animals, and if you stood on a small rise on the ground near where we had our camp you could see 20 miles away the dust rising up whenever a vehicle passed on the road. I assumed, and I think anybody here would have assumed too, that that was because British Somaliland was a desert. However, if you go back to that country 40 years ago—which is within the lifetime of nearly everyone present here—you will find that buffalo were shot in that particular district by Lord Delamere, alongside pools which were formed in the rains there and which supported ample vegetation. You will not find it to-day. I mention that because a simple instance of that nature will bring forward to anyone the imperative necessity of dealing with this problem. Only 40 years ago that country was reasonably fair and pleasant; it is now completely dead. In the course of the whole war I never saw anywhere where the desert had encroached to such an extent.

Arising out of that instance I should like to appeal to everybody, especially on this side of Council, to deal with this matter not on a racial basis at all—I do not believe that it can profit anybody to

[Mr. Blundell.]

make political trouble out of a disease which is spreading over our country. We—that is to say the European Community—may no doubt have to make concessions in order to relieve the immediate problem, but at the same time the African community will have to make great efforts too, especially those of them who have been gifted with the education to enable them to help. They will have to make great efforts to convince their fellow-countrymen of the necessity for the policy and the measures which we wish to enforce.

Finally, any community indulging in trade is also vitally affected, because I would put it quite simply—that those who farm in this colony, if they do not tackle this problem, will of course not be able to farm, as the pressure of bodies on the land will be such that there will be no large areas of land available; those engaged in trade will not be able to trade because there would not be any trade from and to the Colony; and finally—a matter which might be one of congratulation to the hon. members opposite—there would of course be no Government, because there would be very little profit in governing the country when it ceased to exist. (Applause.)

MR. COCKER (Central Area): Your Excellency, it is a pity that the Asian members of this Council can contribute very little to the most constructive and interesting debate which has taken place this morning, but the fault is not theirs, for they represent unfortunately the only landless population of this country. We have heard with patience about the interesting problems which are being tackled, about destocking and about the populations of two races, but all we can do is to hope that the Government of this country, if they are at all honest to govern and direct the affairs of this country, will always keep in mind the growing needs of a growing community which has not got enough land to live on.

MR. MATHU: Your Excellency, I should like to congratulate the hon. mover for his very clear exposition of the ideas which he has embodied in this motion, and also to congratulate him for bringing to the notice of the country once more the great problem that is

facing the country in connexion with one of the most important assets of the people, namely, the land.

The problem, as I see it personally, is not a technical and agricultural problem, but, particularly as it affects the African community, it is an educational problem and therefore a social one. I agree definitely with the point of view which has been put before Council by the hon. Acting Member for Rift Valley. I have said this before in this Council on more than one occasion, that the African community values land more than anything you can give them. It is their only security for life, and if that is the case they would be the last people in this country to deliberately spoil their land. I have suggested on more than one occasion that the way to do it is to educate the African through the various channels—schools, information rooms, talks, the Press, and so on; so that he knows and understands the principles that we want him to apply in solving the problems that affect his land.

Council is aware that it is because I did not consider that we as a country realized the importance of education to solve our numerous problems, particularly as they affect the African community, that I opposed the Development Committee Report. I pointed out then that the money provided for education services for the various communities in this country was so disproportionate to their needs that I could not count myself or my party as a Government policy which denies to the African a chance of being educated quickly and well. I said at that time that, as far as the agrarian problem is concerned, we would benefit greatly if we provided more money, more schools, better teachers and so on for the African, so that these problems are solved by the people themselves because of the knowledge that we give them. That question has not been solved yet; it has been shelved, and the provision for the education of other communities is getting ahead, while the education of the African is marking time. I submit that this matter is one of great urgency, because it does not matter what we do about this motion; as long as we have over 90 per cent of the African population illiterate and ignorant, we shall not achieve what we want. Therefore I say

[Mr. Mathu] that the problem outlined in this motion is essentially an educational problem and, unless we tackle it in the way I am suggesting, by providing more money for African education, we shall have similar problems in 25 years, or even in 100 years to come.

The second point is that, as a result of education, we shall have men and women among the African community who will become the leaders, not only in agricultural matters, but in all matters that confront this country. It is there that we must have African leaders to do the job. I pointed out on another occasion in this Council that the Agricultural Department could not get the things they wanted to get across to the African because they had not sufficient European staff to do it. The Veterinary Department could not do it either, nor the Forest Department, or any other Government Department, but if we had large numbers of Africans employed in that Department who could be trusted, they could carry out the policy Government wished to put before the country. I also suggested in connexion with the D.A.R.A. schemes that we should have harnessed to the Departments concerned a strong African force of well paid men to put across to the people exactly what Government's policy is in regard to these matters. I suggested that it was important that we should change our attitude towards the African's terms of service and, in agricultural matters, I suggest that we do not want Scale A, B, C or D; we must have super-scale salaries for these Africans. Pay them well so that you can have confidence in them, and so that they will not be open to the temptations of bribery or other forms of corruption. Unless we do that, I do not see how we shall be able to get these African leaders to help the Government in the way we want.

That leads me on to a position which exists in my knowledge in the Agricultural Department. I know the Director of Agriculture will rise on his feet and say that is not so, but I ask him to wait and hear what I have to say. I have in mind that that Department a few years back was employing Africans from Makerere to be officers in the Department. One by one these Africans left the

Department, and only recently one or two of these men from Makerere who were still in the Department came and told me that they were following in the steps of their old colleagues and were going to resign shortly. I asked them what the trouble was. They said: "Oh, the Department is very stingy; they do not pay us the salary we want and the treatment is not as we should like; we are not given the privileges we would like, and we are going into business or to some other Department, but not the Agricultural Department". If a Department like that does not give attractive terms for educated Makerere men, who else are we going to get to do the job? Sh. 100 or Sh. 150 for a Makerere man who is responsible for a scheme such as one of those contained in Sessional Paper No. 8 is not sufficient, and who else can do these things? I suggest that the Agricultural Department and any other Department connected with the land and the Information Office, should employ Africans on super-scale salaries, so that we can get them to do the job, and they can put these things across to their own people better.

The next point is that we have been told that there is congestion in African areas, that the population has increased. These things are true, but why is that the position? I personally think that the land that is available to the Africans at the present moment is very restricted. Before the coming of the British to this country we had free movement, and whenever the land became exhausted we left it to go to bush, to go fallow, and we moved to another part of the forest and continued our cultivation there, and went back when the old land had been rehabilitated. At the moment that cannot happen, most of our land has gone for European settlement.

The hon. member made a suggestion in his speech which we support most wholeheartedly, that excisions of the Highlands must come soon, and better sooner than later, so that you can realize complete ownership by the African population which will relieve the congestion in the African areas. That is a matter that actually made me resign from the African Settlement and Land Utilization Board when I saw that the policy was never to touch land in the Highlands for African settlement, and when I know that

[Mr. Mathu] the land is not actually being fully utilized or occupied and the African is going landless.

In the Land Commission Report of 1933 there is a recommendation which was accepted by the Government in England and by this Government here, that peaceful inter-tribal penetration should be encouraged—that peaceful inter-tribal penetration should be encouraged. I know that at the moment there is a Government policy—I have not seen it on paper but it is in action, and I should like the hon. Chief Native Commissioner to tell this Council whether it is true—that there are definite administrative measures to prevent that peaceful inter-penetration of tribes in this land. That penetration is being welcomed by tribes who want people to settle in their lands, but the Administration steps in and says, "You are a foreigner—get out of here". That is a point which I should like to elaborate if there was time, but it seems definitely an action which is working against the recommendation on the Carter Commission's report. If we had that, then of course we should be able to relieve the congestion, but the suggestion has been made this morning, and I welcome it, that not only should we confine ourselves in the geographical boundaries of our country but at the same time of our neighbouring territories might have plenty of room for African settlement and other people as well, and I do not see why steps should not be taken to examine the possibilities of a thing of that kind.

The other point I should like to mention is to say that when Sessional Paper No. 8 of 1945 was published and laid on the table in this Council, I suggested to the hon. Member for Agriculture that it should be translated into the vernacular languages, and I offered myself to translate it into two, Swahili and Kikuyu, which I did. I asked the member that that translation in those two languages and any other language that might be arranged for should be published immediately, so that the African people would know exactly what the contents of that Paper were. As far as I know, I have not seen any publication, and it is about a year ago when I did that trans-

lation for that member's department, and the African people now do not know what is contained in Sessional Paper No. 8 except those who read newspapers and saw just the headlines at the time. It is a thing of that kind that falls us in this country, to get the things we want across to the African people immediately. If that translation had been done at the time I did it myself, and if the member's department had published it quickly to get it across to the African people, this motion would be only bringing it back as a refresher to the minds of the African people of a situation that we would like to get across to them. I should like a reply to this matter when the hon. member speaks.

A few suggestions have been made that, if we have to stop the deterioration of the land and water assets of the country, we must have legislation which will compel the people who are on the land to carry out the policy that we want carried out. Well, I have said this before, I shall not be a party to legislation that is going to bring compulsion to ignorant African people before we train them in the way that is suggested, that they should know exactly what we want for them; and I shall therefore oppose compulsion in matters of this kind. The reason why is that just about six or eight years ago the African population have come to realize more and more the need of soil conservation, and I do not agree with the hon. member when he says that very little has been done in soil conservation in African areas. I move about enough myself, and I can see a tremendous improvement in the question of soil conservation, and the position is not as it was. Six or seven years ago the African himself did soil conservation—men, women, and children went out to do terracing and that kind of thing without anybody telling them it must be done. I feel that the foundations have been laid and it will not be necessary to introduce compulsion in a matter of this kind.

The other point that has been suggested as a solution is that we must destock, that destocking must be introduced. There again it is a matter that we do not destock because there is not more land, but if we get more land in the way I have suggested by allowing peaceful inter-penetration of tribes and if

(Mr. Mathu)

we got more land from the Highlands for African occupation, and got industries for those people who do not stop on the land so that they got social security. It will not be necessary to have destocking, but to improve the breeds of the stock for milk and for meat. While I am on that point I should also like to say a suggestion has been made that individual land tenure should be abolished. One speaker suggested we should go in for communal and collective farming and things of that kind. I agree, but only if that is done for the country and not for one section in it. I should like to know what farmers in this country would say if they did not hold a title for their land and were told it was going to be communal farming; it should be not only among African but European farmers too so that they will all take part in the whole process. I would give full support to such a scheme, but if it applies only to Africans on the land, oh, my God, I do not think it will be any good! (Laughter.)

One other point I should like to mention is that question of subsidization. I agree with the hon. mover that to subsidize a few European farmers is not proper, because they are highly educated and they ought to know the whole business of farming principles and economics, and they have opportunities of making money, so why should we subsidize them? The person who wants a subsidy is the African. It is he who we should like to subsidize to bring him up to better methods of agriculture so as to give him more money, not to give it to the one who is well off. That does not seem proper, it is uneconomic, and therefore I am one with the hon. mover on that point.

One more point and I sit down. The point has been mentioned that in order to solve this problem the population aspect has got to be dealt with by introducing birth control methods. Well, if it is going to take years to get the African to understand certain principles of agriculture, it is going to take extremely longer to teach him that he can interfere with nature in producing children. Actually, I think we want more children, because in these days when countries kill thousands in a minute we want them replaced quickly. Therefore the question of birth control for Africans does not

arise. It must be done the other way; that is, as there is not sufficient space in Europe birth control should be practised there so as to avoid migration on the part of the European to get away from his own motherland and go abroad. That is the way I think these things should be practised, but in this country Africans require more men and women to be able to develop this country and produce enough labour for the farms and for themselves, so that birth control is not a point which I think will be welcome.

Finally, I should like to suggest in all seriousness that we want the African and the Indian and the European in this country to work as co-operatively as possible. (Hear, hear.) There can be no question of half-way measures in regard to that. We are here to develop as a community. We shall have our differences here and there, but it has to be a Kenya community, an East African community, irrespective of the colours of the population, which I consider essential for the healthy development of this country. We can do that if some people would not talk so sneeringly about leaders being agitators. If a fellow has the intelligence to agitate, he is the person who can be brought to understand the issues at stake and come to help us in the development of the country, but once we alienate him in the Press and Council by talking sneeringly of him we are damaging our case. It is those people who the people say are their leaders; and whether we like it or not nobody else will be called their leaders except those the people decide shall be called leaders. Such a man may be ignorant or may not be, but that is the person I want to co-operate with us, and that is the agitator or leader as otherwise it will make the position more difficult. Those are the people I want to bring in with us and to get them convinced in the policy we have outlined for the country. When we say we do not recognize them and say this leader is someone who does not belong to the community who will not be accepted, of course there is a boycott of matters that we know for certain are going to benefit the community. I should like to plead with this Council and the country generally for goodness sake let us not speak so sneeringly about people who try to point out the way to their own people. If we know they are pointing wrongly,

(Mr. Mathu)

give them advice, but to publish things like that in the Press is only making the position worse.

In conclusion, I should like to support the motion before Council.

Dr. RANA (Eastern Area): Your Excellency, I rise with a view to giving my wholehearted support to the hon. mover's motion. I do not stand with a view to grumbling as one of my colleagues has about an unfortunate landless community or anything of that kind but knowing that we depend on the land, and this motion has as its object the safeguarding of the land. Hence I consider it the duty of everyone to give the motion their support. As a matter of fact, since I have come into this Council and seen the hardships which the agriculturists of both races, European and African, are having, sometimes I feel that I am lucky I am not a farmer! But, leaving that aside, there is not the least doubt that this Council should be grateful to the hon. mover for bringing such an important motion forward to draw the attention of Government to the seriousness of this matter. I should make it clear that I do not agree with the hon. mover if his view is to attack the hon. Member for Agriculture and the water preservation efforts, because I will frankly say that I have been on one of the committees for the provision of water and I can sincerely say that the hon. member is doing his utmost for the welfare and development of this country. If the hon. mover thinks that he or anybody else can perform a miracle in this work, I should like to see such a person. Anyway, I am not standing to support the hon. member in any such attacks.

I would, however, like to impress on Your Excellency and the hon. Member for Agriculture the state of affairs which has existed on the coast. Most of the land on the coast is getting into what I should call waste land, for I see very little of the Agricultural Department or the hon. member there. We are, of course, short of agricultural staff in that area, and I would request the hon. Member for Agriculture, whatever he has done for this country, to see that the coast area is not neglected, because if the coast is washed away we shall have to move further to the Nairobi side! so that

I do suggest that the coast should be always considered in certain important respects.

I would like to support the hon. member who impressed upon us the necessity of the social side. There is not the least doubt that that is a very important question, and should not be overlooked. Regarding birth control, I would personally say that this country requires no restrictions as far as birth control is concerned. On the other hand, we require very healthy people so that the population of all races may increase with a view to developing such a vast country which does require such a very big manpower. I personally think there is no need at the moment to consider birth control, but that our attempts should be to see that the future generations should be the right kind who will be helpful to the benefit of the country. More particularly, I should like to mention that in this abortive age I do not think that we or any country can afford to consider birth control, because one atom bomb nowadays will account for millions, and, God forbid, if we ever have one of them we shall have to bring some other population in. I would request the hon. member not to pay very much attention as far as this country is concerned to birth control.

I take my seat and should like to support the motion.

MAJOR CAVENDISH-BENTINCK: Your Excellency, in speaking to this motion I should like to begin by saying that Government is quite prepared to accept it. (Applause.) I would add, however, that in doing so the Government is not, and I certainly am not, regarding it as a vote of censure. I am regarding it as providing an opportunity for bringing forward a number of points in connexion with this very important subject of land utilization and the agrarian problem generally. It has offered opportunities for members on the other side of Council to make references to things they may think are going wrong, and it will also offer opportunities for myself and others to explain the position. I should like to say that, from the mover's moderate tone of the hon. mover's speech, I do believe absolutely in his sincerity in talking to this motion, and I would congratulate him on the number of points he has put forward. (Applause.)

[Major Cavendish-Bentick.]

The debate has covered a fairly wide field, but I am rather astonished it has not covered a wider one, because in relation to the agrarian problem a great many basic factors have really not been touched on in this debate up to now. I may take some time in replying to the points that have been raised and I may, indeed, touch on subjects that have not been raised at all.

Before I start, I should like to stress certain factors which I think have been accepted by the Secretary of State and by most members of this Council at one time or another.

Firstly, I should like to say that the problem we are faced with here, as has been pointed out by the hon. mover, is by no means confined to Kenya; it is common to Africa and is fairly common in other parts of the world, including such parts of the world as the United States of America, where I think I am right in saying that they have probably destroyed about 40 per cent of their agricultural land since America as we know her has existed. Secondly, I should like to say that we are trying to, and I believe have, in fact, blaze a trail in this country on a scale which I believe has not been attempted in any other colony. Thirdly, I should like to stress the fact, which I know is generally accepted, that agricultural processes are extraordinarily slow, and it is therefore quite useless to imagine that the country is going to see a miracle performed in a short space of time. Fourthly, I would say that the process of winning the confidence of, or even being able to enforce measures on, a very primitive people must also be a slow and painstaking process.

When the hon. member began his speech he pointed out the many warnings we had had in the past, and he said he felt that people would get up on this side of Council and say that was a waste time—the past is past, and what is the good of reiterating what we failed to do in the past? I do not take that point of view at all, because I think his historical résumé of what happened in the past is a thing we ought to bear in mind, and I sincerely trust it will be borne in mind by all members of this Council when they discuss this subject in the future. And for this reason, that when I was

given the responsibility of dealing with the departments mostly concerned in the agrarian problem, one had to scratch one's head and wonder what it was that had been wrong in the organization generally, and what measures were most necessary to put the organization at any rate on a better footing, because things must have been going wrong, as has been clearly demonstrated by the historical summary which was given by the hon. mover.

I submit that there were quite a lot of things wrong, and the blame for the things that were wrong could be, indirectly at any rate, attributed to members on both sides of Council. First and foremost, I think probably one of the main troubles (I am speaking now mainly of organization) in the past has been complete lack of continuity. In a great many cases warnings given by experts were undoubtedly needed by individual provincial commissioners, by individual district officers, and certainly by the Agricultural Department, but, although efforts were made piecemeal to put matters right, there was a constant change of staff, there was perhaps insufficient centralized direction, and there was, of course, the everlasting trouble about the continuity of funds as work once begun. As a result, there was undoubtedly in the past a very obvious lack of continuity. Plans would be started, and perhaps the person responsible for their initiation went away and was replaced by somebody else who had different ideas, or had different priorities in his mind as to how he should set about dealing with a particular area.

That was one thing which had to be put right. Another matter, which is, I know, one which the hon. mover has very much at heart, is that perhaps there was lack of any clearly defined policy. That I will touch upon at a later stage, but there is one aspect of that which I should mention, and that is that a great many individual officers in the past have on occasions felt that, if their attempts to inaugurate improvements occasioned a certain amount of political trouble, they might not be supported; or if, indeed, they demanded increased funds above those granted before, again they would not be supported. Lack of funds I have touched on.

[Major Cavendish-Bentick.]

Another point, I think, is that very often there were too many watertight compartments in the past, as there has, I think, been a tendency for departments to work on their own, and there certainly has been lack of co-ordination of work done in the provinces. One sees—though I do not want in any way to belittle the efforts made by various departments—sometimes similar schemes carried out by the Veterinary Department, sometimes by the Agricultural Department, sometimes by the Administration; whereas obviously in every case, to bring that scheme to ultimate fruition, everybody should have worked together in their respective spheres.

Lastly, of course, we have been at a great disadvantage in that practically from 1938—if not 1937—everything has been obliterated by the necessity to win the war.

In order to remedy these defects—I am being very elemental to start with—a certain amount has been done, and a great deal of thought has been given to improving the organization that existed. Some of these plans were outlined in Sectional Paper No. 8, which has been referred to in the motion; but which, incidentally, I may say covers a far-wider field than that which has been covered by any speeches that have been made. At that time, of course, the plans were embryonic, most of them have now been carried into effect. One result has been that the Member, working in the closest possible co-operation with local native councils, has been given authority to give directions in regard to agrarian matters to the Provincial Administration so far as land utilization and so on is concerned.

That has two objectives. First of all, obviously it is my responsibility to co-ordinate the various efforts made, and secondly, it shows quite clearly that it is our intention to work—the Administration, to support—the Administration, and to ensure continuity in work done by the Administration. It has been rather suggested in various remarks that have been made, both on this occasion and others, that one should not necessarily work through the Administration, that one should in certain areas take over and do something on one's own. I am talking now of, for instance, the African

Settlement Board or some other body or person. I must say I think that, except under exceptional circumstances, would be utterly and entirely wrong. I think it would be the greatest possible mistake to sidle a fifth wheel to the coach. What we have to do is to remedy the defects that existed and to strengthen the Administration and not weaken it by producing something which nobody would understand. If we did so, we would also, I think, cease to have the confidence of the Administration.

We have established, but as a guiding body, an African Settlement and Land Utilization Board, whose membership comprises a variety of knowledge; that is, persons with knowledge and experience in regard to native land tenure, native laws and customs, several African representatives (in order to try and secure what has been suggested by several speakers—the maximum co-operation of African leaders themselves), technical officers and men of wide experience in dealing with agricultural problems, insofar as we have got wide experience of such problems under semi-tropical conditions. That Board has been created. We have six Africans on it. You have had laid before you to-day the two latest reports which it has published. In order to ensure continuity, a considerable measure of centralized direction is essential, and in order to give guidance to administrative officers it has been decided that reports should be made of all the schemes started every six months, and that is being done.

As regards finance, with the approval of the Development Committee Report in February, 1947, we are for the first time in the history of this colony in a position to ensure the provision of a reasonable measure of continuous finance over a reasonable time for our plans. I should like you to remember that date—February, 1947, was the time when the Committee's report was accepted. In order to obviate watertight compartments, we are creating and have created provincial teams, under whom most of the work planned by the African Settlement and Land Utilization Board will be carried out.

Lastly, and perhaps most important of all, is the question of staff. For many years past, and still to-day, we have

[Major Cavendish-Bentinck] struggled with entirely inadequate numbers, and in some cases quality, of staff. If we are going to spend very large sums of money on the rehabilitation and re-settlement of native lands, it is absolutely essential that we should have adequate and trained staff. The days when individual schemes were started haphazard by individual officers have, for reasons I have already explained, become a thing of the past. What happened in the past was that when a scheme was started it remained for the district officer or the provincial commissioner to engage somebody to help out with that particular scheme. What did he get as a result of this sort of *ad hoc* engagement? What would he be likely to get in the circumstances? I do not say they were always bad, but they were often people who were somewhat unreliable and people who had not found it very easy to get employment elsewhere.

At the present moment if I, believe, suggested that we are to work out our agrarian plans with officers who are on temporary terms of service. I think that is absolutely hopeless, and that we have got somehow to find a way out of this particular impasse. It is my intention, and we have already started, to engage young men and give them a preliminary training either at the Egerton School or under Mr. Colin Maher of the Soil Conservation Service, or possibly at another school which may or may not be started. It is my intention that these men should acquire an *esprit de corps*, that they will feel they are working for something worth while and which may represent their life's work for them. We will bring them together from time to time for refresher courses where they can meet each other and receive further instruction as a result of experience gained. A lot of these young men will be locally engaged people. I think it is essential that most of these people, provided they have done the preliminary three years or so at the Egerton School, should be taken on on some form of terms of permanent employment, embracing a contributory pension, and not only that, but they should be given, subject to passing an efficiency bar, a chance of getting a very much higher rate of pay than is visualized at the present time. Indeed, a few of the most promising, a

very few, should have opportunities of going overseas and getting a diploma at some agricultural institution and coming back here on what would practically amount to overseas terms of service.

I have said a good deal about staff because I believe it is one of the cruxes of the whole problem, and I know that these ideas may not tally with the ideas people may have on the capacity of the government or the country to pay or on our taxation policy and so, but the fact remains, as has been pointed out again and again this morning, that if we do not attempt to tackle this problem this country's taxable capacity may disappear altogether.

I have said something about the various shortcomings for which I felt remedies had to be found, but those were not all, of course; I was merely referring to organization. There is also the problem of water supplies, of forest protection, the provision of off-take for surplus stock, whether by compulsion or by other means; bush clearing, which has been mentioned; and the study of no-tsetse fly problems; and last, but by no means least, research.

I am going to deal with the last first—research. I personally came to the conclusion, since assuming the responsibilities which are at the moment mine, that we are terribly behindhand with research of every kind. There are many very simple questions on which one seeks information: in connexion with these agrarian plans, to which no answer can be given. It was for that reason that we managed to induce Dr. Kean to come out here in order that he might give us his views on the amount and true worth of the alleged knowledge which was available in this country, and as to what lines of research were most urgently necessary, and so on and so forth. A vital part of our future planning is the provision of facilities for adequate inter-territorial research. Long range research facilities will be provided and the central institute will work in close collaboration with sub-stations, which will be the responsibility of the local government. In this country it is our intention, and indeed we have already started on quite a big scale, to build up research sub-stations of various kinds, which we have lacked in the past. This is a long term

[Major Cavendish-Bentinck] business, but is, I submit, fundamental to any real solution of the agrarian problem.

As regards centralized research, what has hitherto been done at Amani will come to Kenya, and it is also almost certain that the Central Veterinary Research Institute on a far bigger scale than has been contemplated before will be established in Kenya. I submit that if that happens, which I believe it will in the very near future, a very great step forward has been made as regards long-term research. As regards tsetse-fly problems, it was mooted that there should be an inter-territorial research institute divided into three compartments so to speak: the first being sleeping sickness as affecting human beings, the second being trypanosomiasis as affecting cattle, and the third being as to dealing with the various methods of bush clearing. The idea was that each territory should have its own team working in conjunction with the centralized institute. They would be responsible for their own work, but would always get advice from the central institute. Here, again, we have made a step forward: we have in fact created a new Tsetse Research Committee, of which I am chairman, in which I am assisted by the Director of Medical Services and others, and we have an executive officer. Thus Kenya has done a good deal, I submit, on basic work towards reorganizing that side of our problem.

As regards the off-take of stock, I am going to be a little general at first and come to specific points raised later. The promise was given that with the end of the war, with the end of the real necessity of feeding troops, the measures which were taken by the Live Stock Control would be abrogated, and that there would be no more requisitioning of cattle, anyway not on the ground of feeding the population. That promise has been kept, but if we are going to provide an avenue of absorbing cattle, which I think we must, on a big scale, we have got to substitute something for the Live Stock Control. This is a very difficult country as far as cattle movements are concerned. For one thing there are always outbreaks of disease. Movements have got to be restricted anyway, and the class of cattle which we want to

dispose of is not always the class that lends itself to just buying and selling for meat purposes. Also, eventually I have great hopes that the numbers appearing will be very large indeed. We are therefore attempting to form, in accordance with the terms of an ordinance which this Council will see shortly, a Meat Marketing Board, which will be primarily engaged in trying to find a solution to the collection and disposal of off-take of surplus cattle. I may say that with this in view, when I was in England I tried to find an officer who had had considerable previous experience of dealing with this cattle problem among Africans. Such an officer has been found and will shortly be arriving in this country, and his duties in the first instance will be purely to concentrate on trying to investigate the problem and advise us on the best method of dealing with this off-take of surplus cattle.

Before I leave cattle I would, however, like to say in connexion with a supplementary question asked this morning, that actually efforts which have been made during the last few months, since January, far from arousing the ire of everyone concerned are, I submit, beginning to show signs of bearing fruit to an extent rather greater than I anticipated. I have here a letter dated on 12th June from a provincial commissioner enclosing a report on cattle sales—

MR. COOKE: May we know the name of the province?

MAJOR CAVENDISH-BENTINCK: You may. It is the Rift Valley Province. It says: "This report is of particular interest to me, as I think it shows that these sales are becoming more and more of a social event and are tending to be divorced from quotas and all the unpleasantness associated in the African mind with the sale of stock. I have great hopes that in Nandi we may find that these sales will become an accepted part of the life of the people, which will attain our objective." It encloses a report which shows an increased number of cattle offering and an increased number of cattle purchases by the Meat Marketing Board. I have another letter referring to a sale at Emmening, which reads: "The sale went off extremely well, when I arrived I found bones had been made and a fire ready for branding. Owing to the large

[Major Cavendish-Bentinck.] I must increase the number of cattle produced I had to increase the size of the holding because in spite of the rain had no difficulty in obtaining volunteers to cut thorn for it. The whole atmosphere was most congenial throughout the sale. That was not an auction, but a sale to the Meat-Marketing Board. "I did not receive one single complaint about prices, remarkable considering the number bought."

Another area I would refer to is the Maasai. We had considerable difficulty with the Maasi who, on the implementation of this new marketing scheme, stated that they did not want to see our buyer in the district but wanted to have their own buyers and itinerant traders. The officer in charge licensed a certain number of buyers and also licensed a certain number of itinerant traders, and these at the first sale bought a certain number of cattle. At the next sale held not so very far away the would-be sellers—and there were quite a number—chased off the itinerant buyers and said "We want to see Mr. Munro back again." That was the Meat Marketing Board buyer. So I feel that with a little patience and a little less of everybody saying that because something does not work perfectly at first it must be criticized and destroyed, let us try a plan that has been very carefully developed, let us be very successfully developed, let us give it a chance and not destroy it before it has had a hope of coming to fruition. That is why I am very anxious that we should continue with our present system of meat marketing.

I stress this because, before you can put an agrarian plan into operation, you have got to get these things working in different directions. It is bound to take time, but actually a great deal of progress is being made.

As regards forest. One of the things we have to deal with is the protection of catchment areas which are outside proclaimed forest reserves. We also have to take steps to get the boundaries of existing proclaimed forests more clearly demarcated, because I am not at all satisfied with the position as it is. The Forest Boundary Commission is sitting and is making very careful inquiries—I am afraid its work will go on a very long time, because we have referred to it for their consideration large areas not at

the moment recognized as forests at all in native areas, and the question will also arise whether in many cases these should be declared forests or whether we can get local native councils merely to close the areas. I am coming to that later. But I must stress that a great deal of preparatory work is necessary, an enormous amount of map making and surveying, and examination had to be done, but here again progress is being made.

As regards water. Water has hardly been touched on in this debate at all, but it is absolutely fundamental to any agrarian plan. (Hear, hear.) In that regard we have created a Water Resources Authority which, although it exists in practice, cannot, of course, exist in law until we have a new Ordinance appointing it. We have arranged to divide the whole country into water catchment areas, and we have got the agreement of all district councils—I think all, though there may be one whose agreement has not yet been received—to disregard district councils' demarcations and fall in with our idea of catchment areas. African interests are most carefully preserved on these regional bodies.

There is also a sub-committee of the Authority which has been going into the various water laws of various parts of the world—Rhodesian, South African, the English and American Acts—and they have in fact practically finished drawing up the basis of what may become a new Water Ordinance. Under this we shall have to have something take the place of the existing Water Board. There will be a Water Distribution Board, which will carry out the policy laid down by the Water Resources Authority. We are having considerable difficulties with priorities, and it will be necessary to have a Priorities Committee, which will be composed of a few selected members of the Water Resources Authority, people most closely concerned with priorities. For instance, the Director of Public Works, myself, the Member for Health and Local Government, the people of that kind, who can argue the case for one priority as against another in coming to a decision. In passing, I would say that this priorities business is one of great importance both as regards the agrarian plan and the future of the country generally. There are innumerable requests

[Major Cavendish-Bentinck.] We must agree that agrarian legislation as it exists in this country is inadequate—it is utterly inadequate, and I think we have suffered a good deal from that. It is also, I think, true to say that in the past—I am not referring to the Land and Water Preservation Ordinance—most of our legislation mentioned by the hon. Member for Nyanza was designed with a view to establishing and safeguarding title to ownership and to facilitating the transfer of land and the buying and selling of land and, at a later stage, protection of African rights and so on. Up to recently quite insufficient thought was given to the protection of the soil. With that background, and as it was decided suddenly to deal with the protection of the soil, naturally there was a good deal of overlapping, so that there are a good many unsatisfactory features about the existing legislation. That, I may say, not only applies to Kenya but also to the United Kingdom. As people will have seen, those who have had a look at the proposed new United Kingdom Agricultural Act and at what we propose to do will see we have done it. Again that is another thing which has been done. A very lengthy report has been drawn up on this subject which will, of course, probably have to go before Executive Council and possibly the Secretary of State, and attached to it are suggestions for an interim Land Ordinance which I hope will be followed up and approved. Later a Land Ordinance will have to be drafted with a number of chapters in it dealing with all aspects of land utilization by anybody regardless of races. (Hear, hear.) That, I think, is necessary. Again I would point out that the work entailed in that has been enormous, hours and hours of work; by people who are overworked in any event, in drawing up the draft ordinance to serve every purpose, but that has been done.

Another question which has been touched on by the hon. mover was that of squatters, or resident native labourers. That question cannot be entirely divorced from the agrarian problem. The hon. mover mentioned European farming, and as he knows (and I entirely agree with what he said) I think there has been a laxity which defies description in the control of squatter residence and cultivation in the Highlands. But I think I can claim that during the last 18 months or so that problem has been tackled as it has never been tackled in the past. We have appointed squatter inspectors who are interfering rather drastically, and latterly there has been a very great measure of work done in the investigation of the problem, as a result of which a document has been prepared which is about to be circulated to district councils and to all concerned as a basis for discussion. I may say that an enormous amount of statistical work was entailed. There is a report which I recommend to any member to look at by Mr. Martin, on two areas in this country, which, report I think shows a state of affairs of which we have no particular reason to be proud.

Again I repeat—squatters, water, forests, meat marketing, tsetse-fly work, and centralized research—all these things are fundamental to dealing with any agrarian plan. They have all to be tackled, and I would venture to suggest that we have done more in the last 18 months referred to by the hon. mover than has been done in the last 18 years towards creating a sound basis on which to build our agrarian plans for the future.

I will now deal with some of those points raised by various speakers.

The hon. mover said that the Land and Water Preservation Ordinance was not of much use, and he and other members, and the secondor, referred to new legislation. It is perfectly true and I think

we must agree that agrarian legislation as it exists in this country is inadequate—it is utterly inadequate, and I think we have suffered a good deal from that. It is also, I think, true to say that in the past—I am not referring to the Land and Water Preservation Ordinance—most of our legislation mentioned by the hon. Member for Nyanza was designed with a view to establishing and safeguarding title to ownership and to facilitating the transfer of land and the buying and selling of land and, at a later stage, protection of African rights and so on. Up to recently quite insufficient thought was given to the protection of the soil. With that background, and as it was decided suddenly to deal with the protection of the soil, naturally there was a good deal of overlapping, so that there are a good many unsatisfactory features about the existing legislation. That, I may say, not only applies to Kenya but also to the United Kingdom. As people will have seen, those who have had a look at the proposed new United Kingdom Agricultural Act and at what we propose to do will see we have done it. Again that is another thing which has been done. A very lengthy report has been drawn up on this subject which will, of course, probably have to go before Executive Council and possibly the Secretary of State, and attached to it are suggestions for an interim Land Ordinance which I hope will be followed up and approved. Later a Land Ordinance will have to be drafted with a number of chapters in it dealing with all aspects of land utilization by anybody regardless of races. (Hear, hear.) That, I think, is necessary. Again I would point out that the work entailed in that has been enormous, hours and hours of work; by people who are overworked in any event, in drawing up the draft ordinance to serve every purpose, but that has been done.

The hon. mover pointed out that there was a flagrant disregard of orders given by the Agricultural Department, and that on prosecution in one case only a Sh. 40 fine was imposed. Under the new Ordinance magistrates are to be empowered to impose more penalties, but such things as fines are a matter for the Judiciary and not matters in which I can possibly interfere.

The hon. member asked: "Does the member accept the recommendations of

[Major Cavendish-Bentinck] such people as Mr. Humphrey and others who go around and make reports?" In many cases those reports could more accurately be described as a statement of fact, or factual evidence. There are quite a number of reports which have now been made. They are very illuminating, and very thorough. But one cannot always proceed to deal executive with the situation on receipt merely of one of these reports, but by and large we do accept such recommendations and, indeed, in a good many cases we are attempting to take action on them.

The hon. member went on to prescribe a number of remedies. First of all, he stated that the time for persuasion was past and that compulsion must be resorted to. That has been dealt with by various speakers, and will no doubt be alluded to again. I do not know quite what is meant by "compulsion" or what is meant by "force" or by other words used in the course of this debate. If it is meant that some reasonable measures of land preservation must be insisted upon then, sir, I am in complete agreement, and I think I have shown that by my allusions to new legislation that is necessary. But if it meant that we can by a stroke of the pen, without having studied the problems as we should, for instance enforce the wholesale requisitioning of stock all over the country at the same time, then I think we should do far more harm than good by trying to do anything of the kind.

I agree with the hon. member that our operations are going to be a very lengthy business, and that in many cases the time factor is such that we shall have to insist on certain "rules" being not only passed but put into operation. I am hoping that we shall manage to induce local native authorities to pass these necessary rules. I am talking purely of African areas. But it must be clearly understood, I think, that if they are unwilling or refuse to do so in cases where the central Government think it essential that something in their own interests should be done, there should be an overriding power to see that such rules are carried out. (Hear, hear.) That is the accurate practice throughout the world. It is the practice that is now

being put into operation, as I think was described by the hon. Member for Aberdeenshire, in the European areas of this country, and I hope it will be realized that there is nothing racial in this at all, that it is insistence on the common practice everywhere, and I can see no reason why Africans should imagine they should not conform to what is now the accepted practice throughout the whole world and which is undoubtedly in their own interests. (Hear, hear.)

I would take this opportunity of making an appeal to Africans, especially to the leaders of the Kenya African Union. I think it is no secret to say that recently there has been a tendency among the leaders of the Union towards spreading the misguided dictum that rules in the native land units or in areas which are going to be devoted to African settlement in some form or another should only be promulgated after obtaining the full agreement of what are very often ignorant and uneducated people, and that there must be no insistence on the carrying out of those rules. I do hope that that form of propaganda will cease. I have said that it is my intention at any rate, and I know it is that of the hon. Chief Native Commissioner, to work in collaboration with Africans and through African local authorities where possible, but no Government can be expected to spend vast sums of money on the rehabilitation of lands in order to hand them over to people to destroy in a few years time. (Hear, hear.)

The hon. member then went on to talk about specific examples of uneconomic farming, and he made certain quotations from the Agricultural Department Report of 1945. I would take this opportunity of denying categorically that I have ever been a party to the wholesale subsidization of any form of uneconomic farming. On the contrary, I and many others on the Board of Agriculture and on what was the Production Board, have been distressingly outspoken to farmers on this very subject. What I do maintain is that most of the moneys that have been spent on these so-called subsidies has not only been wasted, but have in many cases—thanks to the assistance of the local Production Boards and of experienced

[Major Cavendish-Bentinck] farmers who co-operated so fully throughout the war—provided the means of really changing the face of farming from being uneconomic to being economic in this country. I deplore this constant talk about subsidization. There are areas, I know, which are marginal but which had to be used for food production during the war, but I do not think you will find that the minimum guarantees given in those areas were profitable or very helpful to the people who were trying to farm on marginal land. That has always been looked into.

It is true there are areas—I was visiting them only last week—where I think the wrong crop is being grown and where sub-divisions have been too small. There are areas, we know, which were originally given out as 4,000 acre soldier-settler farms, which were subsequently divided into 11 farms, on which 11 people thought they were going to make fortunes growing coffee, and those 11 people, I do not think, are very happy to-day, if any of them remain. It is in order to stop that that we have brought in what some people describe as socialistic legislation as regards sub-division and the sale and so on of land in this country to-day. But when it is suggested that the Government should buy these less successful people out and take over their land, I think that needs very careful consideration indeed. The possibility of various neighbouring farms joining together has been mentioned, but that again, human nature being what it is, is not a very easy thing to arrange.

HOSPITAL SERVICES (EUROPEAN) (AMENDMENT) BILL

FIRST READING

On the motion of Mr. Troughton, seconded by Mr. Hobson, the Hospital Services (European) (Amendment) Bill was read a first time, and notice given to move the subsequent readings at a later stage of the session.

ADJOURNMENT

Council adjourned till 9 a.m. on Thursday, 24th July, 1947.

Thursday, 24th July, 1947

Council assembled in the Memorial Hall, Nairobi, at 9 a.m. on Thursday, 24th July, 1947. His Excellency the Acting Governor (Sir G. M. Rennie, C.M.G., M.C.) presiding.

His Excellency opened the Council with prayer.

MINUTES

The minutes of the meeting of 23rd July, 1947, were confirmed.

PAPERS LAID

The following paper was laid on the table:—

By MR. TROUGHTON:

Standing Finance Committee report on Schedules of Additional Provision Nos. 3 and 4 of 1946.

NOTICE OF MOTION

Mr. Nicol (Mombasa) gave notice of the following motion:

That this Council considers that the whole of section 18 of the Coffee (Marketing) Ordinance, 1946, should be applied forthwith.

ORAL ANSWERS TO QUESTIONS No. 28—ENTRY PERMITS

MR. PRITAM:

(a) Will Government please state the number of Europeans and Indians who were admitted under temporary entry permits excluding those from adjoining territories during the last 15 months? (b) Is it a fact that the Immigration authority has been refusing entry permits to genuine dependants of persons resident in this Colony and, if so, will Government please make a statement of its policy in respect to the admission of genuine dependants? (c) Will Government please state under what authority the Immigration officer, Mombasa, collected £10 by way of deposit from Kenya-born Indian youths returning to the Colony after completion of their education in India? (d) Is Government aware that the Immigration authority has been refusing entry permits even to Indian temporary visitors and, if so, will Government please explain reasons therefor and also state separately the total number of applications received

[Mr. Priam]

for temporary entry permits from Europeans and Indians and the number of applications that were rejected during the last 15 months?

MR. HOSCOX: Government is not in a position to answer paragraph (a) of the question because the necessary statistics are not yet available. Government is, however, able to give the following figures for 1946, only in respect of Europeans and Indians entering the Colony as temporary visitors. These figures include those who entered from neighbouring territories:—

	Europeans	Indians
Through the Port of Mombasa ..	843	1,664
By air	941	167
By road, rail and lake	472	2,379
Total	2,256	4,200

With regard to the last-mentioned figures, Government is able to state that 180 Europeans who entered by road, rail and lake, and 45 Indians who entered in the same manner, did not come from neighbouring territories.

With regard to paragraph (b) of the question, whether dependants of persons resident in this Colony are given entry permits or not, depends upon the facts of each particular case. It is impossible to cover within the time which may appropriately be spent in answering this question each and every factor which may or may not influence the authorities in coming to a decision in any particular case. Every attempt is made by the authorities to ensure that no injustice results from the refusal of an application.

With regard to paragraph (c), if the hon. member will inform me of specific instances in which the deposit of £10 is alleged to have been collected, I will cause inquiries to be made.

With regard to paragraph (d), it is possible that entry permits have been refused to Indian and other temporary visitors, and in the absence of more definite information it is impossible to state the reason for the refusal of any particular application.

With regard to the last part of the question contained in paragraph (d), the necessary information is not in the possession of Government. Before it could be obtained it would be necessary to scrutinize many thousands of letters of application. It is, therefore, not possible to supply this information without undertaking an amount of research which Government does not consider to be justified in the circumstances.

No. 52—K.U.R. & H. REALIGNMENT
MR. NICOL:

(a) Will Government inform Council if it is true that not one of the successful tenderers for the work on the Nairobi-Uplands section of the K.U.R. & H. have mechanical appliances? (b) If the answer is in the affirmative, will Government inform Council if they are aware of the effect such a drain on the labour market will have on the labour position on farms and elsewhere and the effect that it will have on the whole economy of Kenya? (c) Are Government aware that it has been proved in other parts of the world that all heavy construction work carried out by mechanical methods is in the long run much cheaper than by hand labour? (d) Are Government aware that money is not necessarily the yardstick of economics but the saving of time and labour plus an increase in efficiency are the most important factors to be considered in the placing of contracts?

MR. DALTON (Acting General Manager, K.U.R. & H.): (a) It is true that none of the successful tenderers for the work on the realignment of the Nairobi-Uplands section will use mechanical appliances. Two firms specializing in the operation of mechanical appliances tendered—one for 18 sections of the realignment, the other for 9 sections. In both cases the tenders were unacceptable on the ground of high cost, being between £70,000 and £80,000 in excess of the successful tenders. This excess was 40 per cent higher in the first case and 77 per cent higher in the second. There also entered into the decision the question of time required to complete the work and stipulations regarding supplies of equipment and starting date which were inserted in the tenders from the mechanical companies.

[Mr. Dalton]

(b) Government is of the opinion that this undertaking will not, in fact, have a serious effect on farm or other labour, or on the economy of Kenya as a whole, as the type of labour required for this type of work is normally recruited direct from the African areas. Farm labour, particularly, is unlikely to be attracted to work of this kind.

(c) The tenders submitted by the mechanically operated companies did not accord with this opinion.

(d) The factors referred to by the hon. member were given full consideration.

MR. NICOL: Arising out of that answer, may I ask how many labourers will be employed on that particular section?

MR. DALTON: When the work is in full progress something like 5,000 labourers will be needed.

MR. NICOL: Arising out of that, if there are 5,000 labourers how long does the hon. member anticipate the work will take to complete?

MR. DALTON: About two years.

MR. NICOL: Arising out of that, does the hon. member realize that that is equivalent to approximately three million man days and also will he state whether or not it is a fact that the contractors on the railway work on the Gilgil section are well below the required amount of labour they need?

MR. DALTON: I do not think that the fact that it amounts to three million man days is of any significance. I have said 5,000 labourers will be required. The fact that they are employed for two years which multiplied by 5,000 makes three million man days does not imply any particular significance. The other part of the question I did not catch?

MR. NICOL: Is it true that the contractors on the railway are about 25 per cent short of their labour requirements on the Gilgil section?

MR. DALTON: It is true we are short of our labour requirements but that the percentage is I cannot say.

MR. NICOL: Then it would appear that there will be about 5,000 short on the Uplands section?

HIS EXCELLENCY: That is a statement, not a question!

MR. EDVE: Does the hon. General Manager conclude that because he recruits labour from the reserves it will not affect farm labour?

MR. DALTON: May I suggest that that is a question for my hon. friend the Chief Native Commissioner to answer. (Laughter.)

MR. WYN HARRIS (Chief Native Commissioner): I am quite satisfied that the type of labourer who goes on to contract on hard work would much rather prefer to work on farms! (Laughter.)

No. 53—KAPKATET-SOTIK ROAD

MR. NICOL:

Will Government make a statement on the recent disintegration of the new road in the Sotik area and state what action has and is being taken?

MR. THORNLEY: Yes, Sir. During the last fortnight of April, some eight or nine miles of the bitumen surface which had been recently laid on the Kapkatet-Sotik section of the Kericho-Sotik road disintegrated, and the bitumen surface over this section was completely lost.

On the 28th April, the Government appointed a committee to inquire into the matter, consisting of Colonel H. W. Evans, C.B.E., Consulting Engineer, D.A.R.A. (Chairman), and Mr. W. Urquhart, O.B.E., Acting Chief Engineer of the K.U.R. & H., with Mr. C. H. Deverell, O.B.E., Secretary, D.A.R.A. as Secretary.

This Committee has submitted its report which is now under consideration by the Government.

PENSION

MR. A. J. FIELD, M.B.E.

MR. THORNTON: Your Excellency, I beg to move: This Council approves the payment of a reduced pension at the rate of £6 6s. 7d. a year with effect from 1st June, 1947, inclusive, and a gratuity of £21 1s. 8d. to Mr. Arthur James Field, M.B.E., Assistant Establishment Officer, in respect of his temporary service in the military establishment from 1st April, 1919, to 23rd March, 1921, both days inclusive.

[Mr. Troughton]

The granting of pensions by special resolution in respect of temporary service with the military establishment during the first world war has many precedents.

Mr. HOBSON seconded.

The question was put and carried.

SESSIONAL PAPER No. 8 OF 1945 LAND UTILIZATION AND SETTLEMENT

The debate was continued.

MAJOR CAVENDISH-BENTINCK: Your Excellency, yesterday, at the adjournment, I had completed the preamble which I think may meet some of the points raised by hon. members, and was about to deal with or was in process of dealing with some specific points raised by individual members.

I was dealing with some of the points raised by the hon. mover, and I was about to allude to his suggestion that land contiguous to native reserves, which is at the moment in the Highlands and possibly, according to his suggestion, not fully utilized, might have to be given up. What I should like to refer to in that connection is the Ihingar Hills, because there seems to be a certain amount of misunderstanding as to what the position is with regard to that particular area. That area, part of which at any rate is not fully occupied, is contiguous to a native area and it has been the subject of a good deal of discussion. As a result of meetings with the elected members and the Highlands Board, I was instructed to arrange that there should be a full investigation and survey of part of this area, and that I should draw up a plan under which Africans could come in and cultivate the area, and incidentally that a protective fly belt might be constructed to prevent further encroachment of fly towards the Thika area.

We have a special officer there now with a team under him, and this investigation is being carried out. It entails a great deal of work. It entails a fly survey in some detail, it entails the construction of a road, and I do not anticipate that the investigation will be complete or a proper plan will be submitted until the end of this year. When that has been done it will be referred back to the Highlands Board for their information and

agreement or otherwise. That is the position as far as that particular area is concerned.

The hon. member then dealt with the clearing of bush, and he mentioned Kilifi and the fly survey and asked what we were doing about Kilifi generally. As regards the clearing of bush, I will deal with that in a few minutes under another head. As regards Kilifi, I would say that there are two plans for Kilifi: a large one, and a less ambitious one, but there is a master plan which is to deal with the whole of the triangle from Mariakani, to Kilifi and Mombasa. That what I call master plan is our ultimate objective. Work is already starting at the Mariakani end, and I hope that work will start at Kilifi before the end of the year. What has held us up at Kilifi is that most of the land there is in private ownership, and I am unwilling to agree to Government work being done on clearing land for the eradication of tsetse fly on private land until I am satisfied that the clearing will be maintained, but not at Government expense. We have had a meeting recently with one of the main land-owners down there who seems to be co-operative, and I hope that work at Kilifi will start.

The hon. member also mentioned the Upper Tana end, as has often been mentioned in this Council before, suggested that nothing had been done since the Harris and Sampson preliminary survey. I would again stress that that was a preliminary survey, the report was of a preliminary character, merely making suggestions. We have a party down there now who have been working there for some time on a survey. They have actually demarcated land which they think would be suitable for irrigation purposes. A soil chemist has been down there and made examinations, and the officer concerned is now engaged on running lines back to the river to see whether this land, from the irrigation point of view, is feasible.

I would, however, say that it is all very well to talk about irrigating land and putting thousands of people on the land, and pouring water on it, and thinking it is all going to be so easy. But what happens to land when it is irrigated? What happens is very often rather astounding and not always very gratifying, and it would be quite impossible to put large numbers of people on to the land until we have had a pilot scheme

[Major Cavendish-Bentinck]

for some time. We have had quite enough unfortunate experiences in this country of what sometimes happens to land when it is irrigated. We have not got very much experience, nor have we got much staff that has had irrigation experience and, although such staff might be obtainable, I would again repeat that it would be very dangerous indeed to put large numbers of people down on the land until we have had the scheme running for some time and know what the result is going to be. Before I leave that, I would again stress that probably more work has been done on that scheme in the last few months than for many years past, which may be of some gratification to the hon. member.

As regards a land army, which was mentioned by the hon. member, I am not so sure that land armies, which in theory sound very easy to create, are quite so satisfactory in practice. They are frightfully expensive, and their presence is not in fact as warmly welcomed by the local inhabitants as one would imagine would be the case. However, I will leave that to my hon. friend the Chief Native Commissioner to deal with when he speaks later.

The hon. member also drew attention to a statement which had appeared, which he said was on my admission, that the work at Makueni would be taken at least 30 to 40 years to complete. He also suggested that, unless something was done about combining a central settlement, or a township, at Makindu with what we were doing at Makueni, the whole thing would be a failure. I am afraid that 30 to 40 years was not my admission and; although it appeared in a draft for which I am responsible, those who wrote it were told that I was not particularly pleased to see that statement appear. I do not consider it is going to take 30 to 40 years, nor do I consider that the Makueni settlement is in the least likely to be a failure, and I would very much welcome it if anybody who is interested would go down there and see for themselves what has been done there during the last year.

Two farms are now ready for settlement, water has been laid on, and the whole countryside looks very different to a few years ago. I may say that a number of African members of the African Settle-

ment and Land Utilization Board went down there and they were extremely astonished and very gratified indeed at the work that had been done. I think we shall have to go in for mechanical clearing to a far greater extent than has been done in the past. I think that is what the authors of that report had in mind when they talked about 30 to 40 years. What they had in mind was to impress on people interested that, if we were going to rely purely on hand labour, getting labourers out for a short period of time and replacing them, it would take a tremendous time to complete that scheme, and I agree with them.

On the question of bush clearing, I have mentioned inter-territorial research and how the different territories would receive advice from a central research Institute, but would carry out the work in their own territories themselves. I think we are very ignorant about the proper way to deal with this clearing of bush. It sounds a fairly easy thing to do, but in fact, if you just let loose very large mechanized units and try and push down very big thorn trees, the expense involved to my mind is beyond the capacity of any country to meet. I think that in the long run, apart from selective bush clearing in certain selected areas, which is the modern way of doing it, a great deal will have to depend on either something in the nature of prophylaxis or some other form of insecticide. Both have been tried out in other parts of the world and we may yet find one or other of these methods a good deal cheaper and more effective against the tsetse fly than trying to knock down vast acreages, or vast square mileages of bush.

In the meantime we must, as I say, use mechanical means to a greater extent, not only at Makueni, but in Kamania and other places, and I am proposing to send an officer down to South Africa to see what has been done there, to keep in the very closest touch with the groundnut scheme organizers, who allege that they have found a solution to this problem (it remains to be seen whether it is), and to keep in touch with what is done in America and elsewhere. Actually we had rather a failure at Makueni. Some equipment was sent down there on contract; they used the wrong tools and horrified the agricultural officer concerned; the work was stopped—rather hurriedly, I believe (it was not there at the

[Major Cavendish-Bentinck]

and it was alleged to have done a good deal of harm. I may say that, far from doing any harm, although the top soil was considerably disturbed, when the rains came that particular area grew better, grass and quicker than any other area. I think a certain amount of money will be required for this mechanical clearing, but I agree with the hon. member that, if we are going to try and do all by hand it will take too long. As regards his suggestion about Makindu, I can assure the hon. member that that has not been lost sight of.

The next speaker who raised various points was the hon. Member for Nyanza. He spoke about legislation, and he spoke about terms of service and staff. I dealt with these matters yesterday. He also alluded to compulsion, which I dealt with yesterday, and about which I may have something more to say later on this morning. He then alluded to propaganda.

I think probably my hon. friend the Chief Native Commissioner will deal with that but, as far as my side of the problem is concerned, I agree entirely, of course, with members opposite that our propaganda is probably not as good as it should be, that there is a great deal of room for improvement, and that a great deal depends on it. This has been considered, and the propaganda side of things is now the responsibility of the Chief Native Commissioner under whom it should undoubtedly come. He and I will work in the very closest collaboration on this, and I sincerely trust that in the course of the few months hon. members will see a considerable improvement in this aspect.

The hon. member then mentioned the housing of staff and the opposition of the Africans to housing sites for European officers in the reserves. It is true that there is a good deal of opposition to housing sites for Europeans in the reserves. I think it is rather an example of how unnecessarily suspicious the Africans are. Why they should imagine doubt that there is any danger in a man coming to try and help them on behalf of the Government which is responsible for their welfare, it is rather difficult for grown-up people to understand. However, that does happen, but I think it is less frequent than it was and, nowadays, where necessary, land is being set aside for this

purpose. I have now no real fears that that is going to hold us up.

The hon. member then asked about the Kabinga veterinary scheme. This was a scheme for putting a veterinary centre alongside a school, with a model herd. Agreement to setting aside the land was given by the Local Native Council concerned in 1945, and the Local Land Board agreed, and as far as my Department knew, the thing was settled and we were to go ahead with it in June. An officer from Maseno went down there in order to lay out the fencing and so on, and when he got there he found there was tremendous opposition and he was asked to leave. A few days later there was a baraza, attended, I may say, largely by speakers who were not from that district at all, and there was a good deal of talk—the sort of “nonsense” talk one gets on these occasions. There had been a change of Local Native Council members, and I think that newly elected members are rather anxious to undo everything their predecessors have done. However, there it is, we have had to withdraw from that for the time being. They have been told that, if they take up that attitude, the money which might be allocated to that particular area will perhaps be better spent elsewhere, and that any school which it was suggested should be built in that particular area might just as well go where it will be more appreciated. As a result, I think there is considerable dissension among the politicians concerned as to whether they are really doing good to their people or not. It is the sort of childish thing that does happen, and one has to deal with it. I will come back to that later.

The hon. member also wanted a statement about landless populations; that is to say, what Government's policy was as regards those who might be surplus to the carrying capacity of the land, and also probably people who might not find themselves entirely suited to farming operations. That, of course, is an extremely difficult question. There is no doubt that we are creating, and will create, a very large landless population. There is also no doubt that some of it, but not very large numbers that I can see in the immediate future, can be absorbed by local industries and in towns, and in some cases on European farms. I think I might perhaps deal with this

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now, because it was also raised by another speaker, the hon. Member for Rift Valley, who asked with regard to industrial development and so on.

There is one thing we have to remember and that is that, if you are going to move people into industrial areas and industrial employment by taking them off the land, the sort of thing you have a landless class, and that you have to provide them with some form of social security. That is the most difficult thing we have to face. At the moment nearly every African has some roots in his reserve, and in his old age, he and his dependants can go back there. If you are going to do any good to the reserves, you have not only got to move the man from the reserves, but you have to move the man plus his family, and that implies social security of some kind, and I hope that will always be borne in mind when there is this talk of moving people and making a landless class. The problem and has got to be faced, and it is only beginning to be faced, but as you can see from various reports tabled recently, enormously increased numbers are in employment, and some fairly big permanent industries have been created during recent years.

The hon. member also asked what we were going to do about the Kamasia reserve. He expressed some gratification as to what he had seen done there, but expressed fears that sufficient control would not be exercised and that the land might go back. I can assure the hon. member that control will be exercised, that the scheme is entirely dependent on a fencing layout based on very strict control indeed. These particular Africans are very co-operative at the moment. Some have voluntarily decided to cull stock to the extent of over 30 per cent, and I can assure the hon. member that, as the strictest control will be exercised, and I have every anticipation that that is going to be one of the model schemes in this country.

The hon. acting Member for Aberdare spoke about destocking on European farms when he began his speech, and I would like to thank him for mentioning that, because I do not think it is generally recognized that we do not only talk about controlling Africans but we actually act in controlling Europeans, and the extent to which Government interference has

taken place in regard to the mismanagement of land in the Highlands during quite recent years is really very marked indeed. Not only have we suggested and insisted on destocking farms considered to be overstocked but, I may say, that some of these farmers for some time had quite a legitimate grievance, as after having received orders to reduce the number of stock they found some difficulty in getting rid of them at the time. However, that has all been overcome. I am mentioning it because, as the hon. member suggested, it is perhaps not generally realized that the considerable steps we are taking in that direction.

I do not think there is any other point that the hon. member raised to which I need refer.

The hon. Member for Rift Valley stated that the agrarian problem was usually assumed to be a purely agrarian one, whereas in point of fact it was social. Of course, he is perfectly right. He suggested that inter-territorial movement of populations might some day be possible, and said the study and discussion of social problems should be regarded as inter-territorial. I could not agree with the hon. member more, and I think it is rather overlooked that these problems are common to East Africa as a whole and I believe will never be solved satisfactorily until they are faced by East Africa as a whole, if not by Africa as a whole. (Hear, hear.) We are busy setting up scientific institutes for various purposes on an inter-territorial basis, but I do not think that we have set up any institute or any clearing-house for these particular social problems on an inter-territorial basis, and I could not agree with the hon. member more. I might say that I recall some years ago talking to Dr. Huggins, Prime Minister of Southern Rhodesia, who held exactly these views.

The hon. member also spoke about propaganda and, as I have already stated, steps are being taken to improve our activities in that direction.

The hon. member also stated that he had doubts about the efficacy of compulsion, and he doubted whether the authorities in England would agree to any such measures. I think I gave my view on that yesterday, but let there be any such understanding I should like to say something about the hon. member's remark about authorities in England.

[Major Cavendish-Bentinck]

Those who are opposed to any form of what you might call compulsory protection of land may feel that they will receive support from those who in the past have been described as having advanced ideas. I should like to disillusion them on that point. I spoke to a great many people in England and to a great many senior members of the present Government in the United Kingdom, and I think their attitude to the land is very well exemplified by the new Agricultural Act which they are proposing to pass in the United Kingdom. I have no reason to believe they will not be equally insistent and equally desirous of supporting any reasonable form of action we may have to take in this country as regards the use of land. (Hear, hear.) Equally I would like to disillusion those who might imagine from the terms of this motion that nothing has been done in the way of direction in matters of land usage in the reserves. I hope that any member who wishes to do so will communicate with me and I will be only too pleased to arrange to take them for a trip or have them taken on either one day or more days, according to the time they can spare, to see what is being done in a great many of these reserves by the population themselves.

For instance, I believe that last year about 7,000 miles of terraces were constructed in one district alone. A great number of dams have been constructed in various reserves not far from here: some 20 dams in Machakos, for instance. As I say, I would very much welcome elected members going and seeing for themselves. This refers to water, and I mention dams, etc., in connexion with the remarks of the hon. Member for Rift Valley about our having to co-operate with the Education Department in trying to get people by education to co-operate.

I might mention that about 650 bore holes have been drilled in the years since the war started, of which 507 were successful. This is about 75 per cent and some 17 million gallons a day are produced. In one way and another, quite a lot of work is being done voluntarily and co-operatively by Africans and local native councils led by agricultural officers and the Administration.

The hon. member then mentioned the need for strengthening the agricultural

administrative staff, and also mentioned African staff, which I will deal with later under the remarks of the hon. member Mr. Mathu. I have already said what I feel about the strengthening of the agricultural administrative staff. If we do not strengthen this, if we do not have trained subordinate officers, if we do not keep them contented and inspire some *esprit de corps*, we are just wasting money. It is fundamental to the success of any of our plans. Another thing is that we must nowadays make the best possible use of our fully qualified technical officers. By that, I mean that they must be used for the purposes for which they were trained. When you get highly qualified agricultural officers, highly qualified officers in the Public Works Department or any other department, it is a complete waste of time to use them in semi-administrative subordinate capacities or keep them in their offices doing a lot of paper work. (Hear, hear.)

The hon. member then dealt with communal or group farming. Well, I believe that that is the most hopeful approach in a great many areas to better farming in the native reserves. We are trying to encourage it in every way possible, and have actually made a beginning in several districts in entirely separate parts of the country. For instance, in the Lake Province, we are offering the full price for maize to Africans prepared to farm an adequate acreage co-operatively in the same way as an efficient European farmer farms his farm. If a number of people are willing to farm together their land and farm it under the direction of their agricultural officer, raising part of it, and can deliver maize in 10-ton lots, they are getting the full price, and this has been a considerable encouragement to them. I have great hopes—I have not time now to elaborate that—but I have great hopes that in many parts of this country we shall see groups of natives farming co-operatively in the near future.

I think the hon. member also suggested that we should have more pilot schemes or model holdings—I suppose he meant experimental holdings—in order to show Africans what can be done with a typical native holding. That has been done for some years past by the Agricultural Department, and it is done in other parts of Africa, and I hope to see it done on a bigger scale in the future here. But I am sorry to say that in every part of Africa

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as far as I know the results of these model holdings are not as beneficial as might be expected. An African is rather inclined to shrug his shoulders and say, "That, of course, is done by Government, and I can never do anything like that". It is not quite as hopeful an approach as one would imagine it would be.

The hon. member then said we should improve native cattle, and mentioned some cattle that came from Texas, and asked if we had done anything about it. I presume he was referring to Santa Gertrude's cattle which we did make an attempt to purchase last year. I did hope that Mr. Daubney was going to America, and did arrange that he should go to Texas and have a look at this cattle and give us a report on what to buy. It is no use merely buying one bull, because that would be no good at all. Unfortunately, he did not go to America, and since then we have heard it is unlikely that we shall get sufficient numbers to do any good, but the inquiries will be followed up, and not lost sight of.

Lastly, the hon. member said that as far as he was concerned the African Land Settlement Board should have more power and be more executive in character. (Mr. Cooke: Hear, hear.) Well, I am glad to hear that "Hear, hear" from the hon. mover, because I could not disagree with him more! (Laughter.) (Mr. Cooke: Give us the reasons.) I am going to.

I have had as large an experience of boards and committees as probably any hon. member in this Council—(Hear, hear, and laughter.)—I believe I spend 365 days a year sitting on boards or committees. Well, I believe they fulfil an inestimably valuable purpose in criticizing and giving new ideas and keeping those who are responsible for executive action on the rails, but I am quite convinced that there is no more unuitable machine for executive action itself than a large board or committee. It gets you nowhere. I therefore hope that while giving those bodies all the powers you can as regards criticism or pushing people along, or even controlling bulk finance, do not try and let them carry out executive operations by lengthy discussions on boards consisting of large numbers of members.

The hon. member Mr. Mathu said in his opening remarks that no African

would give up his land willingly, and that what was chiefly needed was more land coupled with more education, and that in his view education is the one panacea; I am afraid that I cannot agree. I have great faith in education, and realize that the hon. member is himself an educationalist and is naturally interested in it. I think, as I have already said, that our propaganda coupled with education is far from satisfactory, and that we could probably, in the long run, do more through the schools than we are doing as regards education in the use of land. I personally think that at the present stage with the time factor always hanging over our heads a combination of leadership and firm direction plus education, clean education undiluted with any form of politics is the answer. We must have education as well as education at the present time.

The hon. member went on to suggest that much of this direction to which I am referring could best be given by a purely African staff. There I am inclined very much to agree with him. He also said there was a good deal of dissatisfaction among the better class African staff in regard to salary scales and that there should be some form of super scale for Africans. He mentioned the A, B, C, D and E scales, and I must say again here, I agree with him. I think it is quite impossible for us to expect to get hold of Africans who can read and write and who are above the average intelligence and to put them, for instance, at Maseso for three or four years and then let them loose under the management in the reserves on the salary scales now operating. (Hear, hear.) I have given evidence to the Salaries Commission on that, and without having any knowledge of the hon. member's ideas I also stated that in my opinion the type of African who is as near qualified as one can get should not be mixed up with the lower paid on these scales—they should have some special scale for themselves. I believe that the psychological effect will be very great. By that I do not suggest that one should go completely mad and give vast scales equivalent to technically qualified people to people not so highly qualified—we have got to have some sense of proportion.

The hon. member also said that most of the trouble was caused by the fact that there was not enough land now to

[Major Cavendish-Bentick] permit the procedure of the past under which the African had been used to shifting cultivation, moving on and then moving back again after the land had been rehabilitated by being rested. That, again, is not quite true. You can see pieces of land which have been rehabilitated by these methods, and they are now sand dunes. Shifting cultivation taking all out of the land and then moving on with the idea that under semi-tropical conditions our soils are going to rehabilitate on their own, after being badly cultivated, is quite untrue.

The hon. member then mentioned something about the translation of Sectional Paper No. 8. I am afraid that I have not been able to find out what happened. I vaguely recollect his mentioning to me the desirability of translating that Paper, and I remember taking some steps about it. It looks as though it was never done, but I am finding out about it, although it is now too late for that particular Paper. But there will be others of a similar nature, and I agree with him they should be translated and broadcast in the vernacular.

The hon. member said there was a tremendous improvement in soil consciousness among Africans during the last few years. That is quite true, and I have already mentioned various measures that are being taken by Africans not so very far from Nairobi and which can be seen by any hon. member. He also suggested that the African was not very enthusiastic about destocking and reiterated that more land was needed. I would again say what I have said repeatedly, I do not know how many times in this Council, that what we want to get the African to realize is that keeping stock is part of balanced farming practice, and this idea of stock is wealth and purchasing power and social position. Until he gets away from that and puts stock in its proper perspective in farming, we shall get nowhere.

The hon. member then said we should cease subsidizing European farmers, and subsidize African farmers, who are very poor and have practically no land. I will not argue about that and will only refer the hon. member to the estimates of D.A.R.A., where he will see very large sums of money indeed earmarked to be spent, without any suggestion of recovery,

on African farmers, whereas in most cases money that is spent on Europeans has to be repaid.

The hon. Member for the Eastern Area, Dr. Rana, quite properly brought up the question of the coast lands and what is being done for the coast. I agree that we are behindhand at the coast, and I sincerely hope that quite a lot will be done there very shortly. But there are two sides to this. One is the purely technical and research side, and the other is the rehabilitation of the land, African settlement, and so on. On the technical side we are going into the question of the Kilbarani station and more agricultural and technical staff, if we can get them, because at the moment we are in desperate straits. But that is being gone into at the present time.

As regards the question of rehabilitating land and re-settlement of Africans, which is the chief purpose of this motion in the coastal area, every new officer who goes down there has the same idea, which is that we must have a survey of the ownership of land at the coast. This question is the most hopeless jigsaw puzzle that ever was. I have lived in this country many years, and I can remember 20 years ago when we went so far as to import somebody to make this survey of the coast; he got less than half-way through it, as far as I remember, and then left. What I think we should do at the coast, first and foremost, is to get hold of any available land and get a scheme started. I am hoping that before very long proposals will be made for the acquisition of at least two, if not three, very large areas of land which would amount to about 100,000 acres, on which we can begin making plans for African settlement at the coast; and on that I believe we could gradually expand, but it is the only way to get started. It is no good having a survey which might go on for 20 years and, I believe, get us nowhere.

I think I have met most of the points that have been raised, but perhaps before concluding, as reference is made in Sectional Paper No. 8 to European settlement—I have been dealing almost entirely with African settlement so far—and as, if possible, I should like to avoid another debate on that, I should like to say that up to date on the European settlement side we have taken on 222

[Major Cavendish-Bentick] tenant farmers and 63 assisted settlers. Of these, 89 tenant farmers and 9 assisted owners are actually on the land, and a further 54 tenant farmers and 18 assisted settlers will be on the land by the end of this year. 40 new tenants will go into training at the end of this year or early next year, which will give us a total of about 225 settlers on the land by the end of 1948. That, I expect, will be about as much as we can afford under the present arrangements.

I fear I have been rather incoherent, and certainly very lengthy, and have made a very long contribution to this debate, but the motion is not a very easy one to answer. One has to do so rather extemporaneously, and I naturally had to cover a very wide field.

To summarize, since November, 1945, which is when Sectional Paper No. 8 was published, steps have been taken to completely reorganize and/or to create new machinery for dealing with the many component parts of our agrarian problem, and I believe that to-day every aspect is adequately covered and in addition we have taken steps to make recommendations as to the lines on which the existing laws should be amended. That in itself is a very lengthy and very complicated task. We have now some measure of finance provided, and again I would stress that final agreement to that financial provision was only given in February of this year. We have, I believe, arranged for centralized direction and for decentralized operation, both of which I think are necessary. Centralized direction, in order to ensure continuity, originates from the sub-committee of Executive Council through the Settlement Board to the provincial teams. The staff will be engaged and trained by the Board and then seconded to provincial teams, come back occasionally to meet each other at refresher courses, and then return to the provincial teams. We have gone into the question of long-term research and of *ad hoc* investigational services that will be needed, and we have made arrangements which I think will be of a type which never existed in this country before.

We have created a *tesete* team, and we have altered our arrangements for investigation and for operations on the lines required to conform with the new inter-territorial set-up. We have done a good

deal of experimental bush clearing and, as I have said, we are taking steps to get a great deal more information on that subject. We have created a Meat Marketing Board, which will grow, and which is carrying out experiments to try and see what is the most effective method of providing an off-take for surplus stock, and I have also indicated that in some areas we are having a very large measure of success. We have spent a great deal of time in dealing with and investigating certain problems that arise in a very acute form as regards resident labourers, and that is also being dealt with. We have created a Water Resources Authority, because water is an integral part of any agrarian planning, and we have created—Regional Catchment Advisory Water Boards. That also has taken some time and a good deal of work, but we must not only distribute our declining supplies of water; we must find new supplies, and that is being done. We are dealing with the propaganda machine. There is not one single province in the country today where rehabilitation work is not actually in progress on a substantial scale, and there are innumerable investigations being carried out all over the place.

Again I would mention that we are very short of staff. I would repeat that I think we are tackling this problem on a scale not yet contemplated in any other Colony, and that I believe is generally admitted. I therefore have no wishing to be ashamed of—in regard to the progress made during the last 18 months in dealing with what I would again repeat must be a very long-range problem. Again I would say that I do hope that hon. members on the other side of the Council, if they wish to find out what is being done in regard to any one of the various spheres which come under me, will not hesitate to come and ask, and I shall be only too pleased to show them. I am not suggesting for one moment that anybody should be satisfied or complacent, because I am far from satisfied myself and I am certainly not complacent, but, considering the shortage of staff and but, considering the shortage of staff and but, considering the difficulties one is faced with as regards material and many other things, I think at least we can claim to have made a jolly good effort.

As I said, Government supports the motion as it literally appears on the order paper, but it does not follow that one is

[Major Cavendish-Bentinck] necessarily supporting any contention or innuendo that may lie behind it. The motion reads: "That this Council views with the greatest concern the continued deterioration of the land and water assets of the Colony— that everybody in this Council certainly does deplore that— "despite repeated indications on the part of Government, of its awareness of the position"— I think I have explained on a good many occasions that Government is fully aware of the position. Then the motion "calls for the prompt disclosure of Government's detailed plans as fore-shadowed in Sessional Paper No. 8 now some 18 months old." As regards the disclosure of Government's detailed plans, I would mention that since Sessional Paper No. 8 there has been Circular No. 1 of March, 1946; there has been His Excellency's Dispatch No. 44 of April, 1946; there was a circular letter of mine, which was certainly available to all members, of the 12th April, 1947; there have been several quarterly D.A.R.A. reports, which deal in some detail with this subject of rehabilitation of the land and African settlement; there have been three quarterly reports from the African Settlement and Land Utilization Board, and there have been many lengthy speeches to which I have contributed in this Council. I suggest that this, further lengthy speech disclosing our plans— I am afraid in view of its length I can hardly call it a "prompt" disclosure— is probably all to the good. (Applause.)

MR. WYN HARRIS: Your Excellency, I beg to support the motion. Of course, I associate myself with the remarks of my hon. friend the Member for Agriculture, that we do not accept it in any way whatsoever as a censure on Government, and indeed I shall go further: I have a quarrel with the hon. mover for using such a disgusting expression as "an indication of awareness". I repudiate that Government has ever given indications of awareness; what the Government has done is that it has categorically stated a problem in Sessional Paper No. 8 and has shown what it proposes to do about that problem, and you have heard today a very lengthy speech from the hon. Member for Agriculture on exactly what we are doing and propose to do.

It is a problem which goes back a very long way, as the hon. mover has shown.

He goes back to 1925: I propose to go back to 1885. Sir Harry Johnston, when visiting this country on the Kilimanjaro Expedition of 1885, says this of the Wakamba: "Indeed of late years they have become too numerous in their own land for the limited supply of food and so are compelled to wander to the coast and to Taveta in search of subsistence." It is a problem that in 20 years hence we will still be faced with, and my successors, and I have no doubt the successors of those on the other side of Council, will be still attempting to solve this problem, for no matter how fast we go, it is our one great problem and it is a problem we are not going to solve in one decade, or two decades, or three decades.

I propose to add to the observations of the hon. Member for Agriculture by referring to one or two of the things which chiefly concern me, but firstly I believe that this problem has got to be divided into three distinct aspects, because if we do not divide it up into three aspects we will wander from birth control to Mexican cattle, and we shall come out by the same door wherein we went.

The first aspect of this problem, and it has not been dealt with at all in this debate, is that a great deal of the deterioration of our water supplies and of our soil resources is entirely divorced from anything man has done. I challenge the statement of the hon. mover that the Sahara was caused by man-made erosion. The desert certainly was so caused in North Africa, but not in the Sahara. I think it is extremely difficult to blame the Government for the fact that in the last 20 years the glaciers on Mount Kenya have receded by one-third! It is a little difficult to blame the Government, or ourselves, or anybody else, for the fact that it looks as if Lake Naivasha is receding to the puddle; it certainly was in 1850! If you stand on the bridge at Sagana in the wet weather you can watch train load after train load of good Kikuyu soil being washed under the bridge. Many administrative officers (myself included) have used that as a lesson in soil conservation for the local native councils. But in addition to that soil which has come down off the shambas I ask you to go fishing on the Gura. You can go for 12 miles along a perfectly clean river running through the shambas of the Nyeri Reserve, until you

[Mr. Wyn Harris] [Mr. Wyn Harris] which you will come to the Thuti River, which you will find red with silt, but if you care to follow the river upwards to its source you will find that it is not in point of fact the soil from the shambas which is causing that redness, but that the Thuti river has not yet worn down to the rock on which the Gura runs. I am not suggesting that man-made erosion is not a very serious problem, but I am suggesting that it is idle to pretend that man-made erosion is the only problem facing us in this particular problem.

The second aspect is erosion, of a kind which it is extremely difficult for any Government to tackle. It is a form of man-made erosion which is going to take a very long time to solve and a great deal of expenditure of money in this country. I refer to population pressure on the land. It is extraordinarily easy to dismiss it lightly by just saying "birth control"; it is even more irresponsible just to mention the Atomic bomb; but it is a very serious problem in this country and it is probably the most difficult aspect of this particular problem. How are we going to combat it? Is it possible to combat it? Has any other nation succeeded in combating it? I submit that we can, and that there are definite factors which we can favour which will solve this particular problem, and I find myself at one with my hon. friend the African member over education.

Possibly, however, we do not quite mean the same thing by education. As far as I am concerned the education we require is adult education: the type of education which will teach a parent that one decently educated child with a chance in life, who can earn his own living, is better than three illiterate paupers. Secondly, there are certain economic factors which can limit population, and they deserve the closest study, and as far as I am concerned they will receive the closest study. For instance, very few people have ever thought that, if we can raise the standard of education of the African woman so that she goes into service or paid work and does not start bearing children at the age of 14, but starts bearing children at the age of 24, we would have reduced the child-bearing age of the African woman by 10 years, and we would have fewer, better educated, and happier African children.

There is another aspect of this problem which has been dealt with by my hon. friend the Member for Agriculture, and that is the question of labour. We have not at work at the present moment, on monthly contracts some 250,000 Africans; the vast majority of whom look for their social security in the native areas; they leave their wives and families in the native areas, and they put more population pressure on those areas than the areas can fairly stand. If—and it is a very big if, because we are a poor country and an agricultural country—we can pay wages which will enable a man to bring his family up and keep his family on his wages, and if we can arrange for social security measures, we will go a long way to reducing the population in the reserves. 250,000 men, with an average family of five, means something like a million and a quarter persons; but it would be idle to suggest that moving a population of that magnitude out of the reserves is going to be an easy problem.

We now come to another aspect of this particular problem and that is inter-penetration, which was raised by my hon. friend Mr. Mathu. He suggested that for some reason a white Government did not like inter-penetration. Nothing is further from the truth. It was only at the last meeting of Provincial Commissioners that we spent many hours trying to hammer out exactly what we mean by inter-penetration and how it could be encouraged, and paragraph 2 of our draft statement of policy is to the effect that Government regards inter-penetration as desirable, but infiltration as having undesirable features, and that it must be controlled.

If by peaceful inter-penetration I meant that members of one tribe go to another tribe and, if they are not absorbed, will at least behave themselves as decent citizens of the host tribe, the Government is only too anxious to see it take place. If, however, by inter-penetration my hon. friend means infiltration, as we understand it—that is to say buying land in another native land unit by some form of chicanery, keeping quiet about it until the local native authority discovers it and then putting up a claim of right—obviously that has undesirable features. I will go further. If my hon. friend can produce one single case where

[Mr. Wyn Harris] a man has been turned out of a land unit where the host tribe desires him to stay, I shall be only too pleased to see that that man is reinstated in his position. I would go even further. If the hon. member can produce a workable scheme whereby let us say, the Wakamba are welcomed in the Masai Reserve, or the Kikuyu in the Kiili Reserve, he will be doing one of the greatest services to this country for relieving population pressure in the native reserves.

The next point as regards the population pressure was the question whether we could move tribes possibly into Tanganyika and so spread our burden. It is obviously an extremely big and difficult subject, but I have your permission, sir, to say that I hope the hon. Chief Secretary and myself will go to Tanganyika before the end of the year and have preliminary discussions on one or two aspects of this particularly difficult problem.

The next question, with regard to population pressure, is secondary industries. Well, we have all thought of it, and it sounds very nice—have secondary industries and solve your problem. But you have got to do it properly, and we have no gold, no iron, and no coal. Give us these, and of course we can relieve the population pressure on the land. But can we put up any secondary industries without sufficient minerals? The answer can only be given by the geological survey on which the Development Report has advocated that a large sum of money be spent, and that is the only answer we can give. As far as rural industries in native reserves are concerned, the answer is that we have got to do all we possibly can. We have got to start social welfare services whereby we can teach rural industries. Let us get more bootmakers, wheelwrights, and so on to that men can derive a livelihood from some source other than the land, and by that we will have helped to relieve the population pressure.

Any one of these particular answers is not a complete answer but if added together and pushed forward with all the force we have I believe we have a possible answer; it is in fact, the only practicable answer to the increase in population in the native reserves. No one single approach can be the complete

answer. If we do not find the answer we will have an increase in the population and that increase may be as desperate for us as it is in India today; it will have nothing to do with the fact that the European has land in this country, because you get this pressure in places like the Belgian Congo where there is no European settlement. One other point where we can help in this particular aspect, and that is by settlement schemes, to settle land which is not at the present moment used by human beings, and hon. members have heard the statement by the hon. Member for Agriculture on the question of Mukueni.

We come to the third aspect of this particular problem, and this is where members on the other side of Council have every right to call Government to an account of its stewardship—that is, good farming practice in the native reserves and what use we are making of available lands. I propose to deal with certain points raised on the other side of Council with regard to good farming practice, and the first, of course, is compulsion. Does Government believe in compulsion? I support the hon. Member for Agriculture heartily on his remarks yesterday. We mean to save the soil, and if in the last resort we have to use compulsion we propose to use it. (Hear, hear) But I also wish to support the remarks of my hon. friend Mr. Mathu, who said we have reached a degree of co-operation in the native reserves and we have laid a good foundation. I could not agree with him more. I am quite satisfied that, if we can continue with the co-operation between the Provincial Administration and the real leaders of the Africans, in the native reserves the only form of compulsion we will require is to deal with a small minority of recalcitrants, because there is no question that if we have to coerce a large number of people we shall breed bitterness and frustration. What we can do is to persuade a large number to come along with us, and then to deal with the minority, and that is the correct way of using compulsion.

I will go further. The suggestion is that Government has never used compulsion. This, of course, is complete and utter nonsense. We have started to try and make the Mukueni settlement, and we have 1,500 men under compulsory service there. That is compulsion. We have

[Mr. Wyn Harris] Oluarunge, where 200 families refused point blank to do what Government tells them to do—these people are being removed. That is compulsion. You have got to go to the local native council meetings and listen to the annual resolutions for compulsory measures for soil protection to see compulsion being used by local authorities with the agreement of the people. That is the way I hope compulsion will be used in the future. (Hear, hear.)

Now we come to the question of propaganda. Well, I do not agree that there is great weakness in our propaganda machine, because no one has mentioned the main source of propaganda in native areas. The main source has been for many years and still remains the district commissioners' barazas, the agricultural officers' barazas, the medical officers' barazas, and all the work put in by the men in the field. That the Information Office needs strengthening, I fully agree, because it is absolutely essential that the people in the field should be given material which they can use. But I do not agree that the African is never told anything. I have been an administrative officer for 20 years, and the African is continually being told, and the results of what he has been told you see today in places like Kiambu. I do agree that the Information Office must be strengthened. It has now been put under my control, and I hope it will be possible in the future to bring under one roof all those other persons who are under the control of the Chief Native Commissioner, such as the expert in agriculture, the expert on native land tenure, and others all intimately connected with this problem. It will then be possible to use the Information Office really effectively. But I hope hon. members will remember this when we come to the estimates later in the year, come to the estimates later in the year, come to the estimates later in the year, come to the estimates later in the year. I would also say over this particular problem that an officer has been appointed and seconded to the Settlement Board whose duty it will be to run a team in certain areas to get across what we are trying to do with regard to betterment schemes in the Colony.

Now I tread on much more delicate ground, the question of overstocking. We had an overstocking campaign in 1938,

and there is not an administrative officer or anybody else who knows very much about it and does not regard it as a disaster. It was done with the best intentions, and I say it was done efficiently and by officers who knew what they were about, but the trouble is that it is extremely difficult to persuade any man, who sees half his fortune being taken away, to regard the removal with equanimity, and I would defy any European to watch half his fortune go and not resent the loss. At the same time, we admit that animal pressure on the land is one of the causes of soil erosion in the reserves at the present day, but in many cases it is not as serious, not nearly as serious, as has been suggested, particularly in Kikuyu.

A well known veterinary officer quite recently said that in his view that under proper conditions a district like Nyeri should carry not less but more stock if the country was looked after, and there is a great deal of evidence in the Kikuyu country at the present moment that that statement is true. I would also say, and the hon. member Mr. Mathu will bear me out, that the number of sheep and goats in the Kikuyu country has dropped very considerably in the last decade. I should guess—it is only a guess—but I least guess, probably more. If you care to take a case from Fort Hall to Nyeri through the reserve and drive for an hour or an hour and a half, you will hardly see three herds of goats. I do not believe the overstocking in Kikuyu is serious. It is serious in Machakos, but it is not caused by bride price—it is much more a question of an economic necessity. It is all very well to say the problem can be solved by reducing the cattle by 20 or 30 per cent in Ukamba, but the average number of cattle held by a family is only 2½ head. The main problem is not overstocking by animals, but by human beings, which is an extremely difficult problem to deal with. But obviously, we have got to have methods of reducing the stock, and my belief is that the way we have got to do it is by moving stock from certain areas while they are being rehabilitated and refusing to allow useless stock to go back. In such a way we may be able to improve the type of animal in the reserves and reduce the numbers there accordingly. At the same time we shall have gone a long way to solve what is the really bitter objection

[Mr. Wyn Harris]

by the African to destocking measures. I am quite certain we shall get co-operation from the African; we have certainly got it in Baringo.

Now I come to another rather difficult point, the land army. We tried it last year. We had a works company at Machakos, and here again I profoundly disagree with the hon. member that it was badly led. The Labour Department spent a very considerable time in attempting to find a suitable man to lead it, and we are satisfied that we got the very best. We equipped it well, and paid it well, and it worked well, but we did not foresee firstly, that the African fresh home from the army was not yet ready to resume arduous labours in the field but preferred to spend his gratuity, and we therefore did not get many recruits; secondly, there was a suspicion—call it foolish if you like—but there was a suspicion by owners of the land that if they allowed a well paid Government army to rehabilitate their land they would lose their rights in it. Therefore we went over to the other method of making the people do their own work and by using compulsory labour at Machakos. It is infinitely cheaper and, I believe, more efficient. If later it can be shown that a land army is a workable proposition I shall be the first to welcome it, but at the moment I believe the methods at Machakos are better.

We have also had raised from the other side of Council the question of land tenure. It is a very difficult subject and one on which one of the most competent administrative officers has been fully engaged for the last two years, and I hope that before very long the results of his investigations will be available to the Chief Native Commissioner and his team so that we can see exactly how we can use modern methods of soil control and adapt it into the indigenous system of land tenure. It is, as the hon. member Mr. Mathu pointed out to us, fair to say that if we suggest improving communal farming methods and farms on the Russian model in the native areas we should also apply the same principles to European areas. But we happen to be in the British Empire and, of course, it would be resented if the insistence on such communal systems went forward. A far more attractive method would be to use the

indigenous system, which is, in effect, communal and adapt that system to our needs. In fact, as hon. members will know, it has in many areas been adapted to our needs. Nearly all the soil conservation measures in Central Province are really communal, based on the clan system. I believe that with the assistance of Mr. Lambert's study of the Kikuyu land system we should be able to hammer out between us an acceptable system of land tenure which will fit into modern methods of soil control.

One more point that I propose to mention is that of the salary scales of Africans. I should like to associate myself with the hon. Member for Agriculture. I would like to see higher scales for really trained men, and I have put that view before the Salaries Commission. I wish to make it clear in this regard, if we have higher scales—and I hope they will be adequate—we have got to have a high standard of service, and with that, I know, the hon. member, Mr. Mathu, will agree. One of the things we have got to guard against is that having paid a man well to see that we do get good service which is worthy of the Administration. (Hear, hear.)

I do not propose to waste the time of the Council much more, but I do want to mention certain achievements to show that during the last 18 months we on this side of Council have not been asleep.

I admit that central planning is essential if we are to get anywhere. I admit that we have to get the African leaders to come with us if we are to get anywhere. But I want to pay tribute to the Provincial Administration in this particular matter, and by the Provincial Administration I want to make it perfectly clear that I mean firstly the agricultural officer, the veterinary officer, and all those men who from day to day carry out the work on the ground. They have not only to entice the people, which is a difficult task, but also to impart the gift of leadership to the African himself to carry on that task, and they have been extremely successful in the last 18 months. They have to overcome prejudice, ignorance, and very often stupidity, and here, as hon. members know, since the war certain malcontents who see an opportunity of lining their own pockets, have, on occasion, led the African by the nose, and the African knows it as well as I do. I have

[Mr. Wyn Harris]

only got to refer to Karatina, where a few stupid young men were quite prepared to see the ruin of a prosperous industry beneficial to their own country merely to line their own pockets. There is, for example, a member of the local native council at Kiambu who, when he heard that we proposed to rehabilitate the Ndeya area, said, "Of course, the reason is to hand it over to Europeans". I can give you quoting examples. It is that sort of stupidity, that sort of prejudice, that we have to overcome. What I do welcome and pay tribute to is the efforts of the real leaders of the African who are fully alive to the fact that they have got to preserve their soil. Anybody who read the hon. member Mr. Mathu's speeches at Nakamega and at Masai will realize that he is fully behind soil conservation, and he and other African leaders realize that whatever political differences occur the soil has still got to be saved.

I propose to repeat certain figures which have been mentioned already at the cost of boring hon. members, but they are important. In one district alone, Fort Hall (by no means the only progressive district in the Central Province), in 1945, 14,000 acres of land were terraced, that is 3,500 miles of terracing were dug; in 1946, it rose to 23,000 acres, or 7,000 miles, and all that terracing is being maintained. In addition, because terracing is only one aspect of good farming, 2,000 cattle sheds have been built in less than six months, which means compost. Also, 8,000 new compost pits have been made in 1946 and 14,000 more have been in use by the very people who never used compost three years ago. A few years ago, manure was being exported from the Kikuyu reserve to coffee farmers. Now we find it is the other way round, that the African is now importing manure into his own reserve. There are other areas—I do not propose to go into detail—such as Makueni, which is considered important as an experimental scheme; there we have put a good district officer in charge and hope before long that we shall be able to move him to Makindu and possibly open up the Chyulu Hills to the south. It is not beyond the bounds of possibility within our lifetime we will have created a new district in that area with Makindu as its centre.

I do not propose to go on listing the various things we say we have done in

the last 18 months, but there is just one thing. If any hon. member has any doubt that we really mean business, that the African really means business, I would ask him to take the trip that you, sir, made last week. There is a location at Kiambu—and I admit it is the most progressive location we have yet had over the question of soil conservation—where you will see the chief, who will tell you—and you will believe him because you will see it—the every adult man and woman in the location spends two days a week on soil conservation measures. I wonder how many European farmers in this country do that. And he will tell you, and you will see it, that they have cut down the wattle on the steep slopes and are planting them to grass. You will go to small individual holdings of 10 or 12 acres, see their compost pits, their cattle bomas, their very decent hedging and gardens and proper treatment of the land, and finally you will have the chief tell you that he hopes within 12 months to have terraced completely the whole of his location. If that is not progress I should like to know what it is, and I for one am satisfied with the progress we are making. When I say "satisfied", I am not, I believe we have made a start, but I would say that I never will be satisfied, because when I am satisfied that we are doing as much as we should it is time I left this country (laughter, and applause).

MR. MATHU: On a point of order, I did not want to interrupt the hon. member. He implied that I said a wicked Government was interfering with interpenetration by tribes. I should like to say that I never used the word or implied that it was a wicked Government.

MR. WYN HARRIS: I withdraw "wicked".

MAJOR JOYCE (Ukamba): Your Excellency, I do not want to prolong the debate on this very interesting motion unnecessarily, so I will be as brief as I can, and I shall be able to be briefer than I had intended, after hearing the quite excellent speech of the hon. member the Chief Native Commissioner, for I had begun to feel that there was a trend of defeatism going through this Council after the various statements that have been made. I hope I was wrong, but anyway I hope there will be no member of this Council who will now feel that this

[Major Joyce] problem which we are facing, difficult as it is, is one that cannot be mastered and overcome.

This question of the care of the land is a matter into which politics should not be allowed to come (hear, hear), and I hope very much that it can be approached, and will be approached and dealt with, never from the political angle, never from the racial angle, but always from the angle of the land itself. That point I wish to make and, though many other speakers have no doubt made it, I do not think it can be stressed often enough. There is no doubt that on certain occasions politics have been allowed to interfere with the proper control of the land. The hon. member, Mr. Mathu, very properly, referred yesterday to the need for educating the natives, both the young Africans and the leaders of African opinion, and I agree with him entirely, but I am afraid it cannot be denied that on certain occasions Africans, with motives that were not based on the improvement of the land or of Kenya as a whole, have interfered with the proper steps that should be carried out for stopping the loss of soil, or whatever it may be.

Following on that I should like to refer to the question of compulsion or force. I think there is a good deal of loose talk and loose thinking about the whole thing. There is no member of this Council whose life is not controlled and regulated, and who is not apt at any moment to have the sanctions of the law applied against him if he does something that interferes with the good of the community, so that when we talk about force and compulsion we are merely referring to the normal sanctions of the law. I hope very much that the time will come when the application of the rules and controls that are necessary in the native area will be applied by the Africans themselves. I do not think the time has yet arrived when they can start doing so completely now; in fact, I am quite sure it has not, but certainly, speaking for myself, my intention is that we should work out the rules, for instance, which will be applied at places such as Makueni and instruct the local Africans up to the point when they themselves will carry out the necessary control. It has been done on a small scale in other areas and

done successfully, and I think the instances we have had quoted to us today of the tremendous work which is being done in certain districts in the Central Province prove that point beyond any question of doubt.

I do feel that it was a pity the hon. member suggested that the Makueni Settlement Scheme would be a failure. I disagree entirely with him. I was there myself about ten days ago, and I have no doubt at all but that that scheme will be a success. It may take rather longer than some of us anticipated at first, but what I feel militates more against progress than anything else is loose talk about this, that, and the other scheme going to be a failure. I think we all had a tremendous fillip from the list of very definite progress that has been made in the last 18 months. The machine, which has worked slowly, is only just beginning to get up steam, but I do believe results will be shown.

I would agree at once that the social problem, the increase of population, is one of the most difficult parts of the whole thing, but even there there is some sign of hope if we consider the advantages and the possible results of improved education in indirectly controlling a rapid increase in population which has been found to take place in other countries. True, it may take two generations, and on the other hand, on this question of industry, we are at a great disadvantage in this country in not having power and so on.

The immediate prospects are small of taking a large proportion of the population off the land, but many things may happen in the next 10 or 20 years. It is not inconceivable to think that we might make very valuable mining discoveries, nor is it inconceivable to think that all the power that is required for any industrial development might even be supplied by atomic energy.

So I hope very much that no feeling of failure or defeatism will ever be allowed to creep into our debates on this particular subject. On the contrary, I believe myself and that the future is full of hope and that, if this immense problem is tackled with not only practical common sense, but some degree of idealism and enthusiasm, we will not take all the generations referred to by one or two speakers to achieve results, but that possibly in two decades, or one generation, we will have

[Major Joyce] looking at it from the African point of view, not mine.

looking at it from the African point of view, not mine.

SIR ALFRED VINCENT: It was just a case of a play on words, and I did not want advantage to be taken of a perfectly honest statement.

SIR ALFRED VINCENT: Your Excellency, I am certain that this debate, and the time which has been devoted to it, has been very well worth while, and I do not want to prolong it unnecessarily. I should like to thank most sincerely the hon. Member for the Coast for bringing this motion forward, especially at the present time.

In dealing with the native land question one is very tempted to ask for a short term policy in order to show that something is being done, whereas, of course, it must be a long term policy. We feel that this problem is so immense that just nibbling at it will not give any satisfactory result at all. As excursions from the White Highlands have been referred to, and leasing of land has been referred to, I think I must have recorded in the Hansard of this Council a statement which my colleagues and myself issued in November, 1945, when this controversy first arose. The following was issued for publication:—

"The Elected Members have had under discussion the condition of certain native lands in Kenya which now constitute a vital problem which has to be faced without delay by the country as a whole.

"During the course of these discussions following upon a tentative suggestion, unofficially made by certain members of the Administration, a further suggestion put forward by Mr. Cooke that certain unoccupied lands alleged to be unsuited for white settlement and contiguous to the Kamba Reserve might be made available on lease for native occupation in order to alleviate the situation.

"Elected Members discussed these suggestions (which have not yet been before the Highlands Board) in an entirely exploratory and non-committal manner, and while stipulating that no official negotiations with Government on a subject of this kind could possibly be initiated until all constituencies had been consulted, agreed that any such suggested temporary agreement could by itself provide no final solution. The Elected Members also agreed that no further discussion would serve any useful purpose until they had been convinced that a comprehensive long range plan had been designed to solve these native problems and that Government had the intention of carrying such a plan into effect and had created the necessary organization for the purpose.

I should like to congratulate the member for his very detailed reply. I do think, in common with the Acting Member for Aberdare, that his Department—and I have often told him so myself—does lack publicity. I think the country should be kept more informed as to what is going on, but I do have great sympathy with him in the immensity of his task, coming as it does at a stage of the world's history which is completely abnormal, where good men are very hard to obtain and where the problems which he has to solve with his organization have reached a point near to breaking.

Before I proceed I should like to draw the hon. Chief Native Commissioner's attention to the fact that he will probably be in the headlines in a portion of the Press tomorrow morning because, although anybody who is perfectly honest quite understands what he meant, he did say that the Wakamba were seeing half their fortune taken from them. I assume that, if the cattle were taken from them, they were being paid for them, and I should not like that statement to go unchallenged, because we do not want headlines to appear that half a man's fortune was going to be stolen from him. I take it payment was going to be made. I take it the Chief Native Commissioner agrees to that.

Mr. WYN HARRIS: On a point of explanation, what I was giving was intended as an illustration. I had no intention of suggesting that half a man's fortune was being taken from him. What I did mean was that an African who has, say, two cows, even though one of them might be quite useless, regards them as his fortune. I was referring to 1938, when they were paid the full market price for destocked cattle, as I think everybody knows. I was

[Sir A. Vincent]

The Elected Members believe that additional land can be made available outside the Highlands and outside the existing Native Land Units, which, without encroachment on existing alienations or leases, could be rendered suitable for African Settlement, though possibly at considerable expense; but they do not consider that, at this stage, subject to the consent of the Highlands Board, they should rule out all possibility of making such reasonable contribution as might lie in their power towards a solution of this vital problem, provided such contribution can be made without prejudice to European settlement in the future.

That statement was published in 1945 and that statement holds good today. That still represents our views.

I do not want to be guilty of repetition; but I must just refer to this question of education. Education of the African peoples will take a very very long time, as also the problem which confronts us in the African areas, but I think that, while we all agree with the hon. member, Mr. Mathu, that education is vitally essential to any community, yet I think we must give commensurate priority. The work which has been done by completely uneducated Africans in the reserves today has been detailed by both the Member for Agriculture and by the Chief Native Commissioner. News travels fast in the reserves, and I have always found the average African full of commonsense. Education does not create commonsense, it does not create balance of thought; sometimes, unfortunately, it seems to destroy both qualities, and while we can make our case to the Africans of this country, so that they can proceed on the lines of commonsense, I think we shall make exceedingly rapid progress, and I would say that there is the greatest opportunity for the educated African in this country today to assist his own people if he really wants to do it.

The hon. Member for Ulamba has talked about the use of words, and I should just like to go a wee bit further. Such words as "compulsion," "force" or even the word "persuasion" to me are quite unnecessary in a country such as this. Let us get the whole matter into proper perspective from the legal angle. We pass laws in this Council; the members opposite are very jealous of their

responsibility towards the African people of this territory; you also have the African view-point expressed very ably by the two nominated members representing African interests. That legislation is passed and it goes home, where it is thoroughly examined by the Law Officers of the Crown and by the Secretary of State himself and his advisers, and if approved, it comes back to this country and appears in the Gazette as the law of the country. I think that that procedure should be understood, and we should do everything we can to make the African understand that that is how the machinery works, because to my mind, it is not a case of force or compulsion, or even persuasion: it is a case of every one of the inhabitants of this country being made to respect the laws of this country, and that is all there is to it. The other communities have to respect the law, or they have to pay the penalty, and I want it to be made quite clear that my point is that the machinery for the creation of these rules and laws should be made known to the African, so that he does not think that they are just made by the elected European representatives.

On the question of the law, of course, added to what I have read out as our views and our policy under present circumstances, there are two further things which are absolutely essential. The Member for Agriculture must be backed by adequate laws, which cannot be circumvented. He must have that necessary legal power to do the tasks which confront him, and in addition it is absolutely essential from my point of view that we should know and have confidence in the fact and have assurances from the Secretary of State that he intends to support those laws being carried out to the letter. Otherwise it leaves doubt in the minds of those people who are most anxious to assist all the inhabitants of this country.

I would here say that the question of subversive propaganda has been raised, and I do not want to dwell on it, but I should like the hon. member representing African interests (Mr. Mathu) to know that I appreciate what he said. I appreciate the endeavours he is making in order to co-operate with us to save the soil of the country, but I do feel that other Africans who are educated should do all they can in this non-political and

[Sir A. Vincent]

non-racial matter, to make the task of the Member for Agriculture as light as possible.

I beg to support the motion:

MR. BLUNT (Director of Agriculture): Your Excellency, after the very full and comprehensive speech of the hon. Member for Agriculture and the references by the hon. Chief Native Commissioner to the work done in the reserves, there remains very little for me to add. Moreover, my support of the motion was made abundantly clear by the extracts from my annual report read out by the hon. member in his speech moving this motion. But there are one or two points which I should like to refer to briefly, and the first is connected with staff.

Mention was made by the hon. Member for Agriculture of the absence of research results, and I would like to emphasize that point. The fact is that my department since I first knew it over 20 years ago has made many efforts to obtain the necessary funds and staff to carry out essential agricultural research, but it has never been able to obtain adequate funds and adequate staff, and the consequence is that we are faced at this moment with the fact that we cannot answer a number of straightforward and comparatively simple questions to which an answer is essential if we are going to put on the most effective lines the agriculture of this Colony in the future.

The second point in connexion with staff is the extreme difficulty with which we are faced at the present moment. It may interest hon. members to know that during the course of this year, 1947, I have lost or shall lose no less than 8 out of 12 senior officers of the department, either by retirement, transfer to other jobs, or whatever it may be, and if I do replace them I expect I shall get young men straight from their training and lacking the experience which those officers who have gone had, and the handicap under which we now suffer will remain, I am afraid, for some years to come.

One further point on the question of staff that I should like to mention is the remark of the hon. member Mr. Mathu that he thought I should oppose his suggestion for better payment for highly trained Makerere students. Far from that

being so, I have spent much time during the last few years in trying to obtain better terms for these men, because I appreciate that without the services of fully-trained Africans it is quite impossible for us to put across the agricultural propaganda which is so necessary, and that we must attract the best and most efficient Africans in the country to agriculture if we are ever going to get agriculture—and I use the word in its widest term—on a satisfactory footing in the native reserves.

I will refer briefly to the matter of the existing legislation. If I understood him aright, the hon. Member for Nyanza suggested that there was little legislation in existence seeking to safeguard the soil. I join issue with him there, because we have in existence the Land and Water Preservation Ordinance, and I think I should be right in saying that that Ordinance puts in the hands of the Director of Agriculture greater powers of interference with the owners of land in this country than is possessed by any other individual in any other country. I shall be told, perhaps, that I have not applied those powers to the extent that they might have been applied, and that is true. One reason why they have not been applied to that extent I shall refer to later, but those powers are being applied both in European areas and similar powers are being applied, as the hon. Chief Native Commissioner observed, in native areas. It may interest hon. members to know that since 1st January of this year I have myself issued 125 orders to European farmers to do or cease to do something on their land, and that does not include a large number of discussions and a great amount of advice which has been given on the spot by agricultural officers working in those areas. I do not think it is fair criticism to say that powers do not exist—they certainly do—or that they have not been used because they certainly have. The fact is that the powers under that Ordinance are devised to prevent malpractices, and I can stop these malpractices, but they do not go as far as I think they will have to do in the future in the way of making good practices obligatory and thus making for improved farming. To give an example, I have issued a number of orders forbidding further cultivation of cereal crops on

[Mr. Blunt] that we were cabling abroad to find where and how we could import the necessary cereals to carry us through this year, and we went to the length of placing definite orders for them. We are not out of that difficulty yet, and I cannot see that we are likely to be out of that difficulty for some time to come, and that particular difficulty has to be taken into account in any action that we have taken or wish to take in connection with the closing down of arable cultivation which is so essential. I know that the hon. Member for Agriculture is just as much concerned with that aspect, or more, than I am myself, but it is an aspect that cannot be neglected and which must be borne in mind in any suggestions for further soil conservation work.

That, sir, is all I wish to add to this debate, except to thank the hon. mover for his references to me and to various members of my staff in his opening speech, which we fully appreciate.

There has been a good deal of discussion as to whether this was an agrarian, social, educational or whatever it is problem, and undoubtedly those three matters enter into it, and the agrarian problem cannot, I maintain, be satisfactorily solved without a solution of the social and educational aspect. But I am afraid there is a tendency to regard the agrarian problem, as far as both native and European lands are concerned at the moment, as a purely soil conservation problem, whereas it is nothing of the kind. It is a soil conservation problem when the land has deteriorated to a point at which it cannot satisfactorily produce good crops, but the real problem is the agricultural one, and the real solution is better farming, and the major part of that better farming is to put back a certain amount of land for periods under grass.

That leads me to a point which I am surprised has not been referred to at all in the course of the debate, and which I referred to earlier, which is the difficult position we have been placed in in dealing with our land problem for the last five years or so. Everybody is aware that during the war we have been faced with the paramount need of producing as much in the way of cereal crops as we possibly could. They are aware that we have gone very near the point of—I was going to say starvation—but we have been in great difficulties owing to the fact that we could not produce enough cereals. At the moment we have a surplus, but it is less than six months ago

that we were cabling abroad to find where and how we could import the necessary cereals to carry us through this year, and we went to the length of placing definite orders for them. We are not out of that difficulty yet, and I cannot see that we are likely to be out of that difficulty for some time to come, and that particular difficulty has to be taken into account in any action that we have taken or wish to take in connection with the closing down of arable cultivation which is so essential. I know that the hon. Member for Agriculture is just as much concerned with that aspect, or more, than I am myself, but it is an aspect that cannot be neglected and which must be borne in mind in any suggestions for further soil conservation work.

That, sir, is all I wish to add to this debate, except to thank the hon. mover for his references to me and to various members of my staff in his opening speech, which we fully appreciate.

MR. COOKE: Your Excellency, I would like to begin by thanking you, sir, for instructing the hon. Member for Agriculture to accept the motion. I would make it perfectly plain at the start that neither my second nor I meant the motion to be a vote of censure on Government. The object of the motion was to elicit from the hon. member what his intentions were, and we have had in his very exhaustive speech a disclosure of what his intentions are, and I fully accept them. I will simply now content myself with wishing and hoping that underneath that quiet exterior of the hon. member which was referred to yesterday by the hon. Member for Aberdare there may lurk something of those dynamic qualities which brought Monty from Alamein to Tripoli, that enthusiasm which inspired the Hot Gossellers of the Middle Ages, because it is enthusiasm which we need in this country above everything else.

The hon. member has referred to the Meat Marketing Board, and it is possibly a little bit irrelevant, but as my information about the Kamatia is diametrically opposite to his I should mention that fact. As a general survey of the situation, I should just like to read two paragraphs from a letter from a very senior administrative officer on this particular question, and I will leave it to the judg-

[Mr. Cooke] ment of the hon. gentlemen on the other side of Council whether they think action is necessary or not. This officer writes— and he is not a man who ever exaggerates—“As you are probably aware—the method generally adopted is for the Meat Marketing—buyer to appear at the arranged sale. The stock (cattle, sheep or goats as the case may be) is paraded in front of him, he assesses the value, and gives each native owner a ticket, stating the price to be paid. Later the owner appears at the pay table for his money and is paid off. The native owner, of course, has no say in the matter, but has to take what is offered him, and often hardly knows the amount his stock has fetched, especially if he has sold more than one beast. The average native detests this. He feels it to be mechanical and impersonal, and often, rightly or wrongly, feels he has not had a square deal.” Well, that is the other side of the case.

With regard to force, I make it perfectly clear that nobody on this side of Council has ever envisaged, for instance, bringing a battalion of the King's African Rifles into any distant area and forcing the Africans to a course of action, nor any other drastic action, without preliminary propaganda being used everywhere. The hon. Member for Rift Valley in, if I may describe it, a moderate and constructive maiden speech, referred to the good results obtained in the training of the army without the use of force. But I suggest that behind every recruit in the army, who enters the army, there looms a very severe sanction in the person of a Sudanese or Luo sergeant-major and he well knows that if he disobeyes orders he is for it! And, of course, in the last resource, that unhappy incident at Gilgil the other day, even there, when orders were disobeyed, the army were forced to take very severe action.

With regard to propaganda, I always think the best propaganda with Africans is to give them a square deal. You can talk till you are sick about what he should do. I am going to quote another senior officer of the Administration who, in his annual report the other day, stated that the African to-day regards with suspicion any suggestions made by Government. The hon. Chief Native Commissioner—with whose speech I will

deal later if I may—referred to Karatina. I regard Karatina and what happened there as the greatest indictment of the Administration that this country has ever known. The hon. member who is, I know, held in great regard by the Africans, went to Karatina and gave them his personal assurance that Government were not up to any tricks, and in spite of all this those Africans turned down his suggestion. In other words, here was a man well known, who had served as a district commissioner in Nyeri, was well known throughout the Kikuyu country, and the Africans refused to accept his word and the word of Government. I regard that as a very serious indictment of the Administration of this country. As a result of this we must be informed more than trying to drive home, by devious means very often, what are not really absolutely truthful assurances by Government.

We have heard a lot about babies and bombs from the hon. Member for Eastern Area (Dr. Rana). I think there is a vicious circle somewhere there, because I know him to be a student of history, and he will confirm what I say that most wars, if not all wars, an history have started from the mass movements due to over-population, so that if you have over-populations they are bound to lead to wars. The trouble in Abyssinia was that Italy had an over-flowing population which had to move somewhere, and that was conducive to the great war we have just finished, so I think that atomic bomb or no atomic bomb, we are in for trouble if there is no stabilising of the population of these countries.

I know perfectly well that contraceptive measures cannot possibly be enforced, and I agree wholeheartedly with the hon. member Mr. Mathu when he says that education and social services are the right way to bring home to the African what his obligations are. As soon as the African has the social obligation of schooling his children and paying rates for education, social services and so on he will be the more reluctant to have a very large family. That, I think, is the only way to bring home these truths.

With regard to subsidization, I was referring, of course, to the subsidization of marginal lands. I made it perfectly clear to the hon. member that I personally was in favour, for instance, of the

[Mr. Cooke] guaranteeing of prices, but that must be for all races. It seems to me the height of folly if you have marginal land, and I quoted yesterday from a report of Southern Rhodesia; to subsidize that land because you will only get into a vicious circle, but I would make it clear that I am strongly in favour of guaranteed prices. Personally, and as a member of the Wages Board, I would draw Government's attention to the errors in past policy of putting up the prices suddenly of such essentials as maize and meat. In my opinion, and this is the opinion I have held since the war started, if an industry has to be subsidized the money should come from general revenue. It is not only unfair to the African whose budget is suddenly completely upset as it was this time last year, leading to troubles in Mombasa and other parts, but it is unfair to the coffee or sisal farmer, who suddenly finds he has got to pay more for food for his labour. The whole community should share in such subsidization.

We have heard that a lot has been done, we have heard of the miles and miles of terraces, but my hon. friend the Director of Agriculture I think will agree with me that terracing does not restore the fertility of the land. You can terrace the whole country from Wajir to Kisumu and you will not solve the essential problem of the wastage of the land. The only way it can be done is to remove the population to some other fertile region and let the old land rest. It is merely a palliative to make these terraces, and when you, sir, and other eminent people are taken round Kiambu (I am not disparaging the efforts of the agricultural officers) you do not see the whole picture. Looming over the whole of Kenya is the sombre picture of decreasing fertility and increasing population, and that will not be solved, as I said before, if you terrace the whole country from Wajir to Kisumu. I would make it clear that I do not disparage those efforts, which I admit are magnificent, both on the part of the agricultural officers and of the Africans themselves.

There is also the question of the executive functions of the Board. I can illustrate my point by just one instance, and the hon. member fortunately reminded me of it yesterday. When I was

a member of the Board, before I retired 18 months ago now, it was unanimously recommended to the hon. Member for Agriculture that he should at once create a pool of settlement officers. Three months passed and nothing was done; six months past and little was done; and now we have from the hon. member himself yesterday that he recommended a few months ago—or at any rate certainly a year after our recommendation—the training of these settlement officers under Mr. Colin Maher at Njoro. There was a case of delay if ever there was one, for, if the Board had had executive functions, that training might have been started a year ago, and no one knows more than I do the futility of these settlement officers (Olengetwa is a good warning of that) unless you have a very efficient and very determined settlement officer in charge.

There is another instance which illustrates my point. There was the case of the failure to make use of the very sensible offer of Mr. Mathu of getting propaganda across, and there was also—which is inexplicable to me—this error about Makueni. I thought that no quarterly report could have gone out from the African Settlement Board which had not first been scrutinized by the members themselves, but there must obviously be some overlapping there, because here we have on the one hand the Acting Chairman of the African Settlement Board saying that it will take 30 to 40 years to make Makueni suitable, and the hon. member tells us this morning that he thinks it will be done in much less time.

I seem to have rather upset my hon. friend the Member for Ukamba about Makueni, but I return to the charge. My point is that the amount of money being spent is not commensurate with the results to be obtained. I have no doubt that if one spent half a million pounds in, for instance, Laikipia or Wajir one could make the desert there "blossom like a rose," but is it worth it? That is my criticism of the Makueni scheme and, with all due respects to my hon. friend, I think that I, as a member of the Standing Finance Committee, have every reason to be solicitous as to how the country's money is being spent, and I still say—and, of course, I know that history alone can prove who is right—that the

[Mr. Cooke] money spent on Makueni will not be commensurate with the results obtained. It is not only my own opinion, but it is the opinion of people much more competent than myself to judge.

I have a few points to make in regard to the speech of the hon. Chief Native Commissioner. I must say it was a delightful thing to see that pugnacity of his which is obviously derived from his Celtic ancestry! It is a great contrast to some of his predecessors. He took me to task about the Sahara. It is not my opinion alone that the Sahara desert was man-made; it is the opinion of very eminent geologists and historians, and I believe was the theory first promulgated by Sir Harry Johnston, from whose book the hon. gentleman has so effectively quoted. (Laughter.) I would hasten to add that Sir Harry Johnston has written about ten very large tomes, so the fact that he may not find the reference in that book (laughter)—I think the hon. Attorney General will bear me out—is no evidence that it does not exist!

With regard to solving the problem of water and the question of rainfall, the hon. gentleman has had much more experience of mountains than I have—he has mountaineering experience of world-wide fame—but I would suggest to the hon. gentleman that, if it is true that the glaciers are receding, it is all the more argument in favour of taking early and strong effective soil erosion measures! I would also say to the hon. gentleman that my reading—and I stand open to correction now—is that over a long period in Kenya there has not been any appreciable change in the rainfall, when you take it cycle by cycle. I think statistics bear that out. Therefore I think that one can reasonably conclude that the reason why the soil is losing its fertility is not loss of rainfall, but over-cultivation. That, however, is a debatable point.

With regard to the Kamba de-stocking, my hon. friend remarked that no native would regard with equanimity losing half his stock. How true! And with how much less equanimity would he regard the confiscation of his whole stock. That did happen in Machakos, and the whole campaign was so scandalously mismanaged that Africans stationed in the Northern Frontier, people who were

servicing their country in the K.A.R. and the Police, came back and found that the whole of their stock had been seized. That is a case of the misuse of compulsion. It may have been only one or two head, and the fault of the chiefs, but unless you keep an eye—and I think a great many administrative officers agree with me—on the old type of chief in this country, magnificent though his work may have been in the past, you will have bribery, corruption and everything that will lead to dissatisfaction amongst the tribes, and it is absolutely essential to make use of the younger educated men both as chiefs and as local native councillors.

I was glad the hon. gentleman did give me a flicker of hope about the land army. I hope he will not dismiss the suggestion entirely. I was also very glad of his assurance that Makindu will become a native township. I know that secondary industries cannot solve the problem, but I do know that "every mickle mak's a muckle" and that it will help. I should like to see Makindu a large African town, with these secondary industries I have suggested, even if they only employ 2,000 or 3,000 people, with proper schools, hospitals and various other facilities, which will breed a contented African urban population.

I shall not deal with any individual hon. member because I think probably people are getting a little bit tired of this debate, but I should like simply to remark to my hon. friend the Member for Aberdare that I am sorry if I cast any reflections upon the farmers of North Kenya. In his able maiden speech he referred to my views on de-stocking. Those were not my views, but the views of Mr. Colin Maher which were contained in his third quarterly report of last year, and if the hon. member wishes to do so he can see this document and read it for himself. There it does appear that the farmers of North Kenya did not take notice of the warnings of Mr. Watson, and so later they had to be ordered to de-stock. Whether the report is right or wrong I am not in a position to judge.

It is a great source of pleasure to me that this motion has received unanimity, and I think it does show, as I think my hon. friend the Member for Nairobi South said, that we can get together on common ground. Here we have a

(Mr. Cooke) common enemy which all races should get together to combat, and there are many other common enemies in this country which I hope we will be able to get together in order to combat, because I feel that in these great battles Kenya has need of all her sons of any race. (Applause.)

The question was put and carried.

SUSPENSION OF STANDING RULES AND ORDERS

MR. HOBSON moved, with the leave of His Excellency, that Standing Rules and Orders be suspended to enable the Repatriation of Ex-Prisoners of War Bill to be taken through all its stages without due notice.

MR. TROUGHTON seconded.

The question was put and carried.

Standing Rules and Orders were suspended.

REPATRIATION OF EX-PRISONERS OF WAR BILL

FIRST READING

On the motion of Mr. Hobson the Repatriation of Ex-Prisoners of War Bill was read a first time, and notice given to move the subsequent readings at a later stage of the session.

TEA (AMENDMENT) BILL

SECOND READING

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

Hon. members will remember that the International Tea Restriction Agreement came into force some years ago and that, in order to give effect to it, the 1934 Ordinance which it is now proposed to amend was passed. At that time there were planted in this country some 12,500 acres of tea. That Ordinance made provision for the planting of an additional thousand acres. Subsequently, in 1938, the quantity allowed to be planted was extended by another 2,300 acres, and in 1939 by another 200 acres, and finally in 1943 by 3,232 acres. So that at the moment we are allowed to have in existence not more than 19,250 acres of planted tea.

In the view of many people in this country, that restriction of the planting of this crop has resulted in the prevention of very desirable development of a valuable asset of the Colony, and not only have we been unable to make further use of the natural resources we have in the form of valuable tea land, but in the event we have not been able to do what we would have wished to do in the way of providing tea for sale during these last few years of world shortage and shortage of tea for our own consumption. I think, therefore, that there will be no argument in this Council as to the desirability of altering that state of affairs, and the present Ordinance does so by eliminating section 3 (3) which restricts the total area of land in the Colony in respect of which licences may be issued for the planting of tea.

It might be suggested that that is really the essential part of this Ordinance and that, if we were going to eliminate that sub-section, we might as well do away with the Tea Restriction Ordinance altogether, but I trust that members will agree that it is desirable that we should keep some sort of control, to ensure that tea is not planted in unsuitable areas in the future, and that the industry should be so directed that it is likely to go ahead and to remain the important industry which it now is. It is therefore proposed that the remainder of this Ordinance shall remain in force for the present, but it is hoped that within the next 12 months a new Tea Ordinance may be introduced which will definitely set out the terms under which tea may or may not be grown in the future. In the meantime, on the passage of this amending Ordinance it will be possible for licences to be issued for new planting, and it will be the duty of myself and the committee which is in existence and which deals and has dealt in the past with applications, to consider applications for licences and issue them if that seems desirable.

I should like to say that for my own part I look at any application for a licence from three aspects. One is that the land and the climate should be considered suitable for the production of tea; the second is that the applicant's resources are sufficient to enable him to see the thing through. We obviously do not want people to plant tea and then find they have not the money to carry it

(Mr. Blunt) through properly to the production stage some years and to put up, if necessary, a factory to deal with it. Thirdly, that in the case of small acreages of tea there is a probability that satisfactory arrangements can be made for processing that tea in due course. I do not suggest that those are all the terms which we might include in the new Ordinance, but those are the aspects I should look at in issuing licences in the interim period, and when the new Bill is put before the Council opportunity will be given to debate those particular points and to make further suggestions.

MR. STACEY seconded.

The question was put and carried.

SISAL INDUSTRY (AMENDMENT) BILL

SECOND READING

MR. BLUNT: Your Excellency, I beg to move: That the Sisal Industry (Amendment) Bill be read a second time.

The amendment here is a very simple one and needs little explanation from me. At present no provision exists whereby the Sisal Board, if it appoints a committee or sub-committee and appoints to it some person who is not a member of the Sisal Board, can pay travelling allowance or out of pocket expenses for attendance at meetings to such persons. The amendment provides that the Board may appoint to committees and sub-committees persons who are not members of the Board and, if it does so, it may out of its own funds available pay reasonable travelling expenses and allowances.

MR. HOBSON seconded.

The question was put and carried.

REGISTRATION OF PERSONS BILL

SECOND READING

MR. WYN HARRIS: Your Excellency, I beg to move: That the Registration of Persons Bill be read a second time.

It is quite clear from the intertempore letters which have been appearing in the local Press on the subject of registration that there has been a great deal of misconception and, I fear, in certain cases misrepresentation over the object of the four Bills which are now before Council. Government has done its best, both by

communiques and, in point of fact, by appointing special teams to go round the country, to explain exactly what is intended by each of the four Bills, but it is quite clear that in introducing this Bill for its second reading I have got to traverse some of the history of registration in this country.

The history of registration goes back a long way, not quite as far as soil erosion but very nearly. It was in 1915 that regulations were first enacted, but it was not until 1919 that any were actually brought into force. By that time we had had a very serious lesson in the need for native registration. We had in our possession some £200,000 which was payable to various members of the Carrier Corps or their dependants, and we failed completely to identify the recipients, and the vast majority of that money had to be retained and paid to native trust funds. I would compare that with the last war, where Col. Imbert in Military Records used a very similar system of registration and identification to ours, which interlocked with the Kenya system. Payments had gone up to 7 million pounds, and the money was paid out to Africans without any friction and very little abuse of identity. The present Ordinance which works the present *kipande* system came into force in 1924, and with few modifications has persisted until now and, on the whole—and I say, on the whole advisedly—it has done us very well for a quarter of a century.

I think it worth while to examine what is the present system. Firstly, the registration system originally came under the control of the registration section of the old Native Affairs Department, and when the Chief Native Commissioner ceased to be an executive and became an adviser the registration was taken from that Department, which disappeared and was placed under the Labour Department. The main features are known to most of you. Every male native as he reaches the age of 16 years has to give a set of 10 finger prints—10 rolled prints and 10 flat prints. He is issued with a registration certificate which over the course of years has been popularly known as the *kipande*, so much so that the word crept into our legislation. He has to carry it on his person at all times, and on engagement or discharge from employment produces the document for endorsement

[Mr. Wyn Harris] There are eight columns, by the employer. There are eight columns, for the employer's name, nature of work, date engaged, wages on engagement and on discharge, if posho is given, the date discharged, and the employer's signature.

This system has very definite advantages. It helps all sections of the community including Africans. The first one is, of course, it is a certain identification of individuals, that when properly used can be of invaluable assistance to the proper conduct of public business. Such diverse Government interests as the Director of Medical Services, the Postmaster General, the Member for Law and Order, the Financial Secretary, the Member for Health and Local Government, have expressed themselves at various times that a form of identification for Africans is absolutely essential, or if not essential at least desirable, for the conduct of the public business under their charge. Most of these officers go further, and state that universal identification for all races would be better still. Another great advantage of the present system is that it affords proof of contract in verbal contracts. We in this country work almost entirely on verbal monthly or ticket contracts, something like 200,000 are entered into every year between employers and Africans, and we have in the system proof of such contracts. It is a permanent record of the African's wages he has earned in the past, and for the good worker it is a distinct advantage in ensuring that he gets those wages in the future.

The Labour Advisory Board has considered the system, and considers that, on balance, it has been a great advantage, as I have already stated, to all communities. Now the question arises—why should we have to alter it? Well, we all know, at least all those who have studied the question, that it is intensely unpopular with the African community. Why is it unpopular if it is efficient and is on balance an asset? One can go back to 1922, and even then there was a demand by Africans for its total abolition, and from time to time that demand has come up to Government. Why?

The first reason is fairly clear. Having to carry the document on your person at all times and produce it to the police on demand is a very heavy burden, and it

can be used, and I regret to say that on certain occasions it has been used, oppressively. The *kipande* system has involved a large number of petty prosecutions, and I think it is a very grave reflection on the system that something like 5,000 Africans annually are convicted of petty offences against the registration system. We the Labour Department know that on occasions have been mistreated by unscrupulous employers, and I include in that unscrupulous employers of all races; we know that in the past unscrupulous employers signed off employees in red ink to make certain they were not employed again because they were considered to be bad workers. More common, particularly in the remote area, is the refusal to sign an African off when he has completed his contract. There is also the difficulty that arises when an African gets a replacement; very often his employer has forgotten to send in the ordinary postcard return, and the African gets a new *kipande* which shows him to have been signed on as engaged and not signed off, and he has to go to a registration officer, explain himself, and get the permission of the employer to be signed off.

Another point which makes it unpopular is the cost of replacement if a man loses his *kipande* it costs him Sh. 4, which is by no means a small sum for a man drawing the small wage of Sh. 20 per month. There are two other reasons of dislike. One I do not think is particularly material, but it is the considered view of the African that the *kipande* does depress wages. In my point of view it does the exact opposite, but the African considers that it does depress wages. He also has a dislike of it because of the criminal connexion of finger prints with the whole system. I propose to dispose of that point later on in this speech. There is no question—and I think the hon. member Mr. Mathu will bear me out—that in spite of all its advantages to the Africans the system does work hardly on him and is extremely unpopular, and he wishes to see it disappear.

It has been suggested by certain people that this Bill has been rushed forward to meet certain malcontents who have been talking about the *kipande* in the last two or three months. I would make it clear that its inception has nothing to do with the various speeches made recently.

[Mr. Wyn Harris] Universal registration was first of all mooted by the hon. Financial Secretary as far back as 1940. Early in 1945, shortly after the Labour Advisory Board was formed, the Labour Department of which I was then Labour Commissioner introduced this problem for its consideration. Early in 1946 the Labour Advisory Board gave the following advice to Government: "That Government should take the earliest opportunity of stating that it was the declared policy of Government that some form of registration system was essential in the interests of the good government of the Colony, and that an examination of the present system was being made in order to remove certain obnoxious features in the administration of the system which were known to exist". They also appointed a sub-committee to investigate the whole matter. That sub-committee was very well publicized and toured the country and heard a great deal of African evidence and received a considerable amount of evidence from Europeans. It also had, I forget how many but I think 88 memoranda from Africans and some in the neighbourhood of 20 or 30 from Europeans. They made ten recommendations to the Labour Advisory Board, and the Board considered those recommendations and, with slight modifications which I will deal with in a few moments, forwarded them to Government.

The recommendations to Government as modified are ten in number. The first one was that universal registration should be introduced into this Colony for all races. It is very difficult indeed to see that the committee could have come to any other conclusion, because I will refer hon. members to the debate in September of last year on the Woods report, where representatives of each of the three races in this Council warmly welcomed the suggestion of universal registration. I do not propose to quote names, but I think there were at least half a dozen members representing all races on the other side who recommended that universal registration should be introduced. The second recommendation was that a system of identification should be based on finger prints. Here again, I submit, that the committee could have come to no other conclusion whatsoever. We already have

an excellent system working in this country covering two millions of our citizens. I will go as far as to state that to the uninitiated the system is almost magical in its working. You can at the present moment take any African over 16 years of age and without asking any question but by taking his finger prints establish his name and where he comes from, usually in less than ten minutes. It is impossible, I submit, to use any other effective system for universal registration in a multi-racial community where at least 90 per cent of the population is illiterate. It has been suggested that the finger print system should only be used for the illiterates, but against that it is a highly civilized system. It is used over most of America—I understand that in America something like 55 million sets of finger prints are in active use. It is certainly used in the State of New York, and one cannot enter America without giving finger prints and having an identity certificate similar to the one we are proposing in this country. I submit that if the registration is non-racial the identification must also be non-racial, and for these very obvious reasons.

I have already stated that the African regards the giving of finger prints as something connected with crime, and I would go so far as to say that among a large number of Europeans the general idea of finger prints are also connected with crime. We who have to deal with the system consistently have told the African again and again that there is nothing derogatory to the human race, that there is nothing harmful in giving finger prints, and I consider that if we are going to press that point home we have got to prove it ourselves by giving our own. I myself have not the slightest objection to giving my finger prints—I am not going to leave them on anyone else's window pane after 6 o'clock at night, and I hope no other member of Council will do so! (Laughter.)

The third recommendation of the sub-committee was for the issue of "the identity document. That merely says the document shall contain particulars personal to the holder. Recommendation No. 4 deals with returns to be sent in for employees drawing less than Sh. 100 a month. I will deal with that point in detail when I come to the amendment of the Employment of Servants Ordinance.

[Mr. Wyn Harris] anance. Recommendation No. 5 is an important one. It is, that there should be no need for the identity certificate to be carried on the person at all times but that it should be produced in certain circumstances. I will deal with those circumstances when I come to the details of the Bill. No. 6 was that the identity certificate should be issued free of charge, and if it were lost Government did not intend to make a profit on its replacement but would replace it at cost price. The reason was obvious, Sh. 4, which is the present price, is a very large sum of money for a man on low wages to pay if he has inadvertently lost his identity certificate. Recommendation No. 7 was the abolition of the present "red book" and its replacement by a voluntary system. I will deal with that when I come to the Registration of Domestic Employment Bill.

Recommendation 8 was that the Labour Department should run the new registration system as an interim measure. The idea behind it is that the Labour Department has facilities at the moment, but that in due course under Recommendation 9 there will be set up a completely separate bureau of identification which could be used by each department as it is required. No. 10 was the immediate repeal of certain sections of the present Native Registration Ordinance, which were discovered to be working hardly on Africans at the present time.

I now propose to deal clause by clause with this Bill, though I do not propose to go into it in great detail, as I have Your Excellency's permission to state that Council will be asked to send this Bill to a select committee, together with the other three Bills, in due course.

I do not think there is anything in clause 1 beyond the proviso: "Provided that the Governor may by notice in the Gazette exempt any area or areas from the operation of this Ordinance." We have never applied the Native Registration Ordinance either to Turkana or the Northern Frontier, and in the first place we have no intention of applying this Bill to those districts owing to the vastly practical difficulties. That is the reason for the proviso.

Regarding clause 2, the only comment I have to make is in (b). "Such classes

of persons as the Governor, in Council may from time to time prescribe". The committee, in its report recommended that the Ordinance should be applied to all male persons over 16 and also to all females in employment. We have left out females in employment because we have got to apply this Bill piecemeal. If we apply it to all females in employment, there is a very large number to whom it will have to be applied, as it appears to be overlooked very often that this will not apply to European women only. It will apply to women of all races, and the intention at present is to apply it when we are ready to do so. Later it may be that we shall want to apply it to males below the age of 16, and we could do so under this paragraph (b).

I do not think there is any other remark there except about the third proviso. The idea is that the Governor in Council shall make such rules as he sees fit regarding purely temporary visitors to this country, if the immigration authorities are satisfied they will not stay in the country for any period of time.

Clause 3 is purely definitive, and concerning clause 4 there is no comment necessary. Clause 5 lays down the particulars to be recorded in respect of each person, and (1) says "such other particulars as may be prescribed". That merely means that if we have forgotten various other particulars the Governor in Council will prescribe what other particulars may be added. At the select committee stage I shall probably move that an extra particular be included here, the registration number, which has been inadvertently omitted. Clause 6 is merely to empower Government to transfer those records which we already have and which are required by this Bill from the Native Registration Ordinance for the use of this measure.

Clause 7 is the main one. Sub-clause (1) enables the Registrar to register the Colony piecemeal. It is quite obvious that all cannot be registered at one time, and the Registrar will from time to time prescribe which class of persons is required to be registered. He will possibly start with the big towns first and take the population class by class. Under (2), any person who enters an area after we have started registration will be compelled to register. (3) provides that where an

[Mr. Wyn Harris] African is in possession of a *kipande* when he comes to register he will surrender that *kipande*, and (4) will keep the present registration certificate issued under the native registration system in being until such time as the African exchanges it for a new identity certificate. (5) is a step before the actual registration by an African takes place. It enables the *kipande* to be split in two so that the top portion becomes a temporary identity certificate until such time as he exchanges that top part for the new identity certificate which will contain roughly the same particulars.

Clause 8 is a repetition of the English Act on identity certificates. Clause 9 has caused a certain amount of discussion. The idea behind it is that there shall be either a photograph or a thumb print on the actual identity certificate. If any person prefers to have a photograph rather than a thumb print the former may be put on the identity certificate in lieu of the thumb print. From the point of view of identification we are quite happy that that is reasonable identification, and in point of fact, serves our purpose better. If any person elects, he may under (1) sign the certificate. The reason for this is that a very large proportion of our population are unable to write, and it is very difficult to call upon a registration officer to decide whether or not a person is sufficiently literate to add his signature to the document. In consequence we have left the signature optional.

Clause 10 contains the conditions under which a certificate must be produced and is an important clause. Sub-clause (1) lays down that when any authority is approached by a registered person who applies for some service, such as the grant of a licence or a permit, or any other document, it is up to the authority to say "Well, before I give you whatever you require, you must either produce your identity certificate or prove your identity to my satisfaction". I understand that in select committee there will be a proposal to add that the certificate must be produced when taxes of various kind are being paid, and I myself would support such a suggestion.

Sub-clause (2) deals with the power to demand the production of identity

certificates when the Governor in Council has announced that a check up is necessary. That is to say, we would have a check, let us say, in Nairobi for a fortnight or ten days, and during that period the Principal Registrar, or people authorized by him, would be empowered to stop people and ask them to produce their identity certificates or to produce them to his office, which is very similar in fact to the production of a driving licence during the usual check up we have in this town.

Sub-clause (3) gives power to the Principal Registrar, or his assistants, during the course of their duties—that is to say, during their inspection of business premises or something of that sort—to call upon people to produce their identity certificates so that they can see that the provisions of this Ordinance are being carried out, and in point of fact that the labour laws also are being carried out. If a man has not got his certificate on his person you will see that there is provision to allow them to say, "Will you kindly come and produce it at such and such a time?"

Clause 11 is a question of evidence and merely makes provision that, where the Registrar has given any certificate, for instance certifying that a set of finger prints belongs to such and such a person, the document may be put in as evidence without the Registrar having to travel, let us say, from Nairobi to Kisumu, but it does not say it is conclusive proof if the question is turned on whether or not the identity was correct. He could, at the discretion of the court, be called upon to prove his point, but if it was not in dispute that document would be evidence for the prosecution or defence.

I do not consider that I need deal with clause 12 in any detail. It deals with the types of offences that can be committed. Most of them are taken almost *en bloc* from the English Act with regard to identity certificates. There are a series, to start off with, of rather serious offences, and it has been suggested that the penalty of £50 or six months is not sufficient because some of them are obviously rather serious. The point is that I should like to put forward view is this, that a very large number of these offences are also punishable under the Penal Code. For instance, one or two of

[Mr. Wyn Harris] is forger. If somebody has made, possibly, a false entry on an identity card and is run for it and it is not a serious offence, it is obviously quite fantastic that that man should be charged with an offence which is punishable with 7 years. If we proceeded by the Penal Code in the case of a European, willy nilly he would have to be committed to the Supreme Court, to receive possibly a fine of Sh. 10, and it is put in here, so that, if a prosecution takes place, the prosecution can decide whether it will charge the man under this Ordinance or under the Penal Code.

Clause 14 deals with the Governor in Council's powers to make rules, and calls for no comment. Clause 15 repeals the Native Registration Ordinance, and puts in a proviso to the effect that a certificate under the Native Registration Ordinance should be held until such time as it is exchanged for an identity certificate.

That is the Bill. I want to make it clear that a large number of members on this side of Council have gone into this Bill at great length, and Government certainly believes that universal registration is in the interests of good government, and this Bill is an honest attempt to fit our legislation to changing and, I trust, better times. It is entirely non-racial, and I claim it to be a bold experiment in universal identification in a multi-racial colony.

Before concluding I should like to pay a tribute to the Labour Advisory Board Sub-Committee who made this Bill possible, particularly the Labour Commissioner, Mr. Hyde-Clarke, who did most of the work and who should be introducing this Bill this morning if he was not away on leave. I should also like to pay a tribute to Mr. Wise, the Registrar, who did a tremendous amount of work in connexion with this Bill.

MR. HOBSON SECONDED.

SIR ALFRED VINCENT: Your Excellency, as this Council is aware I have supported consistently the principle of a complete system of registration of the peoples of all races in this country since it was suggested by the hon. Financial Secretary in the debate on the Wilfrid Wood's report, which took place on the 24th September, 1946. Although a considerable time has elapsed since then and

various opinions have been given me, and various associations and public bodies have studied this subject as a result, I see no reason to vary in any way the opinion which I expressed in that debate, which very briefly was this: "On the question of the registration of all races, as has been pointed out by the Secretary of State in the House of Commons, England had to do it and I think that, in order to protect all the people of this country, in order to see that justice is done to each individual and each community, this should be done at the earliest possible moment".

The argument, as far as I can see from the various representations which have been made, is about ways and means, and as this Bill is going to a select committee I am not going to waste the time of Council in making the various suggestions which I should like to make when I appear before the select committee. If we adopt the principle of registration of all races, we must be certain that the method which is adopted is efficient and infallible, and further, as the second essential, that the Government is prepared to carry it out in a complete and efficient manner; otherwise we shall not achieve the object which I see in this Bill of protecting each individual in this country.

I beg to support the Bill.

MRS. SILVESTER (Kiambu): Your Excellency, I beg to support this Bill because I believe it is in the interests of good government and to the advantage of every citizen of every race. As the hon. Chief Native Commissioner has pointed out, in the interests of good government it will give us complete identification of all citizens, without which the modern State cannot work. I would go further, and wholeheartedly support fingerprinting for everybody. Again, as the hon. Chief Native Commissioner has pointed out, if any one of us of any race goes for the shortest visit to the United States, we must give out ten finger prints to the American Consulate in Nairobi, and already there are quite a lot of us who have given these finger prints.

This registration must obviously begin, as is stated in the Bill, with the males over 16 of every race, but I do earnestly hope, that this registration in due time will include the females of every race. I

[Mrs. Silvester] do not want to invite the fire of the big guns of the Legal Department, but have you ever in your life met a bleaker or describing females than this: "such classes of persons as the Governor in Council may prescribe" (Laughter.) (Clause 2 (3).) This is going to take a long time to do, and we have the ominous remark at the end of this Bill that even Government does not know how much it is going to cost. Well, as one of these bleak prescribed classes, I am used to running my house within my house-keeping money, so that this phrase frightens me, but I do agree that, if we are going to have an effective system, we must have it whatever it costs, and I would submit that it will not be an effective system until every citizen is registered, and I should like to say again that I hope in due time to see the registration of every woman—I hate the word "female"—every woman of every race, as the women of each race become ready for it.

I suggest that we look at this Bill from a new angle. Let us look at it as good citizens, not as different classes and different ages and what-have-you's. I feel that the women will want to be registered because they are full citizens, and therefore what a full citizen should do they will do. I hope that all members of this Council will unite in supporting this non-racial Bill which is going to build a better State. (Applause.)

MR. COCKER: Your Excellency, in accordance with the wishes of a meeting of the Indian elected members, I rise to oppose the Bill which seeks to make provision for compulsory registration of every adult living in this country. It has come to me as a great surprise to see the European elected members supporting the Bill, because outside this Council I have met quite a few prominent Europeans who expressed horror at the Bill and plainly said that if ever the elected members dared to support the Bill they would be shot. (Laughter.)

The meeting of Indian elected members was, of course, guided by the views expressed by the Asians at various centres in this country. Although personally I agree that, for various reasons, with this mixed population scattered over vast areas it is imperative that one's identity

should be conclusively established, yet I oppose the Bill because I believe, and honestly believe, that it is unnecessary and undesirable, at least in its present form.

I am very glad the hon. mover has very clearly dealt with all the reasons why the *kipande* has been unpopular from the time of its inception about a quarter of a century ago. The much-hated *kipande* was issued to Africans at a time when, with very few exceptions, they were illiterate and unable to read and write, they seldom moved out of their reserves, unless they were approached to go and work as farm labourers or labourers on contract or as domestic servants. They had to give their finger prints because it was under those circumstances considered necessary. What justification is there to-day for non-Africans to be carried back to a stage from which the Africans emerged 30 or 40 years ago?

The argument has been advanced that only a criminally minded person may be averse to giving his finger prints, and it is strengthened by the further argument that such a system exists in America. I submit that we in Kenya have not reached that perfection of crime that exists in America. America is perhaps the only country in the world which has such a system, and most certainly it does not exist in England.

I see very little in the Bill to commend it, unless it is expected to serve some doubtful political end. The placing of the finger and thumb impression in the register of the Principal Registrar is going to serve no purpose, other than being a source of irritation and annoyance to the great majority of the Europeans and Asians living in this country. The Asian community is not at all eager to undergo the discomforts and inconveniences which they experienced during the early stage of the war when the ration cards were being issued, because they believe that the measure is absolutely unnecessary. They believe that a system or systems exist whereby the identity of non-Africans can very easily be established. No sound case has been made out for this compulsory registration. There has never been any difficulty in the past, and I can see no difficulty in the future with regard to the identity of the non-African. Such a

[Mr. Cocker] necessity has never arisen in this country and has never arisen in the adjoining territories, even including the natives.

I contend the Bill is unnecessary. It is therefore unfair to impose an extra burden on the already heavily burdened taxpayer. If the hon. mover had quoted specific instances where the identification of the non-African could not be established, and if he had strengthened his case by giving such instances then, and then only, I would have suggested that the ownership of a passport is all that is required from a non-African living in this part of the world. Africans should be given the choice of either possessing a passport or, as I am afraid most of them would not be able to afford it, we could give him the choice of an improved form of identity card. This would enable every adult person living in this country to establish his or her identity, when required by the authorities under certain circumstances.

I am very glad that an assurance has been given that the Bill will be referred to a select committee, and I am sure common sense will prevail and that the serving of political ends will not be allowed to guide the deliberations of that committee. For these reasons I must oppose the Bill.

The debate was adjourned.

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

The debate was resumed.

MR. WOOLEY (Nairobi North): Your Excellency, according to the hon. Member for Central Area (Mr. Cocker) I take my life into my hands by rising to support this Bill. (Laughter.) I know that the hon. gentleman for whom I am acting on this Council has been closely connected with the circumstances which led up to this Bill, and were he here today I feel sure he would be supporting it. There it, however, one point which I would like to make, and that is that I feel it is not within the bounds of possibility that within a period of some years there will be many thousands of these identification cards lying spare around the country, their owners having died in the meantime, and I do feel that some attempt must be

made to ensure that these identification cards will be surrendered to the proper authorities. It may even be necessary to introduce some registration of deaths to ensure that these cards are not mis-used.

I do wish to emphasize the point made by the hon. Member for Nairobi South when he said that we as Europeans were supporting this Bill only on the condition—or mainly on the condition—that we believed it tended to good government, and that we wanted to see it really implemented. We are a liberty-loving people, and as such have sacrificed much in the past for liberty, but there is a tendency in some quarters to regard licence as synonymous with liberty. The plain truth of the matter is, of course, that it is very often necessary, in order to safeguard liberty, to take steps to ensure that abuse is not made of that liberty, and I think that is the principal reason why we support this Bill. We are anxious to see the fullest possible use made of this Bill when it does become law, and if that is not done then I think Government will need all the Celtic eloquence of the hon. Chief Native Commissioner as well as some of his undoubted maintaining skill to escape the wrath which will overtake them. (Applause.)

MR. MATHU: Your Excellency, I rise to support the Bill before Council, and in doing so I do it with the complete understanding that this Bill brings about the death of the *Kipande* system as we know it today. If that is not going to be the position and there will be remnants of the *Kipande* system, then I shall make it clear to the whole country that I supported this Bill under a complete misapprehension. But I feel there are sufficient grounds to prove that it is the intention of Government to abolish the *Kipande* system in its entirety and it is for that reason that I rise to support the Bill.

I also support this Bill because I know that with the death of the *Kipande* system we are getting into a new era not only for the interests of good government but also for the interests of happy and friendly relations between the communities of this land. Nobody can dispute the fact that the *Kipande* has been definitely the cause of ill feeling between the African community and the Government, and also one between the other communities. The

[Mr. Mathu] immigrant races of this land. It is for those reasons that I think the African community will be justified in supporting a measure that is intended to bring about happy relations between the communities, and also a measure that is intended for the interests of the good government of this land.

I should like, however, to say that when I raised this question of the *Kipande* system some two years ago quite a number of friends said: "Well, this is only Mr. Mathu's funny idea; it is only the funny idea of a few educated Africans but the mass of the African people cherish the *Kipande*". I made further representations in this Council, and should like to say how grateful I am to Government that they have definitely taken the matter seriously, and now we see it. I should also like to say that when the sub-committee of the Labour Advisory Board was appointed I myself was a member, and it became abundantly clear to members of the committee and the European community wherever we went to take evidence that, after all, the abolition of the *Kipande* was not the hope of Mr. Mathu alone but was the hope of the whole of the African community. I should also like to pay tribute to the sub-committee and my friends in the Labour Department for the great patience they took to go into the whole question of the grievances about the native registration system which had been put to them by the people.

I say that I am supporting this measure because it is a step in the right direction for a healthy community, or the healthy relations between communities, in this country. I have been criticized in the Press and elsewhere for my views on this matter, and actually a very kind person—I do not know the names of all the persons who have criticized me—sent me a letter from Nanyuki with no name or address, a letter which I perhaps should be allowed to read because of the sonnet he has written. Here it goes:

There's a nigger called Mathu, they say,
Who mutters in Leg. Com. all day:
"I'm the black son of Ham—
But God knows who I am,
Since they've taken my *Kipande* away."
(Laughter.) If the writer of that poem had given me his name I would have

invited him to my place for a cup of tea, because I think it is a credit to the services that I have tried to render for the better relations between communities in this land and for the good of the country. However, he unfortunately only sent the letter from Nanyuki with no address and no name.

Since this Bill is to be referred to a select committee, I shall not dwell very much on the various clauses, but I should like to say that regarding the proviso at the end of clause one I should have liked the hon. mover to have given us the practical difficulties in applying the Bill when it becomes law to the whole country. This measure should become universal in the meaning of the clause, and there should be no exemptions of areas unless, of course, the hon. Chief Native Commissioner says that it is absolutely necessary that it should not be applicable to the Northern Frontier or Turkana or any other area. I should like also to say that I am still unhappy in regard to clause 5 (1). Under that, there are particulars which will be included in the identity card and those particulars will be prescribed. I should like to say with all deference to the hon. member that I am not satisfied with that, because there may be certain things forgotten there now which they will require to go into the card. I have in mind that certain suggestions were made when we were touring the country as a sub-committee, certain things such as endorsement of the card for things like inoculation and yellow fever injections and such like, which should be endorsed on the identity card. I personally think I should not like either, because I do not think that the endorsement on the card that a fellow has has a yellow fever injection will add to his identity. I should like all the particulars required to be enumerated under this clause, and the hon. mover did suggest that the registration number should be included, because once we try to bring in anything that could be described as discriminatory in the document when it is in the possession of the various communities, I am afraid that we are not going to improve things. I therefore request further consideration in select committee of having all the particulars included in the Bill.

[Mr. Cocker] necessity has never arisen in this country and has never arisen in the adjoining territories, even including the natives.

I contend the Bill is unnecessary. It is therefore unfair to impose an extra burden on the already heavily burdened taxpayer. If the hon. mover had quoted specific instances where the identification of the non-African could not be established, and if he had strengthened his case by giving such instances then, and then only, I would have suggested that the ownership of a passport is all that is required from a non-African living in this part of the world. Africans should be given the choice of either possessing a passport or, as I am afraid most of them would not be able to afford it, we could give him the choice of an improved form of identity board. This would enable every adult person living in this country to establish his or her identity, when required by the authorities under certain circumstances.

I am very glad that an assurance has been given that the Bill will be referred to a select committee, and I am sure commonsense will prevail and that the serving of political ends will not be allowed to guide the deliberations of that committee. For these reasons I must oppose the Bill.

The debate was adjourned.

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

The debate was resumed.

Mr. WOOLEY (Nairobi North): Your Excellency, according to the hon. Member for Central Area (Mr. Cocker) I take my life into my hands by rising to support this Bill. (Laughter.) I know that the hon. gentleman for whom I am acting on this Council has been closely connected with the circumstances which led up to this Bill, and were he here today I feel sure he would be supporting it. There is, however, one point which I would like to make, and that is that I feel it is not without the bounds of possibility that during a period of some years there will be many thousands of these identification cards lying spare around the country, and their owners having died in the meantime, and I do feel that some attempt must be

made to ensure that these identification cards will be surrendered to the proper authorities. It may even be necessary to introduce some registration of deaths to ensure that these cards are not mis-used.

I do wish to emphasize the point made by the hon. Member for Nairobi South when he said that we as Europeans were supporting this Bill only on the condition—or mainly on the condition—that we believed it tended to good government, and that we wanted to see it really implemented. We are a liberty-loving people, and as such have sacrificed much in the past for liberty, but there is a tendency in some quarters to regard licence as synonymous with liberty. The plain truth of the matter is, of course, that it is very often necessary, in order to safeguard liberty, to take steps to ensure that abuse is not made of that liberty, and I think that is the principal reason why we support this Bill. We are anxious to see the fullest possible use made of this Bill when it does become law, and if that is not done then I think Government will need all the Celtic eloquence of the hon. Chief Native Commissioner as well as some of his undoubted mountaineering skill to escape the wraith which will overtake them. (Applause.)

Mr. MATHU: Your Excellency, I rise to support the Bill before Council, and in doing so I do it with the complete understanding that this Bill brings about the death of the *kipande* system as we know it today. If that is not going to be the position and there will be remnants of the *kipande* system, then I shall make it clear to the whole country that I supported this Bill under a complete misapprehension. But I feel there are sufficient grounds to prove that it is the intention of Government to abolish the *kipande* system in its entirety and it is for that reason that I rise to support the Bill.

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[Mr. Mathu] immigrant races of this land. It is for these reasons that I think the African community will be justified in supporting a measure that is intended to bring about happy relations between the communities, and also a measure that is intended for the interests of the good government of this land.

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But God knows who I am,

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(Laughter.) If the writer of that poem had given me his name I would have

invited him to my place for a cup of tea, because I think it is a credit to the services that I have tried to render for the better relations between communities in this land and for the good of the country. However, he unfortunately only sent the letter from Nanyuki with no address and no name.

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[Mr. Mathu]

Other points have been covered very well by the hon. mover, and I do not want to be guilty of repetition, but there is one point I should like to mention, under clause 15, where the Native Registration Ordinance is to be repealed. I suggest that my feeling is that if that Ordinance is repealed under this clause, one would ask an explanation from Government as to whether it is still necessary to amend the Native Registration Ordinance, which is the next Bill on the order paper today. Once that Ordinance is repealed one does not expect it to be amended, and I do feel it is a question why that is necessary. I do know the machinery to get this new measure moving will take some time, but my contention is that if the African has been under this Ordinance for 25 years he can wait another 9 months or so to make sure that the law which will affect all communities in this country will be in operation. If that suggestion is taken into consideration it will perhaps be necessary to withdraw that amending Bill and keep only this one that we are giving our support to.

I should also like to mention that there is an Ordinance which I have already seen the hon. Chief Native Commissioner about, and we both agreed that perhaps it will be looked into in the future, the Native Exemption Ordinance, under which certain Africans are exempt from the Native Registration Ordinance. Once that Ordinance is repealed when this Bill becomes law, it may be that the Native Exemption Ordinance will not be operative.

With those remarks I would like again, before I sit down, to say on behalf of the African community that we are very grateful to Government for having, after 25 years listening to our demands, decided to abolish the *kipande* system, and I am glad to say that I personally have witnessed the death of that obnoxious document. I beg to support.

MR. THAKORE: Your Excellency, I rise to oppose this Bill. My reasons for doing so are that, when the budget was discussed last year, it was the cry of members on all sides of Council that the Colony's expenditure must be reduced, and in every direction members looked for reductions. I have been surprised that

a new measure is introduced which is likely to add to the Colony's expenditure and at the same time it is supported by members of this Council.

This Bill is intended to replace the Native Registration Ordinance. For all these years there has been vehement opposition to that Ordinance, and in spite of all my hon. friend Mr. Mathu has said I cannot accept the position that, by the passing of this legislation, that opposition is likely to be less from the large majority of the population. It is likely to be greater instead of less. This Bill is only being brought in perhaps at the desire of a small section of the community. It is not fair or right when trying to abolish such legislation as the Native Registration Ordinance to say it has met with favour. The National Registration Bill has met with considerable opposition from the greater portion of the community, and it is designed to bring in another piece of legislation that ropes in the entire community.

Another point I should like to make is that the remnants of the *kipande* system are continued in this proposed legislation by the clause which relates to inspection, just as at the present moment the African can be held up for the inspection of his *kipande*. Not only the African, but the European and Asian and African will be called upon for inspection of his identity card, which is another name for *kipande*. We have been short of staff in this country, short of money, and money is required for more urgent purposes, and instead of diverting any money we may have to useful and urgent projects it does not seem right that we should spend an unknown sum of money on an idealistic kind of legislation which, in a new country like this, is not very essential. No necessity has been shown for it, no difficulties have been found in identification in the past.—If in an old established country like Great Britain one and a half million people defied registration, in a new country like this it is on the cards that the very persons who it may be found necessary to identify are going to be the people to defy registration, and no object is served in just registering the peace-loving, honourable members of a community.

This Bill has been supported with a reservation by the hon. Member for

[Mr. Thakore]

Nairobi South and other members. We know that it is common knowledge that quite a lot of legislation in this country is not implemented or given effect to because there is not adequate staff to implement that legislation. Why add to that position by bringing in new legislation to put on the statute book? There are enough powers in the hands of the police and Administration to further the Government, and very little will be gained by adding another law. I oppose the Bill.

MR. WYN HARRIS: Sir, I have very little to say arising out of the debate, but there is one point I want to make clear. I consider that this debate has been a personal triumph for the hon. Member Mr. Mathu. (Hear, hear.) He knows as well as I do that all over the country there is a good deal of misrepresentation. A large number of Africans have been clamouring, and indeed screaming, for the abolition of the *kipande* and for nothing in its place, and I know the hon. member has had to meet that clamour in many of his meetings up and down the country, and he has, I know, been fully persuaded in his own mind, as I have, that this Bill is removing from any identity system all those disadvantages—and very grave disadvantages—under which the African has suffered. It would have been much easier for him to have opposed this Bill tooth and nail. He would have got a lot of kudos up and down the country, and he could have said that it was forced down the throats of Africans by Government. He has not done so, and as I say it is a personal triumph for him.

I regret that the Indian members have seen fit to oppose this Bill. Not one solid argument has been produced by them as to why they oppose it. It has been suggested that it will not be enforced. May I suggest that the very reason the *kipande* was so unpopular was because it was enforced? In this particular case the difficulties of enforcement will not be large. The next point which was made was, I think, the annoyance of giving finger prints. The annoyance of giving finger prints is no more than the hundred and one things we have to do every day in a civilized community, and in reply as to whether this Bill will be useful or not I can reply that the Government of the

country is convinced that this measure will lead to good government.

I have been challenged as to how much it will cost. It is very difficult to say at the present moment, because we are not exactly certain how much of the country we will tackle at a time, but as a rough guess the original capital cost including identity certificates, the building in which we have to house our records, will cost £20,000, and the annual recurrent cost should be something in the neighbourhood of I reckon, of £5,500 to £6,000 a year. I have no doubt that we will save many times that amount in the proper administration of this country.

I regret that the hon. Acting Member for Kiambu does not like the words "classes of persons", but it is intended—I did not make it quite clear—that in addition to women it may also be necessary later to apply it to males below the age of 16. We have on the stocks certain legislation to protect juveniles who are out of work, and it may be desirable then, in order to identify these juveniles, to lower the age for males below that of 16. There again I want to make it perfectly clear that if the age is lowered it will be non-racial.

The hon. Acting Member for Nairobi North has raised the question of death. I would refer him to clause 14 (c), where the rule-making powers exist which will deal with that particular point. The question of the Northern Frontier District and Turkana is not a particularly serious point, but there are a good many practical difficulties in endeavouring to issue identity cards to nomads, who one day are in Abyssinia, the next day in Kenya, and the third day possibly in the Sudan. It is doubtful whether the extra cost of registering the few nomads in the Northern Frontier is worth the trouble of just doing it in order to say that we have universal registration throughout the country. We normally deal with Turkana and the Northern Frontier District as rather separate from the Colony as a whole, but if it proves practical and not too expensive, I have no doubt we will proceed with universal registration in the Northern Province.

On the question of proof of identity, I do not propose to deal with it here. We can deal with that in select committee.

[Mr. WYN HARRIS] but there again I can assure my hon. friend Mr. Mathu that we have designed this Bill so as to be non-racial, and non-discriminatory, and we have no intention of slipping in the few words "proof of identity" merely to undo all the hard work done over the last two years.

As to why the Native Registration Ordinance should be amended, the reason is this, that it will take us possibly a year to get the machinery going for universal identification. We have got to get identity cards, and we have got to lay out plans in order to make the change over smoothly between now and the time when we can really start. It seems desirable that we should show the African that we do desire to remove those things which really hurt in the *Kipande*. In point of fact, it will go further: I am quite satisfied that if the amendment to the Native Registration Ordinance which we are proposing to-day had been made 12 years ago the African of this country would have regarded his *Kipande* with affection and not with hate.

I think I have covered most of the points in this particular Bill, and I beg to move the second reading.

The question was put and carried.

NATIVE REGISTRATION (AMENDMENT) BILL

SECOND READING

MR. WYN HARRIS: Your Excellency, I beg to move: That the Native Registration (Amendment) Bill be read a second time.

As I have already said, this is a purely interim measure, to last until such time as we have the universal registration. I propose to go through the Bill very briefly, because here again, if there is anything contentious, it can be decided in select committee.

Clause 2 of the Bill merely removes the obligation on the African to carry his registration certificate—that is the present *Kipande*—on his person at all times, and I would refer you to clause 6 of the Bill whereby the same clause as occurs in the Universal Registration Bill removes the necessity of carrying the registration certificate. Clause 3 makes it no longer obligatory on the African to produce his

Kipande to be signed off. In other words, it turns the bottom end of the *Kipande* into a record; that is to say, if he produces it before any registration officer or before a district officer, it will be signed off without question, and he can then be employed by any other employer.

Opportunity is taken in clause 5 of doing away with the present leave certificate. The present leave certificate, which was introduced into this country by section 2a of the Ordinance in 1938, is in point of fact *ultra vires* 90 per cent of the verbal contracts entered into in this Colony. As this Bill will only be in force for a year I do not propose to go into great detail in explaining why it is *ultra vires*, but roughly the position is this. If a man has worked 28 days on a verbal monthly contract and could be signed off and discharged at the end of 2 days, but instead asks for and is granted a leave certificate for one month or more, in point of fact no such leave can be legal, as the contract runs out two days after he begins his period of leave. In consequence, for many years we have been working under the delusion in this country that a leave certificate is a valuable document. In point of fact it is valueless as the contract usually runs out some time before the man comes back.

Clause 6. There is no need for me to go into detail. It repeats, word for word, the clause in the Universal Registration Bill which lays down the times at which a certificate must be produced. Opportunity is taken to alter the words "Chief Registrar of Natives" to the "Principal Registrar" in anticipation of the time when we bring in universal registration.

MR. HOBSON seconded.

MR. MATHU: Your Excellency, I should not like to waste the time of Council on this Bill, because most of the remarks I should have liked to make I have already made when speaking on the previous Bill. But I should say this, that the period during which this is to be an interim measure, which the hon. Chief Native Commissioner has said will be one year, is very important, and I hope that the period will be one year and not one day more.

MR. WYN HARRIS: I hope that it will be even shorter than a year. It depends

[Mr. WYN HARRIS] however, entirely how long it will take us to get identity certificates and how soon we will be in a position to bring in universal registration. I hope, with the hon. member, that it will not exceed a year.

The question was put and carried.

EMPLOYMENT OF SERVANTS (AMENDMENT) BILL

SECOND READING

MR. WYN HARRIS: Your Excellency, I beg to move: That the Employment of Servants (Amendment) Bill be read a second time.

This is a corollary of the first Bill. As soon as the amendment to the Native Registration Ordinance is repealed and the main Bill comes into force there will be no provision for records of employment, because the whole of the records of employment are dealt with at the present moment under the Native Registration Ordinance. We are now taking those records of employment out of the Native Registration Ordinance, where they had no right to be originally, and putting them into the Employment of Servants Ordinance. The method in which employment, particularly of Africans (because they are the people who are drawing less than Sh. 100 a month) will be recorded is in the following manner.

Under the Employment of Natives Ordinance at the present moment every employer who employs any African drawing less than Sh. 100 is compelled by law to keep a register of such employment. In it he has to keep the man's name, the man's identity certificate number, his rate of wages, and whether or not he supplies housing or food. In addition, he has to send to the Registrar of Natives an employment card showing those particulars. In the new set up, when he does that; he will also be bound by law, if the man is drawing less than Sh. 100 a month, to hand a duplicate card to the African concerned. That African can keep that card or destroy it as he sees fit. He will find very quickly that it pays him to keep that card, because it is really his only proof that he is employed by that particular person. For instance, if he goes to the Labour Officer and complains that he has not been paid his wages, obviously the first

thing the Labour Officer will ask for is the card. On his discharge he will present the card, if he sees fit, to be endorsed with the amount of wages he was drawing on discharge, and to have it endorsed with the signature of the employer. Again, having received that card, he can do what he likes with it; he can either destroy it or use it when seeking further employment.

We have studied this very carefully on this side of Council, and the effect will be that the African will have his identity card, and he will collect from time to time, instead of a number of endorsements on his *Kipande*, a number of employment cards. The employer who wishes to employ a man will only have to call for the man's cards, he will produce those cards he desires, which is in consonance with any other country in the world, as far as I am aware, and he will not have to produce those cards he does not wish to. It may be suggested by employers that it means to say that the bad employer will get work to which he would not otherwise be entitled. In my view it is complete and utter nonsense. It is quite wrong that a man should be compelled to produce every reference that he has been given, if he does not like the reference I see no reason why he should produce it to a would-be employer.

I do not propose to go through this Bill in detail. It is going to a select committee, and all it means is that a man receiving under Sh. 100 a month will be given a card instead of his *Kipande* being written on.

MR. HOBSON seconded.

The question was put and carried.

DOMESTIC EMPLOYMENT (CERTIFICATE OF REGISTRATION) BILL

SECOND READING

MR. WYN HARRIS: Your Excellency, I beg to move: That the Domestic Employment (Certificate of Registration) Bill be read a second time.

This Bill is not a corollary to the other three, but it follows one of the recommendations of the sub-committee, which recommended that the "red book" with which we are all familiar, should be replaced by a similar system but entirely

(Mr. Wyn Harris) on a voluntary basis. I want to make it perfectly clear that neither the Labour Department nor the Government feels particularly strongly about this Bill. It takes the schedule of the Domestic Servants' Registration Ordinance, and instead of making it compulsory in certain scheduled areas for people to take out a "red book", it makes it a voluntary act on the part of the would-be servant. If he wants he can get a certificate of registration. It should be realized that this certificate of registration will have one important difference from the "red book". There will be no spaces for the writing of character. In consequence the certificate will merely mean that, as far as the Government is concerned, it knows of no reason why the man should not be employed in that particular scheduled employment. It will be no evidence that he is an efficient cook, it will be no evidence that he is a good valet; it will mean that as far as Government knows his character is such that he would not be dangerous if employed in that particular capacity.

The next important difference between the present system and the proposed system is that it is not going to be compulsory for anybody to employ a person who has not got this certificate. If I care to take on a cook in Nairobi without a certificate I can do so. Under the present Ordinance it is illegal for any person to employ any servant in a domestic capacity unless he has a "red book". That has led to tremendous abuse of the present system. I think we have something like 40,000 registrations of domestic servants in Nairobi and other areas, many of them dead. It means that every native who is employed as a domestic servant, even though he may be totally unsuited for registration as a domestic servant, has to be registered in this town at the present moment, and if he is not registered an offence is being committed.

This Bill again is going to select committee. I do not propose to go through it in detail, clause by clause, because the whole effect is to take the present system and make it a voluntary one. It does not, as has been suggested in other circles, include certificates for people other than those people who are included in the present Ordinance.

MR. HOBSON seconded.

Mrs. SILVESTER: Your Excellency, I beg to support this Bill, though I am rather disappointed with it. However, as I remember that half a loaf is better than no bread, I think this very small bun must be accepted.

We all agree that the "red book" had more disabilities and faults than it had virtues. I am not defending the "red book", but there was a germ of a good idea in it, something useful to the responsible employer and the trustworthy employee, and I think that is a fact that sometimes is forgotten. We are now going to have a voluntary certificate, and I think we all welcome the fact that it is voluntary—a voluntary certificate which will be held in esteem by employers, particularly women employers, and by employees who are proud of their record. This record is going to be backed by Government. I have been listening with close attention the whole afternoon to the discussion on this new legislation, and I hope, with the hon. Chief Native Commissioner and my hon. friend Mr. Maitu, that it will not be longer than a year before we see a complete new system introduced, because as the long years roll by I can see rather difficult things happening.

I can see a man coming to seek domestic employment, and he will have in one hand an enormous *kipaka* full of these souvenir postcards invented by Mr. Hyslop Clarke and in the other hand another *kipaka* full of reference chits. I do not want to be funny, because I think this matter is extraordinarily serious; I have been thinking about it a very great deal. The other day, when I was thinking about it, an African happened to come to my farm looking for work. It do not engage my staff in that way; I do not think it is a compliment to the staff or to the house they have come to, but I realized that the new settlers' wives will have to start perhaps that way. So I said to myself "Now, there is going to be no 'red book'; only all these funny little postcards. I must sum this man up in his reference chits". So I said to him "Do you mind if we talk about your reference chits?" He was a very nice African and said he did not mind. I said "How many have you got this year?" And he said he had accumulated eight. I think he ran his

(Mrs. Silvester) life on the principle "Travel while you earn". (Laughter.) So I said to him "Well, what is your favourite reference chit out of these eight?" and he knew at once and picked it out. This is a point that Africans sometimes forget; they think they throw away the bad chits, but I hope they read the chits carefully because sometimes they keep the wrong one. This was his favourite chit, and it was written in the new English that we speak in Kenya Colony today: "This boy he wash plates very well, then he drop them better." (Laughter.)

I am extraordinarily glad that this Bill is going before a select committee, and I hope that there will be a great deal of African evidence taken before that committee. I want to feel, before we try to work this Bill, that it has been thoroughly discussed with the employees, because I am convinced that in the "red book" there was the germ of a good idea. If you, as an employer, wrote in the "red book" something utterly untrue, you were liable to have a nasty interview with the Labour Commissioner. I put it to you, going back to the old reference chits, that it is possible that an employer, putting with her cook in a moment of enthusiasm on both sides, may write extraordinarily unfair chits.

We have heard a lot in this meeting of Council about propaganda; I should like to say one word about the propaganda directed towards European women with regard to these Registration Bills. I had the honour to attend a meeting of European women addressed by a member of, I think, the Labour Department—anyway, he was a Government official specially sent to describe the purpose of these Bills to us. I imagine his feelings were rather those of Daniel in the Boese's den, but I was terribly disappointed with the propaganda. I want to make it quite clear I am not criticizing the officer—he kept his wicket very well—but I think the stuff he was sent to put over to us did not go deeply enough into the matter. To sum it up, what he said was "Hang rose-coloured curtains in every window of your labour lines and everything will be well; make conditions delightful and you will never lose a boy". You know that just is not true. You can make conditions as decent as you can, do

your very best to be fair and just, but at the end of a working day everyone is going to be tired. You cannot work without being tired, whatever race you belong to, and I think we must remember in regard to propaganda that labour in itself is not attractive.

Again, if we are going to raise wages, and they must be raised, as you know, it is going to bring a lot of unemployment, because the ordinary domestic budget will not be able to stretch any further. We shall be able to pay fewer boys higher wages, and that is the sort of thing I should have liked to hear from the Labour Commissioner's emissary (if that is the right word). In fact, I would urge that propaganda to all of us is always serious and, shall I say, presupposes some intelligence in the listeners.

I do not want to take up the time of the Council because, as I say, this matter will go to a select committee, and I urge Africans to go and give evidence in large quantities. Let us make this Bill a good one, because I am sure we can. I think hon. members know it is possible that these whatever we are going to call them, these certificates—and today we have discussed so many things and called them all certificates—this domestic employment certificate will become valuable because it will be the one certificate not out of this *kipaka* (1) of employment postcards or that *kipaka* (2) of reference chits.

MR. MAITU: Your Excellency, I just want to say that I support this Bill, as I did in the draft stage. Then I expressed the view that it was not necessary to have legislation of this kind, but the other members of the committee felt that this was necessary, I still do not think it is very necessary, but as I say I am supporting the Bill.

I am supporting it mainly for one reason, and it is this. When the "red book" legislation was introduced, the African women who went out to employment and were the children's nurses were very bitter against that "red book". They say "The Government gives our men the *kipanda*. They left us without one. Now in the end, they find they want to manufacture another *kipanda* for we women". I have seen some horrifying remarks in those "red books", and the position

(Mr. Mathu) became worse, and children's nurses who have made representations to me are very bitter indeed about the whole matter. When this matter came up for discussion, to change the whole system from a compulsory to a voluntary one, I went further and said "Let us abolish the whole thing because it is most unpopular, not only with the African women in domestic service but with the men as well". However, as I say, it may be found that when this Bill becomes law and starts operating, it may be found to be unnecessary, and if so we may be prepared to withdraw it, because I think that the African servants who are in domestic service and those in the schedule are on the whole to my knowledge very very faithful people, faithful to their employers, and anything that would endanger that kind of relationship would not be welcome. I should also like to say that people have said how well African women look after the children of other races. I know they have been criticized, but when I looked at the matter very carefully I thought there was no justification.

I should like to say that the point the hon. Member for Kiambu has raised regarding the chits and that kind of thing, where the African collects so many that he throws away the good ones and keeps the bad ones, bears out my contention in this Council more than once, that what we want is more education so that these people will keep the proper ones. (Laughter.) I would also like to support the hon. Member for Kiambu in her plea for more propaganda among European women regarding the whole business. I have a European lady friend who was speaking to me recently about domestic servants, and she made a point that was revealing. I said "Whenever you employ an African man he respects you, but in African society we are not very advanced and a man will never like to be dictated to by a woman". She said "Well, that is why they are very angry and long faced in the morning when I say *lete chakula*", and I said "African men do not like being shouted at by a woman". I say there should not only be the propaganda that the hon. Member for Kiambu suggests, but I should like also for the European women to know the background of African society, because when they understand the background they will be

able to appreciate the behaviour of their servants in their houses and reduce the frictions that sometimes occur in those places, and so bring happy relations in the home.

With those remarks, I beg to support. The question was put and carried.

SELECT COMMITTEE APPOINTED

MR. HOBSON moved: That the Registration of Persons Bill, the Native Registration (Amendment) Bill, the Employment of Servants (Amendment) Bill, and the Domestic Employment (Certificate of Registration) Bill be referred to a select committee consisting of himself as chairman, the Chief Native Commissioner, the Commissioner of Inland Revenue, the Labour Commissioner, the Members for Uasin Gishu, Kiambu, Central Area (Mr. Cocker), and African Interests (Mr. Mathu).

MR. STACEY seconded.

The question was put and carried.

NOTARIES PUBLIC (AMENDMENT) BILL

SECOND READING

MR. HOBSON: Your Excellency, I beg to move: That the Notaries Public (Amendment) Bill be read a second time.

As the law now stands an advocate may not be licensed as a notary public in this Colony unless he has practised here for at least five years. This provision, of course, prevents many practitioners who have had a long experience in other countries from applying to be so licensed. It is thought to be only sensible that such practitioners should be permitted to use for their own benefit and that of the Colony the experience which they have so gained in the past, and that is the purpose of this Bill.

It will be noted that an applicant must have practised in the Colony for at least one year before he will be able to take advantage of the provisions of this Bill if it becomes law, but once he has practised here for one year he will be able to use the experience he has gained elsewhere if he has practised outside the Colony for four years and done such work as really fits him to be a notary public.

Since the Bill was published it has been pointed out to me that as it now stands

(Mr. Hobson) works hardship on practitioners who have had four years' practice in the Protectorates of Uganda and Zanzibar and in Tanganyika Territory. I therefore propose to move an amendment when the Bill is in the committee stage to rectify that omission. I would only add that this Bill has been submitted to the Law Society of Kenya, and I have also consulted His Honour the Chief Justice as to its terms, and in neither case has any objection been raised to the provisions of the Bill. I would like to point out that the mere possession of the qualifications as stated in the Ordinance and this amending Bill do not automatically entitle a practitioner to become a notary public. He has to make application and his licence is only granted on the Governor's direction after the Governor has received the recommendation of His Honour the Chief Justice, and I would add this, that attention is always paid to the number of notaries public in any particular area.

MR. STACEY seconded.

The question was put and carried.

HOSPITAL SERVICES (EUROPEAN) (AMENDMENT) BILL

SECOND READING

MR. THROUGHTON: Your Excellency, I beg to move: That the Hospital Services (European) (Amendment) Bill be read a second time.

The purpose of this Bill is to put right a drafting error in the original Ordinance. The intention of the Ordinance was that the contribution to the Hospital Authority based on income tax should be paid with income tax, using the income tax machinery. The wording of section 12 of the Ordinance as it stood, taken quite literally, meant that any person who had in fact paid his income tax for a particular year of assessment had no liability to meet this contribution, because the liability was extinguished in that, by payment, the contributor had ceased to be liable to income tax and therefore, under the strict wording of the Ordinance, was not liable to pay the contribution. The main object of the rehash of section 12 is to put that right.

Secondly, we are taking the opportunity to make it clear that a person only

pays this contribution when permanently resident in the Colony and in respect of income which accrued during a period of permanent residence. Proviso (f) provides for the necessary adjustment when the person ceases to be resident or dies. Thirdly, the opportunity is taken to put right a typographical error where a letter in the word "authority" in section 21 was left out.

MR. HOBSON seconded.

SIR ALFRED VINCENT: Your Excellency, there are just one or two points on this Bill to which I should like a reply.

One is that there was an announcement made that some payments would be regarded as voluntary payments which, presumably, have now become lawful payments. Secondly, it has been suggested that there may also have been some over-payments. I take it that, if there have been over-payments, these will be adjusted by the Commissioner. The third point is one which is worrying a great many people, and that is that it is alleged that some enthusiastic taxpayers have not been assessed for two, three, and even four years, which is unsatisfactory from every point of view. I think it is quite clear that, as members of the public have had the benefit of this service since the 1st of January, 1946, they are only really being asked in a rather complicated way, to pay for the benefits to which they were entitled from that date.

I should appreciate answers to my questions, which are continually asked by members of the public.

MR. MUNDY: Your Excellency, I can deal with these three points. So far as payments which at the moment are regarded as voluntary are concerned, the effect of this Bill, if passed, will be to take them legal. So far as any over-payments are concerned, if there have been any over-payments, and I do not think there have at the moment, they would unquestionably be refunded.

As regards the third point, on the question of people who have not yet been assessed for income tax, it is a fact that there are a number of people who have not yet been assessed and that as a result it has not yet been possible to assess the hospital contribution. In these cases the

[Mr. Mundy] usual practice of my department is to allow a reasonable period of time for payment, and that extension of time for payment would also apply to the payment of the hospital contribution.

The question was put and carried.

REPATRIATION OF EX-PRISONERS OF WAR BILL SECOND READING

MR. STACEY: Your Excellency, I beg to move: That the Repatriation of Ex-Prisoners of War Bill be read a second time.

During a state of war between His Majesty and an enemy power His Majesty has power under the Royal prerogative to expel from his dominions any enemy alien. Once, however, a peace treaty has been signed and ratified, that power ceases to exist, because the enemy alien becomes friendly aliens and the prerogative can no longer be invoked. It is the case that in this country there are a number of Italian ex-prisoners of war, and between now and the time the treaty is ratified they can be apprehended and repatriated under the Royal prerogative, but once the treaty is ratified those powers can no longer be applied, and it is necessary therefore to make special provision to enable them to be repatriated.

The Bill requires very little explanation. Clause 2 defines an ex-prisoner of war as a person who entered or was brought into the Colony on or after the 3rd day of September, 1939, as a prisoner of war and who is in the Colony on or after such date as the Governor may, by notice in the Gazette, appoint. The reason for that is obvious, because until the date of ratification it is known it will not be possible to fix the date after which ex-prisoners of war can no longer be repatriated under the prerogative.

Mr. Honson seconded.

The question was put and carried.

ADJOURNMENT

Council rose at 3.45 p.m. and adjourned until 10.15 a.m. on Friday, 25th July, 1947.

Friday, 25th July, 1947

Council assembled in the Memorial Hall, Nairobi, at 10.15 a.m. on Friday, 25th July, 1947, His Excellency the Acting Governor (Sir G. M. Rennie, C.M.G., M.C.) presiding.

His Excellency opened the Council with prayer.

MINUTES

The minutes of the meeting of 24th July, 1947, were confirmed.

PAPERS LAID

The following papers were laid on the table:—

BY DIRECTOR OF MEDICAL SERVICES (DR. MACLENNAN):
Medical Department Annual Report, 1945.

BY MR. STACEY:

Report of Select Committee appointed to consider the incidence of cruelty to animals and the implementation of existing or provision of new legislation.

ORAL ANSWERS TO QUESTIONS

No. 42—KENYA HIGH SCHOOL

SIR ALFRED VINCENT (for Major Keyser, Trans Nzola):

Will Government please state (1) if instructions have been given to prepare the working plans for the boarding blocks of the new Kenya High School, and if the answer is in the affirmative when such plans will be ready; (2) when tenders will be invited for the construction of these buildings; (3) if the statement that Government estimates that the boarding blocks will not be completed until 1950 is correct; (4) if the answer to (3) is in the affirmative, why it should take 2½ years to complete this work?

DIRECTOR OF PUBLIC WORKS (Mr. Boyd): (1) Instructions have been given to the architects to prepare the working drawings for the four boarding blocks. It is expected that these drawings will be ready in four months' time.

(2) Tenders will be invited both locally and abroad as soon as the necessary Bills of Quantities and Contract Documents have been prepared. These will take some

[Mr. Boyd]

six months to complete from the date the working drawings are received. It will therefore be about ten months from now before tenders can be invited.

(3) The statement is correct.

(4) It is expected that it will take approximately two months to receive and examine the tenders, and that the contractors will not be in a position to start work for at least one month after the tender has been accepted. It is unlikely that the actual work of constructing the boarding blocks will take less than eighteen months.

No. 54—EDUCATION EXPENDITURE COMMITTEE

MR. PRITAN:

Arising out of Government's answer to Question No. 68 of 1946, will Government please state if the committee envisaged in the Financial Secretary's speech of 23rd October last has since been appointed, and if so, what stage the committee's deliberations have reached and when its final report can be expected?

MR. TROUGHTON: The answer to the first part of the question is in the negative although the Government hopes to be in a position to make an early statement on the subject. In the circumstances, the second and third parts of the question do not arise.

SCHEDULES OF ADDITIONAL PROVISION Nos. 3 AND 4 OF 1946

MR. TROUGHTON: Your Excellency, I beg to move: That the report of the Standing Finance Committee on Schedules of Additional Provision Nos. 3 and 4 of 1946, be adopted.

This is normally quite a formal motion, but I would take the opportunity to say that the Accountant General's books for the year 1946 have now been closed.

When they first closed they showed a surplus on the year of approximately £660,000. Of that, a special grant has been made to the Development and Reconstruction Authority amounting to £400,000 on the advice and with the consent of the Standing Finance Committee, because there were a number of works the funds available for which fell

short of the considerably revised estimates, so the committee decided that special provision should be made in 1946. That leaves a surplus of about £260,000. I thought hon. members would be interested in those figures.

MR. HONSON seconded.

The question was put and carried.

LIQUOR (AMENDMENT) BILL

SECOND READING

MR. WYN HARRIS: Your Excellency, I beg to move: That the Liquor (Amendment) Bill be read a second time.

There are two Bills before Council this morning, and in brief they purport to do this. Firstly, to enable Africans to buy, for consumption off the premises, and to be in possession of, non-proprietary European liquor; that is to say, everything such as beer, ciders, wines and liquors described as hop-beer and perry. It also approves holders of wine merchants' and grocers' licences to sell such beer and wines to Africans. It further provides for any licensing court to co-opt Africans when deciding applications for permission to sell to Africans.

The whole reason for this amendment is that, prior to the war, there was very little demand by Africans for European liquor. But during the war many thousands of Africans left this country, and during their sojourn in other countries they certainly drank European beer and European wines. In the opinion of the Administration there can be no harm whatsoever in supplying European beer or wines to Africans, because many of the indigenous liquors are certainly as strong, if not stronger. At the present moment there are a very large number of Africans who drink European beer, although it is contrary to the law, and the sole consequence of the total prohibition is that they are paying black market prices, very often amounting to as much as three times the normal amount for a bottle of beer.

This matter was considered in great detail by the Governors' Conference, and the Governors unanimously came to the conclusion that the time had come when in the three territories there should be some relaxation over the sale of European liquor.

(Mr. Wyn Harris)

I do not want to deal with this Bill at great length, because its purpose is perfectly clear, but I do think it is worth remarking that we are dealing with a Bill which amends the law relating to the sale of European liquor to the indigenous people, and while these laws go back a very long time in this country and they are in my opinion laws of which this Colony has every right to be proud, because their introduction was entirely altruistic: it was to prevent private enterprise setting up in this country and selling intoxicating liquor to the indigenous inhabitants who were unaccustomed to such liquor, and making a profit at the expense of the welfare of the indigenous inhabitants.

Never in this country, have we allowed the profit motive to come in when it comes to the question of selling alcohol to the local inhabitants, and even now this Bill also endeavours to preserve that particular principle. We do not intend to create any vested interest in the right to sell liquor for consumption off the premises to Africans, and if you read the Bill you will find that the licensing court reserves the right, without assigning any reason whatsoever, to remove any right to sell liquor to Africans. This in my view is a most important point, and it is a departure from the principle which we have in England, that once a licence is granted it cannot be removed, save on conviction or malpractice.

I propose to go through the Bill, as it is not going to select committee, clause by clause.

There is nothing to remark on in clause 1. Clause 2 merely purports to allow wine merchants who have been authorized to sell wines and spirits for consumption off the premises and in such quantities as may be allowed by the licensing authority. The manner of application is described in clause 3. Clause 4 constitutes the licensing court when hearing an application, and allows an African to be co-opted. Clause 5 gives the powers of the licensing court. To clause 6 it is proposed in the committee stage to move an amendment. The amendment is purely formal. As it stands clause 6 lays down the classes of Africans who may be in possession of wine, beer, porter, etc., but unfortunately

we have also got to get in the words "is also allowed to buy", and the easiest way of doing it is by means of the amendment which has been circulated this morning.

I do not think there is anything further I have to add with regard to this Bill.

Mr. HANSON seconded.

MR. WOODLEY: Your Excellency, whilst I do not wish to oppose this Bill in any way whatsoever, I should like to bring to the notice of this Council certain aspects of it.

At the present time it is well known that there are certain local authorities in this country which operate beer shops, the profits of which are used for the benefit of the Africans living in those towns. In Nairobi the annual profit is one of approximately £5,000. That £5,000 goes into a native trust fund and it is used for the benefit of African welfare. It must be visualized that there will probably be a falling off in the sales of ordinary native beer at municipal beer shops, with a consequent loss of income to local authorities. I should like to ask if it is proposed to make any allocation of excise duty derived from the possible extra sale of European beer, so that local authorities will not be in any worse position so far as providing for African welfare is concerned than they are at the present time.

MR. TROUGHTON: Your Excellency, there is one point to which I feel I must draw attention in connection with this Bill, and that is in regard to beer, which for the most part in this country has got to be brewed from imported malt, in that the local production of barley is insufficient both in quantity and in quality. This imported malt in present circumstances comes from countries whose currencies present very difficult foreign exchange questions, and I should like to say that it will not be possible, with the present state of the Empire's foreign exchange, to allow any additional difficult foreign currency for the purpose of importing malt, so that, except in so far as increased use can be made of local barley, despite this Bill, there will be no more beer. In fact, it may well be that the foreign exchange shortage will cause less beer to be brewed during the next few years than is the case at present. Therefore I think the hon. member for

(Mr. Troughton)

Nairobi North need not worry unduly about the extent to which the flow of beer might interfere with the Nairobi Municipal Council's activities for the benefit of the African. In present circumstances this measure is likely to lead to no more beer.

I beg to support the motion.

MR. COOKE: Your Excellency, I did not intend to speak, but I think the statement by the hon. Financial Secretary is most unfortunate, because if that is really the position I do not think this Bill should have been introduced, as I think it will lead to increased suspicion on the part of the African that what we are giving with the one hand we are taking away with the other. I think it is most unfortunate that that should be the position, and Government should make every effort to see that more malt is introduced into this country.

SIR ALFRED VINCENT: Your Excellency, I also did not intend to speak, but I spoke yesterday on the question of short term policy, and surely the hon. Financial Secretary is only talking about the immediate future—or at least what we hope to be the immediate future. (MR. TROUGHTON: Near future.) Therefore I think we must be considering this Bill, take into account the long term policy and if it is, as has been suggested by the hon. Member for Nairobi North, going to affect the amount of funds which will be available for African welfare, then I think we should make the provision suggested, if it is not in the Bill, so that the revenue of the municipality or local authority is not diminished because of this Bill. I think also that in present circumstances we shall have to take great care that we do not ourselves, by the passing of this Bill, without some form of rationing or something of the sort, create a very severe black market in beer, which we should try to avoid.

MR. O'HANNA: Your Excellency, I beg to support the Bill before the Council. The Liquor Ordinance, 1934, like many other measures of a discriminatory kind, was looked upon by the African community with a great deal of disfavour. The lifting of this burden from the African will be one of the greatest reliefs, and we shall also be grateful to the

Government if the burden of the Native Registration Ordinance is lifted. It will be welcomed throughout the country with a great deal of satisfaction. The lifting of the burden also makes for the smoother running of the Administrative machinery.

Clause 4 of the proposed amendment makes provision for the appointment of African members to licensing courts. I should like provision to be made so that permanent members can be appointed to the licensing court who would know something about the machinery of the court. The Bill is looked upon by Africans with tremendous interest and its passing into law will be welcomed by all of us.

With those remarks I beg to support the Bill.

MR. MATIU: Your Excellency, there are a few remarks I should like to make on this Bill. As my hon. colleague has just said, we are supporting this Bill wholeheartedly, but there are certain points I should like to refer to.

Under clause 2 sellers of beer and other non-spirituous drinks to Africans are restricted, and licences will have to be endorsed. I would only like to suggest that by doing that we are definitely encouraging black marketing, because those people who do not have their licences endorsed will, as they do at present, sell beer at black market prices to Africans. I would have been happier if there was no restriction in the way of sellers, and if people could walk into a grocer's shop and buy beer, as do members of other communities.

Clause 2 also lays down that the beer is to be purchased for consumption off the premises. It is not usual for people to consume beer in a wine merchant's shop. Beer would probably be drunk in bars, restaurants, hotels and in people's homes. As Africans are only allowed to purchase for consumption off the premises, I take it that it will be illegal for them to consume beer in a restaurant or hotel. If that be the case I think it will be most unfortunate. The next point be under clause 2 is that there will be authorized quantities. I hope it means that one would not be allowed to buy half a bottle of beer or half a bottle of sherry, but if it means that there will be a sort of rationing system for Africans,

[Mr. Mathu]

when other people can buy two or three bottles, I suggest it would be unfortunate.

The fourth point I should like to make is that I hope that African traders will be considered for liquor licences, so that they, too, can sell beer to other Africans. I should like serious consideration given to that.

One more point. As regards the amendment to clause 6, I should like to say that at the present moment not only do Africans consume beer in large quantities, but, as I have said before in Council when speaking on this matter, they also drink spirituous liquor, and unless we can make the law work I do not think it will be necessary to keep that law, because it is not functioning at present. There is a lot of drink being bought on the black market and, as you know, there are also terrible things like Nubian gin being drunk all over the country and it is spreading, to my tremendous horror, to remote corners of the country. Unless we can make this law work I suggest to Your Excellency that it might be just as well not to restrict Africans to a particular kind of drink, when they are drinking what we do not want them to drink.

Finally, I should like to mention a point that has been raised by my hon. friend the Member for Nairobi North, that at the present moment if the beer shops of the municipality in Nairobi are making a profit, they will continue to make a profit in any case, because at present the amount of beer that is consumed at back doors in River Road area is considerable. I have said this in Council before. Tons and tons of beer is drunk by Africans every day. That also makes me doubt whether there has ever been any shortage of beer, because that has been going on, and although my hon. friend, the Financial Secretary thinks that there is going to be a shortage of malt, I do not think there will be any shortage of beer. I personally would say that my hon. friend the Member for Nairobi North should not have any fears, because I think we all agree that the municipal authorities should make substantial profits in the beer trade, so that the native trust fund can do the work it has been raised for.

With those remarks I beg to support the Bill.

MR. WYN HARRIS: Your Excellency, I have your permission to state that as one or two points have been raised in the debate on this Bill, it will go to a select committee.

Dealing with the various points that have been raised, the hon. Member for Nairobi North suggested that there might be a falling off in the profits of the local beer canteen. Personally, I do not think he need have any worry about it at all. If I were an African and had to choose between a foreign liquor at Sh. 1 a glass as opposed to the excellent beverage in the municipal canteen for 20 cents, I would go for the 20 cents per glass every time and have five glasses! For that reason I have no fears myself that the passing of this law will have any effect whatever on the amount of beer drunk in the municipal canteen. What really hurts the African is the fact that they have been treated like school boys. He knows the beer does not harm him, but if he wants a bottle he cannot get it without breaking the law, and it does an enormous amount of harm without achieving anything, because as I have said African beer is often a more powerful drink than European beer.

Regarding the use by the hon. member Mr. Ohanga of the word "discrimination", I am getting very tired of the use of that word, and I think we all are. The liquor laws were in the strict sense discrimination, but, as I pointed out when moving the Bill, it is discrimination for the good of the people whom we were discriminating against, and it was also discriminating very much against the European trader when he first came to this country. We have learnt by bitter experience what uncontrolled liquor can mean to any country, black or white. Cheap gin in England in the 18th century nearly ruined the country, and at the same time unscrupulous traders on the West Coast were ruining the African by cheap gin, and the same occurred in Polynesia. We have avoided that evil in this country, and have no intention of allowing it to come in now because we want to meet the lawful aspirations of people who know how to control themselves.

The hon. Member for African interests (Mr. Mathu) raised several very interesting points. One was that he asked why

[Mr. Wyn Harris]

really look to the interests of his people should not every wine merchant be able to sell wines and beer to Africans, and he suggested that if they were not allowed to it would merely create an obnoxious black market. Both he and I dislike that as much as anybody, but I suggest it will not be created. We propose to approve of sufficient shops, so that there will be no incentive on the part of a person without a licence to sell to Africans and charge black market prices, because the African need only go a couple of doors down the road to buy at an approved shop. But what we do want is to be in a position to prohibit licensees whose bona fides we are not satisfied with, while sticking to the law and the spirit of the law, possibly might attempt to lace beer or wine with methylated spirits or other spirituous liquors. As to consumption off the premises, it is true that the Bill at the moment only allows for sale for consumption off the premises, but it meets the hon. member's point that, of course, an African can now drink beer in his own home and invite friends to drink beer or wine in his home. It prevents him drinking in non-native bars, and I am afraid that we can see no possible way round the difficulty at the present moment. A large number of licensed beershops in this town—are not particularly salubrious, and we do not consider it is in the interests of anybody that Africans should frequent those bars. That it is discriminatory legislation is perfectly true, but the liquor laws are also discriminatory against me: I cannot go down into a native village and buy my beer at 20 cents a glass.

The final point is the question of spirituous liquor. He suggested that, in order to prevent the sale of those noxious liquors which we do have in this town, the sale of brandy, gin, and whisky to Africans might solve the problem. I am afraid that that is not a solution that this Government can accept, and I believe we should be doing a grave disservice to the large African community if we were to do so. It has got to be remembered, and the hon. member will agree with me, that when you meet the needs of the more advanced Africans you have also got to consider the needs and troubles of the less advanced, and over this question of liquor there is no question that the more advanced African who

really look to the interests of his people will have no doubt that we are absolutely right in saying that spirituous liquor for Africans is a curse and has got to be stopped as far as the African is concerned unless he knows more about it. I do not mean the more advanced African but the more backward.

The question was put and carried.

NATIVE LIQUEUR (AMENDMENT) BILL

SECOND READING

MR. WYN HARRIS: Your Excellency, I beg to move: That the Native Liqueur (Amendment) Bill be read a second time.

I do not propose to waste the time of Council on this, as it will also go, with its brother, to select committee. It merely purports that, where there are local authorities selling beer for consumption off the premises, such as the municipal beer shops in Nairobi, they can also sell beer and wines for consumption on the premises. Clause 3 allows that where a licence has been granted to a non-native—that is to say those types of licensees which are granted to large firms to sell liquor to their employees—they can also sell wines and beers, provided the District Commissioner agrees. Here again I want to point out very clearly that there is no profit motive in it, because all the profits from both these types of beer shop have to go to native welfare. It has not been applied, although I have no doubt my hon. friend Mr. Mathu would like to see it, to beer: these run for private profit by Africans. There are the only types of beer shop which are run for private profit and it is not considered desirable, in the interests of control of liquor, that such shops should sell European liquor for consumption on the premises.

Clause 4 Opportunity is taken to amend the present Ordinance in order to enable it to be legal to issue a licence out of time. It arises out of a case where a perfectly respectable ex-sergeant major at Lumbwa forgot to renew his licence, and in consequence large numbers of thirsty citizens had to wait six months before the shop could open again! This is to meet that particular point.

MR. HOBSON seconded.

The question was put and carried.

[Sir A. Vincent] to you, Sir, as Chairman of the Authority for the valuable services you have also rendered and for your spirit of complete co-operation with us at all times. If it is the case that you are not to come back to us at the conclusion of your present leave, we earnestly hope that your future appointment which will be decided upon by the Secretary of State will at least be worthy of your ability and capacity. (Applause.) Wherever you may go, I can assure you that the good wishes of the people of this country go with Lady Rennie and yourself. (Applause.)

MR. PATEL: Your Excellency, the Indian elected members were very glad to associate themselves with the remarks made by the hon. Acting Chief Secretary and the hon. Member for Nairobi South. In any new appointment to which you may go I, on behalf of the Indian elected members, wish you the best of luck and a most successful time. (Applause.)

MR. MATHU: Your Excellency, on behalf of my colleague and of the African people of this land, I should like to associate myself with the remarks that have been made by the hon. Chief Secretary regarding the occasion of your leaving us. I personally have watched with tremendous interest the great interest you took in the public affairs of this land. It is not on one, but on many occasions, that I have noticed how keen you are to advance the development of the African community in every respect, not least in all matters that concern the development of their land, education and the rest of it. I do know that the African people share the feelings that have been expressed by His Excellency the Governor, as read to us by the hon. Chief Secretary, and we shall definitely miss you very much in this country. We hope that in whatever capacity you are going to serve His Majesty the King, you will not forget this land to which you have given very valuable services, that you will remember us, and that on that occasion you may be able to come and pay us a visit. We extend also good wishes to Lady Rennie, and we wish both of you a very happy and successful life. (Applause.)

MR. TROUGHTON: Your Excellency, there is but little for me to add to the

speeches of hon. members, particularly that of my hon. friend the Acting Chief Secretary, but I do wish to add something because it has fallen to my lot to work under you, Sir, and in the closest possible touch with you for, I think, a longer period than any member of the Council on this side, and that work over a period of nearly eight years has been a most unestimable privilege to me. I must say, speaking for myself and for those who have worked under you in close touch, our wish is not that you should go elsewhere; that any offer which is made to you to go elsewhere you may see fit to refuse; and that we shall have the pleasure of seeing you back with us once again after a very well earned leave. That, Sir, is our wish. We do not always get our wish, but I sincerely hope, for quite selfish reasons, that we do in this case. (Applause.)

MR. WYN HARRIS: Your Excellency, should you not return, you will remember, I hope, with affection that in this very topsy turvy, and entirely charming, Colony we are in the habit of making funeral orations while we are not quite certain what is going to happen to the patient! I speak on behalf of the Provincial Administration. During the eight years that you have been Chief Secretary I have been a district officer, and I could not let this occasion pass without referring to the affection and esteem in which the Provincial Administration hold you. I do not wish to take up the time of Council, but there are two qualities which we particularly admire in you. One is the moral courage you have always shown in every walk of life, and the other is your mental integrity. We will be very sorry if you should leave us. (Applause.)

MRS. SILVESTER: Your Excellency, may I be allowed on behalf of the women of this Colony of every race to send our very sincere appreciation to Lady Rennie. Other people have mentioned her public work, which was of enormous value, but I think only the women of the Colony know what her personal example, her very great personal beauty and charm, her kindness and friendship to us all, has meant in setting a standard in this Colony. (Applause.)

HIS EXCELLENCY: Hon. members, I need hardly say that I have seldom been placed in a more embarrassing position.

[Acting Governor] I am not sure if, strictly speaking, in my temporary capacity as President of this Council, I should not have ruled out of order most of these speeches as dealing with a hypothetical proposition! (Laughter.)

Needless to say, I very much appreciate the very kind words that have been said, especially about my wife, and about myself. The Governor's message, as you will appreciate, and also the speeches, have been all too generous. So far as the Governor's message is concerned, I think we all realize that we have a great deal to learn from him. I certainly consider that my own education in administration has advanced enormously in the past two years under his very able and wise leadership of this Colony, and if it should so happen that I go to another Colony at the end of my leave, I am perfectly certain that I shall be more fit to lead the affairs of that Colony than I should have been if Sir Philip Mitchell had not shown me in many ways, how administration should be carried out.

My hon. friend the Acting Chief Secretary referred to the country's debt to me, but the shoe is very much on the other foot. I came here at the beginning of the war, some eight years ago now, and I have worked here during the war years. I am proud to think that I have been able to take a part in the splendid war effort of this Colony and, looking back over those years, I realize that Kenya's war effort achieved the results that it did because it was a combined effort of all the communities of the Colony, and of officials and unofficials alike. That has been an excellent object lesson to many of us, and it is one that I have prized very highly myself.

So far as the question of my leaving is concerned, all I can say is that there are indications that I may not return here at the end of my leave, but until I go to London as I propose to do next month, it may be that I shall receive no further information on the subject. I have no doubt that the matter is under active consideration! (Laughter.)

As regards the question of my remembering Kenya, there can be no doubt about that. I owe a tremendous debt to this country because, for one

reason among others, I was able to have my family here with me during the difficult war years, and I greatly appreciate the fact that my children were growing up in the lovely surroundings of Kenya, with educational and other advantages which they could not possibly find in any other colony that I know of. Kenya is a lovely country; it is a most interesting country. I was warned in 1939 before I came here that I was coming to a difficult job. The warning proved to be quite correct, but the job was interesting and it was well worth while, and in my view that is the important thing about a job—not whether it is difficult but whether it is worth while, and so far as the post of Chief Secretary, Kenya, is concerned, it has been very well worth while.

It would be wrong for me to allow this opportunity to pass without expressing my appreciation of all the co-operation and assistance I have received from so many officials and unofficial colleagues on the many committees on which they and I have served during the war years. If my name is associated with any worth while activities during the past years, it is due entirely to the people who served on those committees with me and who did most of the work. At times I acted as spokesman, at other periods I acted as spearhead, but the work was done chiefly by the members of the committees and to all those who gave me such unflinching support and co-operation during those difficult years, I express my warmest thanks.

I have expressed on other occasions my appreciation of the work done by the Civil Service generally during the war. I realize, sitting as I did in the Secretariat, the strain that was pressing upon so many officers and so many departments with increased work and reduced staff during the war years, and I should like to take this opportunity of paying a tribute to the way that officers, sometimes not too fit, sometimes well over the retiring age, shouldered the burden of the war years and carried on because it was their duty to do so.

Perhaps I should say a word about my pet baby—Development and Reconstruction Authority—at this stage. It is with the greatest reluctance and the greatest

[Acting Governor] regret that, if I go, I give up my connexion with Development and Reconstruction Authority at this stage. The plans are beginning to be implemented; the various projects that we have talked about and written about for so long are beginning to show themselves. Buildings are going up here and there, and in the course of a few years the development programme will, I think, make satisfactory progress. It is therefore with the greatest regret that I leave Development and Reconstruction Authority and the work of Development and Reconstruction Authority at this most interesting stage, and I can only say that I think that the work of the Authority has been so advanced since its inception on the 1st August, 1945, that the development programme envisaged in the Development Committee Report will go steadily and satisfactorily forward during the remaining period of the ten years' plan. I should like to pay a tribute to my two colleagues on Development and Reconstruction Authority who have given me all support and co-operation in the activities of the Authority.

I am one of those who believe in the future of Kenya and, having lived eight years in this lovely country, I hope sooner or later to come back—not to settle in the ordinary sense, but at least to pay a visit occasionally. Unfortunately my wartime activities have not enabled me to do sufficient reconnoitering to see the plot that I am anxious to buy before I depart, perhaps that is a little optimistic, but it has been my endeavour for some time to do a little scouting, though so far I have been unsuccessful. I can say, however, that, both my wife and myself have not seen the last of Kenya and that we both intend to come back in the future and to renew our acquaintance with our many friends here. (Applause.)

It is no use pretending that Kenya has not many difficult problems ahead of it. It has. The problems are complicated and difficult, but for my part I am confident that, if all communities work wholeheartedly together and work hard, these problems will be solved in such a manner that the Colony will advance and will prosper in the way that we who have its interests at heart sincerely hope for.

Finally, I should like to express appreciation to the hon. members of this Council of the co-operation and assistance which they have at all times given me in carrying out my duties as Chief Secretary, and also as President on the occasions that I have acted as such. A splendid example of that co-operation has been given this week, when hon. members put the convenience and the business of this Council before their own convenience and thus enabled Council to finish at a reasonably early hour this morning, instead of having Council carrying on till next week. I am very grateful indeed to hon. members for their co-operation in that way. I greatly appreciate the high standard of procedure and debate that has been shown in this Council, and I trust, and indeed confidently expect, that the new Council next year will carry on the traditions of this present Council and of its predecessors.

I am sure that my wife will be very proud of the messages that I take to her. She has had one, if I may say so, particularly strong interest in this country, and that is the Lady Northey Home, and she was very pleased to be able to open the outside clinic of that Home before she went on leave a few weeks ago. Like myself, she will realize that the best wishes of our many friends in Kenya go with us, when I pass on to her, as I shall be pleased to do, the many kind messages that have been given to her and to me today.

Hon. members, as I started off by saying, this situation in which I find myself is very embarrassing, but I thank you all most sincerely for the kind and all too generous messages that you have given to me today. I should not like anyone to think that Kenya owes more to me than I owe to Kenya. I realize, and have long realized, the pleasant life I and my family have had in Kenya, and if I have done anything to repay the debt that I owe to Kenya because it has given me, as I have said, the pleasure of having my family here with me during the war period, I am only too pleased and too proud to do so. I thank you very much indeed. (Applause.)

ADJOURNMENT

Council adjourned *sine die*.

Written Answers to Questions 1947

No. 14—INDIAN GIRLS' SCHOOL, NAIROBI MR. COCKER:

Will the Government please state when the actual building of the proposed Government Indian Girls' School on Juja Road, Nairobi, will be taken in hand and the reasons why, in spite of its most urgent need, it has been held up?

Reply:

It is expected that tenders for the initial stages of the work will be received by the end of June and that building operations will begin during July.

The delay in starting the work is due to the fact that the preparation of plans, working drawings and bills of quantities entailed a great deal of work, which on account of shortage of staff and pressure of other urgent work took longer to complete than had been expected.

The necessity of erecting the school as soon as possible is recognized by the Development and Reconstruction Authority, which will do its best to expedite the work.

No. 31—MOROGORO AGRICULTURAL SCHOOL.

MR. PRITAM:

Will Government please state when the Morogoro Agricultural School is likely to be ready and how many Indian youths from Kenya it will admit?

Reply:

It is hoped that the Morogoro Agricultural School will be ready for occupation in September next. The precise opening date cannot, however, be given as this is dependent on the result of efforts to obtain a suitable Headmaster.

The number of Indian youths from Kenya which the school will admit is ten.

No. 36—ASIAN EMPLOYMENT

MR. PRITAM:

Will Government please make a public statement in regard to investigations that it carried out in pursuance of paragraphs 29 and 30 of Sessional Paper No. 8 of 1945?

Reply:

No specific investigation has been carried out with a view to discovering other opportunities which might be opened to the Indian population since enquiries have revealed that there is little or no unemployment amongst Asians at the present time.

No. 45—ASIAN CIVIL SERVANTS

MR. PRITAM:

1. Is Government aware (a) that the duties of the various higher subordinate posts now scheduled under the Kenya European Local Civil Service such as accountants, office superintendents, stockkeepers, assistant accountants, assistant stockkeepers, examining officers (Customs), Revenue Officers, etc. were formerly performed by Asians although designated as clerks, (b) that beyond approved experience and/or the educational qualifications and standards uniformly prescribed alike for the European and Asian branches no special requirements are prescribed for these posts, (c) that there are Asians in the Service who fulfil those requirements?

2. If so, will Government please explain (i) on what grounds Asians are excluded from filling those posts, (ii) in view of the fact that the lower subordinate posts at present occupied by Asians are demanded by and cannot reasonably be denied to educated Africans, what provision does Government propose to make for the increasing number of local Asian youths now in the service and who wish to join the Service in the future and who possess qualifications of a standard not inferior to those held by Europeans to have their share of higher appointments in the public services of the Colony?

Reply:

1. (a) No, sir, though it is true that from time to time various classes of work formerly carried out by Asians are transferred to Europeans and vice versa.

(b) For some posts special requirements are necessary.

(c) Yes, sir.

2. (i) Where the work of any such post could suitably and satisfactorily be carried out by an Asian officer, the Government would not regard the appointment of such an officer as excluded.

(ii) The Government does not propose to take any special action in the matter. As and when posts held by Europeans can appropriately be replaced by posts held by Asians, suitable action will be taken. Similarly, when appropriate, additional posts will be created from time to time in the Asian Civil Service. I must, however, point out that the policy of the Government in the administration of the public service is not primarily to provide avenues of employment for any particular race or races but to provide the most economical and efficient basis for the maintenance of administrative and social services.

NO. 55—TRADE LICENSING

Mr. PRITAM:

Arising out of Government's answer to Question No. 3, will Government please state if it is possible for it now to make the statement which should have been made some time in May?

Reply:

Yes, sir.

2. The Government has now decided in principle that the present restrictive control upon the issue of retail traders' licences under the Defence Regulations should be withdrawn as from a date to be fixed. In the meantime, Traders Licensing Committees have been informed of the policy of the Government and it has been suggested to them that they should impose no restrictions except those arising from an applicant's criminal record, lack of financial stability, or from the fact that he does not possess suitable premises.

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I.C. = In Committee; SC. = Referred to Select Committee; SCR. = Select Committee Report; R.C.I. = Re-committed to Council.

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